

FINDLAY CITY COUNCIL AGENDA

REGULAR SESSION

October 1, 2013

COUNCIL CHAMBERS

ROLL CALL of 2012-2013 Councilmembers

PLEDGE OF ALLEGIANCE

MOMENT OF PRAYER

ACCEPTANCE OR CHANGES OF MINUTES AND PUBLIC HEARINGS:

Acceptance or changes to the September 17, 2013 Regular Session City Council meeting minutes.

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

PROCLAMATION – none.

RECOGNITION/RETIREMENT RESOLUTIONS:

RESOLUTION NO. 040-2013 (*Hancock County Special Olympics volleyball & softball teams*)

First reading

A RESOLUTION COMMENDING THE HANCOCK COUNTY SPECIAL OLYMPICS BUCKEYES VOLLEYBALL TEAM IN CAPTURING THE BRONZE MEDAL AT THE JUNE 2013 STATE SUMMER GAMES, AND THE HANCOCK COUNTY SPECIAL OLYMPICS TRADITIONAL SOFTBALL TEAM FOR PLACING THIRD AT THE SEPTEMBER 2013 STATE SPECIAL OLYMPICS SOFTBALL TOURNAMENT.

WRITTEN COMMUNICATIONS – none

ORAL COMMUNICATIONS:

Sarah Totedo and Genna Newman – city logo designs to be voted on by City Council.

PETITIONS – none.

REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:

Traffic Commission minutes – September 16, 2013.

Findlay City Board of Health minutes – August 21, 2013.

Service-Safety Director Paul Schmelzer – Deidre Ramthun work in Engineering and also Civil Service

Deidre Ramthun has agreed to work in the Engineering Department as well as serve as the Civil Service Commission Administrator. Since the Engineering Department will be reimbursing Civil Service Commission for her hours, a resolution of transfer is needed.

FROM: Engineering Department #21021000-personal services

\$ 15,000.00

TO: Engineering Department #21021000-other

\$15,000.00

Resolution No. 041-2013 was created.

City of Findlay Board of Zoning Appeals minutes – August 8, 2013.

Service-Safety Director Paul Schmelzer – 2013 Sanitary Sewer Lining Project No. 35630300

By authorization of Ordinance No. 2013-022, bids were opened for the above-referenced project on September 19, 2013. Bids were received from three (3) potential contractors and are now ready to proceed with construction of the project. As budgeted in the 2013 Capital Improvements Plan, an appropriation from the Sewer Fund is needed. Legislation to appropriate funds is requested. Ordinance No. 2013-069 was created.

FROM: Sewer Fund

\$ 230,000.00

TO: 2013 Sanitary Sewer Lining Project #35630300

\$ 230,000.00

Service-Safety Director Paul Schmelzer – West Main Cross Street mid-block pedestrian crossing project #32833400

The Traffic Commission has been discussing the mid-block crossing on West Main Cross Street. One proposed project consists of installing pedestrian crossing signals and sidewalk enhancements for handicap accessibility. This project would greatly enhance the ability of pedestrians to cross the street in a safer manner at the western most crossing location at Broadway and West Main Cross Street. An appropriation of funds is requested. Needs to be referred to the Appropriations Committee.

FROM: Capital Improvements – CIT

\$ 20,000.00

TO: West Main Cross Street Mid-Block Pedestrian Crossing #32833400

\$ 20,000.00

Service-Safety Director Paul Schmelzer – Community Park Improvement Program Grant

The City of Findlay Public Works Department applied for the annual Community Park Improvement Program Grant through the Hancock Park District. They have requested \$4,500.00 to replace roofs of shelter houses in Riverside Park. The Public Works Department will be performing all the labor on the project. One of the requirements of the grant is to obtain project approval during a public meeting from its governing body, therefore, I am requesting that Council approve the project to be funded by the grant funds. Council's verbal approval is needed.

Service-Safety Director Paul Schmelzer – reimbursement for repair of police cruiser

The City has received payment for the repair of a police cruiser from an accident from the other motorist's insurance company in the amount of \$13,343.21. It has been deposited in the General Fund. Ordinance No. 2013-069 was created.

FROM: General Fund

\$ 13,343.21

TO: Police Department #21012000-other

\$ 13,343.21

Service-Safety Director Paul Schmelzer – 2013-2014 insurance audit

In an effort to better monitor the City's property/casualty/liability insurance policy each year, the insurance audit will be conducted in October of the renewal year rather than February of the following year as it has been done in the past. The insurance policy renews near the end of July each year. The insurance audit is budgeted in the Self Insurance Fund. The insurance audit for 2012-2013 insurance policy was completed in February 2013. The City would like to have the insurance audit for 2013-2014 insurance policy conducted in October 2013, therefore additional funds are needed to cover this cost. An appropriation of funds is requested. Ordinance No. 2013-069 was created.

FROM: Self Insurance Fund \$ 8,000.00
TO: Self Insurance #26066000-other \$ 8,000.00

City Planning Commission minutes – September 12, 2013; agenda – October 10, 2013.

Hancock Regional Planning Commission Director Matt Cordonnier – amendment to Findlay Zoning Code

HRPC is submitting several changes to the City of Findlay Zoning Code. There are a total of five (5) proposed changes to the code. Below is a list of the changes and the reasoning for each.

1. Downtown Parking Buffer

2. R-3 Setback Changes

The R-3 residential zoning classification is designed to accommodate the smallest residential lots in the City. Very often the R-3 zoned lots are very small and the current setbacks cause significant barriers and limit the property owners options.

The first proposed change is to modify the rear setback from a static thirty feet (30') to a variable standard. The proposal reads, "Rear Yard Setback: fifteen percent (15%) of the lot depth or thirty feet (30') whichever is less". This standard was used in the old code and after some practical usage in the field it has been determined that the flexibility that it allows is better than a static thirty foot (30') setback.

The second proposed change is to the front setback requirement. Currently, the front yard setback allows for a variable distance depending on the setback of the neighboring houses. This works very well, but they are proposing to add a statement that limits the variable setback to a minimum of five feet (5') to provide at least a minimal standard of setback.

The final proposed change to the R-3 setbacks is to state that "Overhangs may not encroach into any setback by more than two feet (2')". Todd Richard deals with this question very often and the code does not address it. The allowance of a two foot (2') overhang is one foot less than the smallest setback ensuring that overhangs do not encroach into a neighboring property.

3. Non-Conforming Replacement

This is a proposed addition to the non-conforming section of the zoning code. It allows for the replacement of porches, attached garages, and other portions of a non-conforming structure provided that the replacement is the same or smaller in size.

4. C-1 Residential

Sometime in 2005 or 2006, residential uses were removed from commercial zoning districts. Currently, the code allows residential in the O-1 (Offices Institution) which is intended. The proposed change is in the C-1 district which allows all uses from the O-1 district (pyramidal structure). The proposed change is to add the phrase, "except residential uses" to the list of permitted uses in the C-2 district.

5. Electronic Message Center

Electric Message Centers are allowed to make twenty-five percent (25%) of a sign. The current wording of the code is somewhat vague. The proposed new wording will make it clear that the message center may only be twenty-five percent (25%) of the actual sign that is constructed, not twenty-five percent (25%) of the theoretical maximum sign allowed.

6. Accessory Building Allowances

The first change to accessory buildings in residential areas is to increase the allowable square footage of accessory structures from eight hundred to nine hundred square feet (800-900 sq ft).

The second change is to exclude detached garages from the permitted accessory use calculation of nine hundred square feet (900 sq ft). The change is an attempted to create a level playing field for those houses with a detached garage versus those with an attached garage. Essentially the code as written today allows less accessory building square footage to those house with detached garages.

COMMITTEE REPORTS:

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Jeanne Wasbro (Wasbro Rental Property, LLC) to rezone 124 and 124 1/2 Center Street in the North Findlay Addition from R3 Single Family High Density to M2 Multiple Family High Density. *We recommend approval of the rezone.* Ordinance No. 2013-067 was created.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Wendy McCormick to rezone 1806, 1810, 1822, and 1849 Payne Avenue in the Thorpe and Andrews (West Park) Addition from R2 Single Family Medium Density to R3 Single Family. *We recommend approval of the rezone.* Ordinance No. 2013-068 was created.

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss amendments to the Findlay Zoning Code. *We recommend approval of items 2-6 with the following adjustments:*

- *Electronic Message Center – 1161.12.13-B. Electronic Message Centers shall not exceed twenty-five percent (25%) of the total sign area as approved and constructed.*
- *Accessory Building Allowances – page 138.2.A. Any detached garage up to 576 square feet shall not count against the total allowable accessory building area. Any detached garage greater than 576 square feet will have that area in excess of 576 square feet decreased from the maximum allowable accessory building area.*

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss Community Reinvestment Areas #1 and #2. *We recommend approval of the presented plan and that the plan be referred to City Council at the next Council meeting for approval.*

LEGISLATION:

RESOLUTIONS

RESOLUTION NO. 040-2013

See page 1

RESOLUTION NO. 041-2013

First reading

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS AND DECLARING AN EMERGENCY.

RESOLUTION NO. 042-2013 (no PO)

First reading

A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

ORDINANCES

ORDINANCE NO. 2013-063 (I-75 widening project – transfer land to ODOT)

Second reading

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE DEEDS TRANSFERRING 1.527 ACRES OF LAND TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE FINDLAY I-75 CORRIDOR WIDENING PROJECT AND DECLARING AN EMERGENCY

ORDINANCE NO. 2013-067 (124 & 124 ½ Center Street)

First 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 CENTER STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "M2 MULTIPLE FAMILY HIGH DENSITY.

ORDINANCE NO. 2013-068 (1806, 1810, 1822, and 1849 Payne Avenue)

First 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 PAYNE AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY MEDIUM DENSITY" TO "R3 SINGLE FAMILY HIGH DENSITY.

ORDINANCE NO. 2013-069

First reading

AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

UNFINISHED BUSINESS

OLD BUSINESS
NEW BUSINESS

ORAL COMMUNICATION FORM

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

I, Sarah Totedo & Jenna Newman, RESIDING AT

318 Dooney Plaza, 440-547-2915
(ADDRESS) (PHONE)

WISH TO ADDRESS YOUR HONORABLE BODY IN REGARDS TO:

presenting 2-3 city logo designs to be
voted on by council.

Sarah Totedo
(SIGNATURE)

Due to limited time and in order to permit all persons and groups equal time, all oral communications are limited to a time period of not more than **four (4) minutes per person**. No more than three speakers shall speak to each side of a question before Council.

Council may extend or limit debate with regard to a particular question, depending upon the number of speakers, the nature of the question before Council and the urgency of the question.

TRAFFIC COMMISSION

City of Findlay

September 16, 2013

MINUTES

ATTENDANCE:

MEMBERS PRESENT: Service-Safety Director Paul Schmelzer, Police Chief Greg Horne, Fire Chief Tom Lonyo, Councilman Ron Monday.

STAFF PRESENT: Matt Stoffel, Public Works Superintendent; Kathy Launder, City Clerk.

GUESTS PRESENT: Duane Chambers and Kathy Chambers.

NEW BUSINESS

1. Request of Request of Deborah Tuttle, 621 Frank Street; Kathy Chambers, 620 Frank Street; and Penny Turner, 908 Markle Street, for a "Caution No Turn Around" sign to be added to the existing "No Outlet" sign entering Frank Street at the intersection of Crystal Avenue.

Mr. Chambers stated that numerous drivers come down their dead end street and discover that there is no outlet and turn around in their driveway or Ms. Turner's or Ms. Tuttle's driveway. Most times turning around in yard and tearing it up. Drivers do not pay attention to the "No Outlet" sign that is posted. Matt Stoffel stated that the sign requested is not a regulated sign. Schmelzer inquired if we can add a dead end sign to the existing No Outlet sign post. Stoffel said it is possible.


Motion to place a "Dead End" sign on the existing "No Outlet" sign post by Director Schmelzer, second by Chief Horne. Motion passed 4-0.

2. Request of Nate Hoy, City of Findlay Engineering Department, on behalf of residents on Logan Avenue, to make Logan Avenue No Parking Any Time on one side of the street.

Schmelzer stated that instead of looking at each street individually in the West Park subdivision, we should wait to consider requests until the CDBG project is complete in the West Park area. Residents in the area need to submit the request direct to Traffic Commission and not through the Engineering Department. The request will not be considered if only one person in the area has a complaint. Neighborhood support is needed for consideration of request.

With no further business to discuss, the meeting adjourned. The next meeting of the City of Findlay Traffic Commission will be held on October 21, 2013, at 2:30 p.m. in the third floor conference room of the Municipal Building.

Respectfully submitted,


Kathy K. Launder
City Clerk

FINDLAY CITY BOARD OF HEALTH MINUTES

REGULAR SESSION

August 21, 2013

MUNICIPAL BUILDING CONFERENCE ROOM

Members Attendance:

- X Mayor Lydia Mihalik, *President Ex Officio*
- X Dr. Stephen Mills, Health Commissioner/Board Secretary
- X Mr. Gregory Cline, *President Pro Tempore*
- A Mr. William Alge
- X Dr. Robert McEvoy
- X Mrs. Joan Work
- A Mr. James Niemeyer

Staff Attendance:

- X Mrs. Barbara Wilhelm, Deputy Health Commissioner
- X Mr. Craig Niese, Environmental Health Director
- X Mrs. Becky Bern, Nursing Director
- X Mr. Eric Helms, Plumbing Inspector
- X Mr. Chad Masters, Emergency Response

Guests

Call to Order: Mayor Mihalik called the meeting to order at 7:39 A.M.

Due to the lack of a quorum action to approve the minutes was not immediately taken. Dr. McEvoy arrived during the Health Commissioner's report.

HEALTH COMMISSIONER REPORT

1. The Get Your Tail on the Trail program began August 13, 2013. This walking program has been held the past two Tuesday afternoons and we have averaged 30 participants each week. The program will continue for the next 12 weeks. Flyers have been distributed to OB and family practice offices and information is available on our website and Facebook page. Dr. Mills has driven past the park and is encouraged to see people looking at the new signage. Participants in the program have included roller bladers, dog walkers, runners and people pushing strollers.
Dr. Mills shared that research has shown that exercise can help promote the production of Brain Derived Neurotrophic Factor (BDNF) and this chemical can help improve memory, concentration, and mental sharpness. Dr. Mills would like to promote this fact among older citizens to encourage their participation in an exercise program.
Dr. Mills will be out of town on Sept. 17th and 24th and is looking for a special guest to lead the walk on those days. Mayor Mihalik will not be available on the 17th but is willing to lead the walk on Sept. 24th.

DEPUTY HEALTH COMMISSIONER REPORT

1. Two types of influenza vaccine have been purchased by the Health Department for this year's flu season. One is the traditional trivalent vaccine while the other is a new quadravalent vaccine. The question we have is how much to charge for the new vaccine. Billing Clerk Dawn Laberdey has been doing some research on what insurance companies will be reimbursing for the vaccine this year as well as what the big chains will be charging and has not been able to get much information. We have traditionally charged \$25 for the trivalent and the big chain stores are typically charging \$30 for the same vaccine. Based on

the cost of the vaccine to us, the nursing division felt that keeping our charge at \$25 for the trivalent and charging \$35 for the quadravalent would ensure that we cover our cost and provide the vaccine at a reasonable rate. Dr. McEvoy shared that the FluMist is a quadravalent vaccine but his practice has decided not to purchase the injectable quadravalent vaccine at this time. Although both forms are acceptable he felt it would be prudent to follow the official recommendation of the CDC and at this time he is not aware that the CDC has come out with an official statement regarding the advantage of the quadravalent vaccine. Mrs. Bern stated that she has just received a request from one of the local businesses asking for the quadravalent vaccine. Mrs. Wilhelm shared that part of the reason the health department looks at purchasing vaccine from a variety of sources is so we do not have "all our eggs in one basket." We got away from purchasing all of our vaccine from one source a few years ago after a severe vaccine shortage in order that we have at least some vaccine available to us should one company have difficulty supplying vaccine. We won't really know if the protection against an added strain of influenza is really worth it until after the season is over but Dr. McEvoy felt that in the terms of bulk purchase of vaccine it is best to lean on the recommendation of the CDC.

2. Mrs. Wilhelm gave an update on the status of the PHEP and the CFHS grants from ODH. Although we had been led to believe the PHEP grant would be cut for the 2014 fiscal year we have received word that the Public Health Emergency Grant would be flat funded. The CFHS grant was also flat funded for the upcoming year. Mrs. Wilhelm shared that the health assessment and community health improvement process is gaining speed. Copies of the Community Health Improvement Plan were distributed to Board members. This plan will take us through June of 2015 and a new community health assessment will be completed at that time. The Findlay City Health Department has really taken the lead in the strategies to address childhood obesity. We have received great feedback on the pilot recess program that was implemented last year. Because of the success of the program, the Findlay City Schools have worked with our health educator to revamp their job descriptions for recess monitor and will be hiring all new monitors for the upcoming school year. The health department will be sponsoring a two day training on the evidence based program called *Playworks* for recess monitors on Sept. 10 & 11, 2013 with the full support of the city schools. This training will help sustain active play for children during recess throughout the year. We have also worked successfully with Arcadia and although we have offered to implement the program throughout the county we have not had any other county schools take us up on the offer.

In addition to the progress on the Community Health Improvement Plan, the Be Healthy Now Hancock County Coalition has also been approached by the United Way regarding their need for more information regarding social needs in the community. An additional assessment will be conducted this fall and the results of that assessment will be incorporated into our plan. When we conduct our next comprehensive community health assessment that survey will be incorporated into the assessment so we may have better information regarding underlying social needs that may be influencing health and health choices.

3. Although Mrs. Wilhelm had hoped to have revamped HIPAA policies ready for the Board to review she has not been able to complete them at this time. The new HITECH Act further expands on the HIPAA Privacy and Security Rules and gives them more teeth. Mrs. Bern and Mrs. Wilhelm have met to assess the risks of the health department. We will be holding a staff meeting this Friday to review HIPAA and the new implications. We will also be looking at rearranging the physical layout of the office. We never took the opportunity to rearrange offices after the County Health Dept. moved out because we will be looking at how we might take advantage of closable office space for the purpose of providing some additional separation and physical security of records. We will also need to review the electronic media on which information is generated, stored and shared to make sure we are able to meet compliance.

NURSING REPORT

1. Although it had appeared the shortage of TB testing material, Tubersol and Aplisol, had lessened we have now been notified that the shortage continues and there is currently no estimated timeframe as to when supplies may return to normal. Protocols for conservation will need to be followed.

ENVIRONMENTAL HEALTH REPORT

1. New licenses for all tobacco vendors went out in July. Dollar General is a new vendor. Tom Davis continues to do compliance checks for the health department. He conducted two rounds of compliance checks during the last licensing period resulting in only 2 violators with the last round. The Environmental Health Division continues to receive occasional complaints for violations of the Smoke Free Ohio Law. A warning letter was recently sent to the Walnut Saloon after an investigation was completed on a complaint. Mrs. Wilhelm shared that the owner of the Walnut has been paying on past fines for violation.
2. Mr. Niese shared with the Board that there have been some recent complaints received regarding home tattooing. One so called tattoo artist was found to be advertising on Facebook. Mr. Niese sent the individual a letter and he is now employed with a licensed tattoo parlor. Another recent complaint regarded an individual who had contracted an infection after receiving a tattoo from someone advertising on Facebook. This individual will be coming in to file a statement and Mr. Niese will pursue filing charges with the police department. Mr. Niese reminded the Board that city Board of Health regulations forbid tattoos for anyone under the age of 18. State rules allow for tattooing under age 18 with parental consent. Mr. Niese questioned whether this rule to outlaw any tattooing under 18 may be steering youth toward the illegal tattoo artists since they cannot legally obtain them from licensed facilities. Mr. Cline asked if those involved in the recent complaints were under the age of 18 to which Mr. Niese responded that this was not the case in this example. Sanitarians from our department do conduct yearly inspections of licensed

parlors in our jurisdiction as well as complaint driven inspections. After some discussion Dr. McEvoy suggested discussing this with the law director as to whether we could word it so that both custodial parents would need to sign permission to avoid cases where one parent would consent and have a child tattooed and then the child is returned to the second parent who objects. Mr. Cline inquired as to whether there was any problem with having city regulations that differ from the state's regulation to which Mr. Niese stated that in his research he found that the law director at that time had no issue with this. Mrs. Wilhelm added that generally speaking you may have local regulations that are more stringent than the state but not less stringent. Dr. McEvoy agreed that it is time to look at this because if kids are receiving tattoos any way we would prefer they be done by a licensed facility. Mrs. Wilhelm added that the health department will be getting health information out on our own facebook page in order to try to reach these kids and there parents about the dangers of unlicensed tattooists. Successfully prosecuting the tattooists' who are acting illegally will also be important. Some discussion ensued as to how we might find illegal tattooists that are working through facebook.

EMERGENCY RESPONSE / EPI REPORT

1. The University of Findlay has been in contact with Mr. Masters to update him on progress made at the University's barns to mitigate risks to students. Among interventions planned will be increased testing on animals, increased isolation times on newborn calves, and use of Tyvek suits and thicker rubber gloves and boots for students. There will be prominent signage posted identifying risks for diseases such as cryptosporidiosis, salmonella, and Q fever. Mr. Masters was very pleased to see the University take these proactive steps to reduce risk of disease to students.

PLUMBING REPORT

1. Mr. Helms reported that the backflow device recently came up missing on the Hancock County War Memorial at Center and Main Streets. Mr. Helms tests the device yearly and asks permission of the Board to waive the permit fee to replace the device since it is for a nonprofit and a good cause. **Dr. McEvoy moved to waive the plumbing permit for 300 N. Main St.** Seconded by Mr. Cline. **Motion Carried 3-0.** Filed
2. Mr. Helms also shared that since the beginning of 2013 when backflow providers were added to the list of those who are registered by the health department it has made it easier for the plumbing department to follow up on the backflow program.

MEETING REQUESTS

Dr. McEvoy moved to approve the travel requests;

1. October 18, 2013: Dawn Laberdee to Statewide Immunization Conference, Cleveland OH. Cost \$75 Registration,
2. October 23-24, 2013: Barb Wilhelm and Jenn Rathburn to Ohio Public Health Educators Conference to present on Community Collaboration. Cost: Lodging, Meals.

Seconded by Mrs. Work. **Motion carried 3-0. Filed**

OLD/UNFINISHED BUSINESS

Minutes: Mayor Mihalik called for a motion to approve the minutes of the July 17, 2013 Board Meeting. Mr. Cline moved to accept the minutes of the July 17, 2013 Board of Health meeting as circulated. Seconded by Dr. McEvoy. **Motion carried 3-0. Filed**

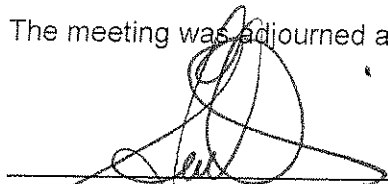
NEW BUSINESS

Dr. McEvoy shared that the hospital staff had a CME in August regarding the changes to the HIPAA law. He felt that the cumbersome 900 page privacy law will necessitate people making an entire career out of HIPAA compliance. The presenter gave examples of fines that ranged from the tens of thousands of dollars up to \$1.5 million. Dr. McEvoy noted that laptops with private information like social security numbers and other information being left around or stolen were a big factor in large fines. He inquired as to the use of laptops by the department. Mrs. Wilhelm shared that we do have some laptops in the office that don't currently leave the building. These laptops are password protected but laptops that move around should also be encrypted and Dr. McEvoy suggested the department look into this.

EXPENSES

Mrs. Work moved to approve the expenses, as circulated, for payment by the City Auditor. Seconded by Dr. McEvoy. **Motion carried 3 – 0. Filed.**

The meeting was adjourned at 8:30 A.M.


_____, President


_____, Secretary (Health Commissioner)

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310
Findlay, OH 45840
Telephone: 419-424-7137 • Fax: 419-424-7245
www.findlayohio.com

September 24, 2013

Honorable City Council
City of Findlay, Ohio

Dear Council Members:

As you know, Diedre Ramthun has agreed to work in the Engineering Department as well as serve as the Civil Service Commission administrator. Since the Engineering Department will be reimbursing Civil Service Commission for her hours a resolution of transfer is needed.

A transfer is respectfully requested as follows:

FROM:	Engineering Department 21021000-personal services	\$15,000.00
TO:	Engineering Department 21021000-other	\$15,000.00

Thank you for your consideration.

Sincerely,


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

cc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor

Board of Zoning Appeals

August 8, 2013

Members present: Phil Rooney, Chairman; Doug Warren; George McAfee; Sharon Rooney.

The meeting was called to order at 6:02 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and explained the order of the proceedings and the general rules.

Case # 50892-BA-13 was reviewed by Todd Richard, City of Findlay:

Filed by Shelly Garey. She is seeking a variance from section 1122.06C1 of the City of Findlay Zoning Ordinance. The applicant has proposed to construct a 22' x 27' detached garage to replace the existing one. The maximum allowable lot coverage is 33% and the proposed construction will cause the coverage to be 39.5%.

The new garage will meet all of the setback requirements. The existing garage does not and will be removed along with the existing shed. The lot is small and should be zoned R-3 Single Family, High-density, as prescribed by the Future Land Use Plan. This district allows a 50% lot coverage and was created for this type of lot. The applicant could apply for a zone change and probably get it, however, the variance process is much quicker if the request is granted.

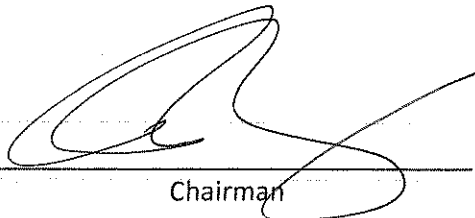
This request shows a clear hardship and is warranted. An anticipated future zone change will make this variance obsolete.

There was no testimony or communication regarding this request.

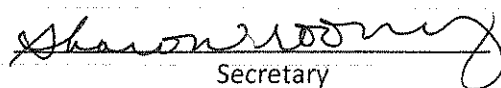
Mr. McAfee made a motion to approve the variance on the condition the permit be obtained within 60 days. Mrs. Rooney seconded the motion. The variance was granted 4-0.

Mrs. Rooney made a motion to approve the July 11, 2013 Minutes. Mr. McAfee seconded the motion. The minutes were approved 4-0.

The meeting was adjourned.



Chairman



Secretary

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

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www.findlayohio.com

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

September 25, 2013

Honorable City Council
Findlay, Ohio

RE: 2013 Sanitary Sewer Lining, Project No. 35630300

Dear Council Members:

By authorization of Ordinance 2013-22, bids were opened for the above-referenced project on September 19, 2013. Bids were received from three potential contractors, and we are now ready to proceed with construction of the project. As budgeted in the 2013 Capital Improvements Plan, an appropriation from the Sewer Fund is needed.

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

FROM:	Sewer Fund	\$230,000
TO:	2013 Sanitary Sewer Lining Project #35630300	\$230,000

Thank you for consideration in this matter.

Sincerely,



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

pc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
Engineering Department
File

Office of the Mayor

Lydia L. Mihalik

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

September 26, 2013

Honorable City Council
Findlay, OH 45840

RE: W. Main Cross Street Mid-Block Pedestrian Crossing
Project #32833400

Dear Council Members:

The Traffic Commission has been discussing the mid-block crossings on West Main Cross Street. One proposed project consists of installing pedestrian crossing signals and sidewalk enhancements for handicap accessibility. This project would greatly enhance the ability of pedestrians to cross the street in a safer manner at the western most crossing location at Broadway and West Main Cross Street.

Please refer the following appropriation request to the Appropriations Committee for further discussion:

FROM:	Capital Improvements – CIT	\$20,000
TO:	W. Main Cross Street Mid-Block Pedestrian Crossing, #32833400	\$20,000

Thank you for your consideration in this matter.

Sincerely,



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

pc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
Engineering Department
File

Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310

Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245

www.findlayohio.com

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

September 26, 2013

Honorable City Council
City of Findlay, Ohio

Dear Honorable Council Members:

The City of Findlay Public Works Department applied for the annual Community Park Improvement Program Grant through the Hancock Park District. They have requested \$4,500.00 to replace roofs of shelter houses in Riverside Park. The Public Works Department will be performing all the labor on the project.

One of the requirements of the grant is to "obtain project approval during a public meeting from its governing body." Therefore, I am requesting that Council approve the project to be funded by the grant funds.

Thank you for your consideration of this matter.

Sincerely,



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

pc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
Public Works Department
File

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September 26, 2013

Honorable City Council
City of Findlay, Ohio

Dear Council Members:

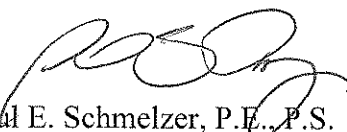
The City has received payment for the repair of a police cruiser from an accident from the other motorist's insurance company in the amount of \$13,343.21. It has been deposited in the General Fund.

An appropriation is respectfully requested as follows:

FROM:	General Fund	\$13,343.21
TO:	Police Department 21012000-other	\$13,343.21

Thank you for your consideration.

Sincerely,



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

cc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
File

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September 26, 2013

Honorable City Council
City of Findlay, Ohio

Dear Council Members:

In an effort to better monitor the City's property/casualty/liability insurance policy each year, the insurance audit will be conducted in October of the renewal year rather than February of the following year as it has been done in the past. The insurance policy renews near the end of July each year.

The insurance audit is budgeted in the Self Insurance Fund. The insurance audit for 2012-2013 insurance policy was completed in February 2013. The City would like to have the insurance audit for 2013-2014 insurance policy conducted in October 2013. Therefore, additional funds are needed to cover this cost.


An appropriation is respectfully requested as follows:

FROM:	Self Insurance Fund	\$8,000.00
TO:	Self Insurance 26066000-other	\$8,000.00

By copy of this letter, I am requesting the Director of Law to prepare the necessary legislation for authorization of this request.

Thank you for your consideration.

Sincerely,



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

cc: Donald J. Rasmussen, Director of Law
Jim Staschiak II, City Auditor
File

Flag City, USA

City of Findlay City Planning Commission

Thursday, September 12, 2013 - 9:00 AM
Municipal Building, Council Chambers

Minutes

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

MEMBERS PRESENT:

Paul Schmelzer
Joe Opperman
Dan Clinger

STAFF ATTENDING:

Judy Scrimshaw, HRPC Staff
Matt Pickett, FFD
Matt Cordonnier, HRPC Director
Don Rasmussen

GUESTS:

Dan Stone, Jeanne and Jack Wasbro, James Koehler, Tom Shindeldecker, Todd Richard

CALL TO ORDER

ROLL CALL

The following members were present:

Paul Schmelzer
Joe Opperman
Dan Clinger

SWEARING IN

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

APPROVAL OF MINUTES

J. Opperman moved to approve the minutes of the August 8, 2013 meeting. Dan Clinger seconded. Motion to accept carried 3-0.

NEW ITEMS

1. PETITION FOR ZONING AMENDMENT #ZA-08-2013 filed by Betty J Riley and Wasbro Rental Property, LLC to rezone 124-124 ½ Center Street, Findlay from R-3 Single Family Small Lot to M-1 Multiple Family.

HRPC

General Information

This request is located on the north side of Center Street and is the second house east of the alley abutting Rite Aid. It is zoned R-3 Single Family Small Lot. All abutting lots are also zoned R-3. It is not located within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

Parcel History

The property is currently divided into two (2) dwelling units.

Staff Analysis

The applicants are requesting to change the property to M-1 Multiple Family in order to create a third dwelling unit in the structure.

HRPC Staff visited the site to see that adequate parking would be available for a three (3) unit dwelling. The Zoning code requires 2 off street parking spaces per dwelling unit. There is currently a 2 car garage at the rear of the lot and most of the back yard is paved. We concluded that there is room for 6 or 7 vehicles without anyone blocking in another vehicle on the premises.

This street currently has a single family designation and there are multiple duplex and triplex units existing here. As we analysis the land uses for zoning map amendments, there will probably be many other changes made in this neighborhood.

ENGINEERING

None

FIRE PREVENTION

None

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval of **PETITION FOR ZONING AMENDMENT #ZA-08-2013** to rezone 124 – 124 ½ Center Street from R-3 Single Family Small Lot to M-1 Multiple Family.

DISCUSSION

Jeanne Wasbro stated that they were surprised that they had to be here. She assumed that current standards would have been applied.

P. Schmelzer asked if they had already owned the property. Jeanne Wasbro stated that it had been Jack's mothers' at one time. It had been a duplex since the 1940's. On one side is another duplex and on the other is a triplex. They were stunned to find out that it was no longer zoned for multi-family as it had been.

P. Schmelzer replied that this is an instance where when the new map was done, this property was inappropriately mapped.

M. Cordonnier replied that this is an instance where pyramidal zoning in B and C Residential allowed anything from single family to multiple family. The new designations of R-1, R-2, and R-3 are all single family exclusively. If an area was B Residential most of those areas went to R-2 or R-3 by lot size. The majority of old B residential was single family.

P. Schmelzer made a motion recommend approval of the request to Council. D. Clinger seconded.

Further discussion followed. J. Opperman stated that he has a problem with this and doesn't know if this is the way we should solve it. Shouldn't we look at rezoning an entire block or street instead of going lot by lot? He doesn't like the idea of taking these one at a time.

P. Schmelzer stated that he looked at it in this manner. When you convert an entire City to a new code there are going to be conflicting issues like this. We know there is still work that needs to be done to rectify the map. Until that is done, a lot of these areas are going to exist where we have an individual who specifically wants to perform an improvement to their property that conflicts with the code. I'm in favor of doing this on a lot by lot basis. We can recommend to Council that they take a broader view if you want to. You're going to get other property owners involved. From my perspective, I know the Wasbros want to do something. I think it complies with the nature of the neighborhood and will comply with ultimately what the zoning map will look like. So, I don't have any objection to getting them going right now.

Mr. Opperman referred to this being a "spot" zoning. Matt Cordonnier replied that he did not consider this "spot" zoning. It is a residential neighborhood and they have a residential use. I would consider it "spot" zoning if it is a residential neighborhood and you try to throw in a commercial designation on a lot in the middle of it.

Mr. Opperman stated that it is a non-conforming use now. I can't go along with it. If there is something to be corrected it should be corrected by Council with a new map.

J. Scrimshaw replied that we hope to do that. That is our goal. We would like to go neighborhood by neighborhood and try to figure out what exists and is legal and if it needs changed. We would like to do as a large map amendment. We would like to have neighborhood meetings so we can find out from those living there what is existing and what is going on. From history that I know, Council has been very hesitant in the past to just go in and do it. I think if we do the process of neighborhood meeting and have everyone knowing what is going on, they will be more on board with going ahead and changing things on a large scale. I can't really speak for present Council as they haven't had much of this come up perhaps, but I know that prior Councils have had issues.

Matt Cordonnier commented that there have been non-conformities forever. If you look at the S. Main Street neighborhood for example which was zoned A Residential and now is R-1. Most of the lots here are too small to meet the standard but they wanted to be A Residential because it did not allow for multi-family. We have over 500 residential parcels that are zoned I-1 Light Industrial from the old map and code. The old map had a lot of issues and when the new map was adopted we didn't really try to change the map and code at the same time. Basically a straight conversion was done on the map.

Joe Opperman replied that his concern is if we do this for one person and won't for another. We "spot" zone for someone. J. Scrimshaw stated that if someone else comes in with a petition and it's legitimate we don't have a problem with recommending approval. We have had other single ones. Last year when we had the free rezoning period most of those were a lot here or there. They went through the process and if they could meet requirements we recommended approval. You would not deny someone else as long as they comply. Mr. Opperman replied that people don't understand what you're talking about sometimes.

P. Schmelzer said that he doesn't think this will be the last one we see like this. Whenever you get rid of pyramidal zoning you're bound to run into this. They are surprised to be here because they had a piece of property that had the right to do this earlier. With the code change they come in to apply for a permit and find out that they can't do it anymore. If the use is still consistent with the neighborhood I think that it is what we are responsible for. We look at the conditions, the requirements and make our recommendation to Council.

J. Opperman replied that what Mr. Schmelzer is saying is that CPC is not a legislative body. He doesn't agree with him. He stated that we can say unilaterally that we take it upon ourselves to expand this. For that reason alone he can't vote for it.

Dan Clinger asked if when the map was changed, if most of this area was multi-family why did we not change it as such.

M. Cordonnier replied that R-1, R-2 and R-3 do not allow for multi-family. R-4 allows duplexes. The issue is going lot by lot and determining the history and legality of each parcel. We did a straight map conversion to the new classifications. We weren't making any judgment calls. If you were B Residential, R-2 is very similar in lot size, setbacks, etc. We were just converting without going parcel by parcel. Currently we are working with GIS mapping and County Auditor data. By lot size alone we probably have 4,000 parcels that could be rezoned. We would like to present some wholesale map changes to Council in time. There are many residences zoned Industrial or Commercial. An area like S. Main Street has had issues from day one with setbacks and not being able to meet requirements of the old A Residential. We would like to get a map as polished as possible and take it to the public. The best way would be to have public meetings around the City so they can have some input. When you work with 25,000 parcels it's hard to not overlook a few.

With no other comments from the Board or applicants, Mr. Schmelzer restated his motion.

MOTION:

P. Schmelzer made a **motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-08-2013 to zone 124 – 124 ½ Center Street from R-3 Single Family Small Lot to M-1 Multiple Family.**

2nd: C. Clinger

VOTE: Yay (2) Nay (1) Abstain (0)

2. PETITION FOR ZONING AMENDMENT #ZA-09-2013 filed by Habitat for Humanity to rezone Lot 1 except the W 10 ft. and Lot 2 Block 17 Thorpe & Andrew's W Park Plat (1849 Payne Avenue), Lot 21 Block 15 Thorpe & Andrew's W Park Plat (1822 Payne Avenue), Lot 22 Block 15 Thorpe & Andrew's W Park Plat (1810 Payne Avenue), and Lots 23 & 24 Block 15 Thorpe & Andrew's W Park Plat (1806 Payne Avenue), from R-2 Single Family Medium Lot to R3 Single Family Small Lot.

HRPC

General Information

This project is located in the West Park Subdivision. All surrounding parcels are also zoned R-2 Single Family. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

Parcel History

All of the lots are currently vacant.

Staff Analysis

The majority of the lots in the West Park Subdivision were originally platted with a 49.5' lot frontage. This would automatically place them in the R-3 category as far as lot size standards. (R-2 has a minimum of 50' width)

The R-2 district also has a minimum living area of 1300 square feet. As a rule Habitat Homes normally don't exceed 1200 square feet of living area.

This subdivision is one of the areas that will likely be rezoned to R-3 as a whole.

ENGINEERING

No comment

FIRE PREVENTION

No comment

STAFF RECOMMENDATION

Staff recommends that CPC recommend approval of **PETITION FOR ZONING AMENDMENT #ZA-09-2013** filed by Habitat for Humanity to rezone Lot 1 except the W 10 ft. and Lot 2 Block 17 Thorpe & Andrew's W Park Plat (1849 Payne Avenue), Lot 21 Block 15 Thorpe & Andrew's W Park Plat (1822 Payne Avenue), Lot 22 Block 15 Thorpe & Andrew's W Park Plat (1810 Payne Avenue), and Lots 23 & 24 Block 15 Thorpe & Andrew's W Park Plat (1806 Payne Avenue), from R-2 Single Family Medium Lot to R3 Single Family Small Lot.

DISCUSSION

J. Opperman stated that we have the same issue here as before but with more lots.

Dan Clinger asked if all the lots are planned to be used by Habitat. Dan Stone replied that they owned all of them and are ready to go on Lot 24 as soon as this is approved.

D. Clinger inquired about Lot 1 & 2. J. Scrimshaw stated that Lot 1 is a very skinny piece and 2 is a regular lot. She is not sure how this came to be but would guess it may have been a left over right of way piece. Dan Stone replied that he thinks it was from old SR 25 which is not I-75. The west lots along here are all irregular shaped and were most likely left behind pieces.

MOTION:

P. Schmelzer made a **motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-09-2013 to rezone** Lot 1 except the W 10 ft. and Lot 2 Block 17 Thorpe & Andrew’s W Park Plat (1849 Payne Avenue), Lot 21 Block 15 Thorpe & Andrew’s W Park Plat (1822 Payne Avenue), Lot 22 Block 15 Thorpe & Andrew’s W Park Plat (1810 Payne Avenue), and Lots 23 & 24 Bock 15 Thorpe & Andrew’s W Park Plat (1806 Payne Avenue), from R-2 Single Family Medium Lot to R3 Single Family Small Lot.

2nd: D. Clinger

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

3. FINAL PLAT APPLICATION #FP-08-2013 filed by Country Club Acres, 655 Fox Run Road, Findlay for Woods at Hillcrest 8th Addition.

HRPC

General Information

This is a residential subdivision located in Section 35 of Allen Township. It is off the east side of CR 140 and bounded by existing Woods at Hillcrest on the east and older Hillcrest Additions to the south. Allen Township is not zoned. Land to the north east and west is all in Allen Township and therefore is not zoned. To the south which is Liberty Township, is zoned R-1 One Family and R-2 One Family. The City of Findlay Land Use Plan designates the area as Single Family Large Lot. The property is not located within the 100 year flood plain.

Parcel History

The latest Preliminary Plat for this area was approved by FCPC on June 13, 2013.

Staff Analysis

The applicant is proposing 39 lots in this phase. Scotch Pine Drive will be extended west to connect out to CR 140.

Because there is no zoning in Allen Township, there is not a minimum lot size or frontage requirement. All the lots appear to be consistent with the previous phases of the development in regard to size. All lots are intended for single family use.

There are potential issues with the choice of street names for each of the cul-de-sacs and the stub street to the north. The City and County have been trying to eliminate confusion with similar or identical street names in newer subdivisions. There is a Hickory Lane in Marion Township off of US 224. There is already a Whitetail Run in another addition of Woods at Hillcrest. There is an Indian Lake Drive in Forest Lake Subdivision. Therefore we want to see the names of Hickory Ridge Lane, Whitetail Court and Indian Trail Court changed to some more unique names.

Staff Recommendation

HRPC Staff recommends approval of **FINAL PLAT APPLICATION #FP-08-2013** for The Woods at Hillcrest 8th addition subject to approval of construction drawings by the Engineer and changing the names of Hickory Ridge Lane, Whitetail Court and Indian Trail Court.

ENGINEERING

Recommend approval subject to submission and approval of construction drawings.

FIRE PREVENTION

The following comments were made during review of the Preliminary Plat in June, 2013.

- Place one additional hydrant on Fall Creek Drive
- Driving surface and hydrants shall be in place prior to construction

STAFF RECOMMENDATION

Staff recommends approval of **FINAL PLAT APPLICATION #FP-08-2013 for the Woods at Hillcrest 8th Addition** subject to the following conditions:

- Change Hickory Ridge Lane, Whitetail Court and Indian Trail Court to more unique names.
- Approval of construction drawings

DISCUSSION

Matt Pickett asked about hydrant that was discussed in the Preliminary Plat phase. D. Stone stated that that was being looked at.

P. Schmelzer stated that he recalled some concerns of owners abutting the power line area in regard to drainage. He will be looking at the construction drawings to make sure this is addressed. Dan Stone stated that there will be two (2) catch basins installed and these will hopefully address the drainage concerns.

D. Clinger asked about storm water retention. Was this calculated into the original detention? As development continues to happen was all of this done on a percentage of lot coverage? Dan Stone explained that everything east drains to the creek. Everything south of the creek will be designed for the 100 year storm as well as water quality standards per the EPA. EPA makes more stringent rules than the City. There will be a pond for the south side and when the north side develops it will have its own pond. Dan Clinger asked if this should be a part of the plat.

P. Schmelzer replied that we are approving what will be the recorded document of the lots at the Courthouse. The construction plans will address these issues. This does not affect the Final Plat.

MOTION:

J. Opperman made a **motion to approve FINAL PLAT APPLICATION #FP-08-2013 Woods at Hillcrest 8th Addition** **subject to the following conditions:**

- Change Hickory Ridge Lane, Whitetail Court and Indian Trail Court to more unique names.
- Approval of construction drawings

2nd: D. Clinger

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

4. FINAL PLAT APPLICATION #FP-09-2013 filed by Country Club Acres, 655 Fox Run Road, Findlay for Southridge Estates 3rd Addition.

HRPC

General Information

This plat is located along the north side of TR 145 and west of Goldenrod Lane. The land is zoned R-1 Single Family Low Density Residential. The properties to the north and east are also zoned R-1. The property to the south is zoned R-3 Single Family High Density. To the west is zoned R-1 One Family in Liberty Township. The City Land Use Plan designates the land as Single Family Large Lot. The site is not located within the 100 year flood plain.

Parcel History

The latest Preliminary Plat for this subdivision was approved by FCPC on June 13, 2013.

Staff Analysis

This phase of the subdivision will extend Katarina Court west and add a cul-de-sac (Viburnum Court) going south. It will contain 17 new lots.

When the Preliminary Plat was submitted, Lot 94 did not meet the required frontage width of 65'. This has been corrected on the Final Plat.

ENGINEERING

Recommend approval subject to submission and approval of construction drawings.

FIRE PREVENTION

The following comments were made during review of the Preliminary Plat in June, 2013.

- Do existing hydrants coincide with proposed streets on Western Ave./Twp. Rd. 145? (FIRE)
- Move hydrant to corner of Katrina Ln. & Western Ave. (FIRE)
- Move hydrant to the NW corner of Katrina Ln. & Paige Ln. (FIRE)
- Driving surface and hydrants shall be in place prior to construction (FIRE)

STAFF RECOMMENDATION

Staff recommends approval of **FINAL PLAT APPLICATION #FP-09-2013** for Southridge Estates 3rd Addition subject to approval of construction drawings.

DISCUSSION

P. Schmelzer stated that Engineering has construction plans under review.

M. Pickett asked if the hydrants had been located as asked on the preliminary phase. D. Stone replied that they had not verified the locations yet. This phase does not go that far west. When the development expands west they will address the issue.

J. Opperman asked what is immediately west of the site. D. Stone replied that it is all vacant land owned by Country Club Acres.

MOTION: J. Opperman made a **motion to approve FINAL PLAT APPLICATION #FP-09-2013** for Southridge Estates 3rd Addition.

2nd: D. Clinger

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

5. AMENDMENTS TO THE CITY OF FINDLAY ZONING CODE

HRPC Staff and Zoning Inspector Todd Richard have been reviewing the zoning code over the last several months. We had actually started the process more than a year ago and had submitted a lengthy list of proposed changes nearly a year ago. We are currently proposing a more limited list of changes for your review.

With the prospect of several downtown area buildings coming down in the very near future, one of our main concerns at this time is developing guidelines for the construction of downtown parking lots.

The Electronic Message Centers are beginning to proliferate around town. There was some confusion in the wording that allowed Todd to issue permits for larger signs than we had intended. We are correcting that language in hopes of getting the size control we had envisioned.

Other minor matters that Todd has had recurring issues with in the new code are also included for review.

Included in your Planning Commission packets are the pages with text to be removed struck through and new text in red. The sections on C-3 parking lots are completely new.

DISCUSSION

P. Schmelzer stated that the question here is if the City wants to require something similar to what Marathon did recently to any **parking lot on Main Street**.

Matt Cordonnier explained that currently the C-3 Downtown zoning district does not have any screening or landscaping requirements. Quite a few changes are occurring on Main Street with buildings coming down. It is a concern to have the possibility of old buildings replaced with surface parking lots affecting the streetscape and quality of the Main Street corridor. In order to help protect and enhance the downtown, we crafted this amendment so anyone building a parking lot would be required to do a masonry wall or wall/fence combination. This will help protect the aesthetics of downtown. Surface lots on Main Street without any screening, etc. will only harm the downtown streetscape. One difference from the Marathon lot is the landscaping will be facing the street in front of the wall.

P. Schmelzer asked if we are looking at the content presented in "red". J. Scrimshaw answered that this is a whole new section being added to the code so all of the content should be in "red".

Mr. Schmelzer asked what requirements there are for maintenance of the landscaping. He was asking because of issues the City has had before with buffers and plantings that were required adjacent to a right of way.

J. Scrimshaw stated that it should be the property owners' responsibility since it is on their land.

P. Schmelzer asked what the enforcement mechanism for maintenance is. J. Scrimshaw stated that T. Richard is probably the only enforcement. Perhaps this could fall under part of the Downtown Improvement District's function.

Mr. Schmelzer asked if HRPC had touched base with them on this. Matt Cordonnier replied that he did present this to the Downtown Main Street Committee recently. Everyone seemed to like the idea very much.

J. Opperman stated that in his opinion from the maintenance standpoint maybe it would be better to have the wall adjacent to the right of way.

P. Schmelzer commented that he could see pros and cons to both. You lose some of the aesthetic value by having the landscaping inside the wall. Marathon is using some of the landscape area inside their wall for drainage control. We are mandating shrubs but we're not mandating what the groundcover looks like. He is pleased that Matt spoke with the downtown committee. They are definitely stakeholders in this. Everyone is interested in maintaining some aesthetic value on Main Street and he thinks that is what the purpose of the ordinance is. Of course, you expect if you plant landscaping that you'll maintain it. Unfortunately we've seen that expectation is not always met. We don't have a mechanism in place to enforce. Is this pretty typical language?

M. Cordonnier replied that we did look at several examples of landscape requirements in Ohio. So this is somewhat typical. As Mr. Schmelzer stated, some people will maintain and some won't just as some people will maintain their homes and others don't. You can try to address it.

J. Opperman stated that he is just concerned that a landscape area becomes a "catch all" for people's trash, etc. Matt Pickett said that a "catch all" was a good point. As a fire department employee he would also have concern about cigarettes and mulch.

P. Schmelzer commented that we are fortunate to have a pretty active maintenance group downtown. If they're willing and have thought about the implications of these, he would at least be comfortable with moving the discussion forward to Council.

J. Scrimshaw stated that we would hope that if one of these does occur that it will be a local owner, not an absentee, and they will care enough to take care of the property.

M. Cordonnier stated that this wall will be a significant investment as Marathon had attested. He also would hope that the investment made would drive them to keep the area maintained.

D. Clinger replied that he could see that landscaping certainly softens up the view but he doesn't see the Downtown Improvement District taking on the maintenance since it's not in the right of way unless they change the description of what they do. He does acknowledge the potential maintenance issues. If say lava rock is used instead of mulch there can be kids picking up and throwing, etc.

Mr. Cordonnier responded that as the three (3) members discussed this he would not be against removing the landscaping requirement due to potential maintenance issues. In a perfect world everyone would take care of it. I think the wall is more important. Those owners that do wish to install landscaping could do so of their own volition. If they care to put it in hopefully they care enough to maintain it. Dan Clinger replied that he could go along with that.

P. Schmelzer stated that he would as well. He asked, "Where do we go now?" He asked if we make changes before we refer to Council.

M. Cordonnier stated that his recommendation would be to refer to Council with the condition that we remove landscaping so we don't slow down the process. Part of this is a timing issue. We would like it to be in place as so many things are changing in downtown right now.

D. Clinger asked if a parking lot would be proposed for the area on N. Main Street where the buildings are being torn down if this would apply.

M. Cordonnier replied that there may be flood issues here that would prevent a wall being built. If the land was purchased with HMGP money, there may be restrictions on its also. We seriously doubt that there will be a parking lot proposed here anyway.

P. Schmelzer asked if someone sets a parking lot back from the street maybe 30 feet do they have to build the wall. People may say how far back do I have to go to put me out of the regulation. It's a lot of money to spend. Another issue may be access.

J. Scrimshaw stated that we are proposing no access to Main Street. They would have to use alleyways or side streets for access. We really don't want curb cuts on Main Street.

Mr. Clinger asked about pedestrian access. M. Cordonnier replied that we do expect a break in a wall for that. With a pedestrian friendly downtown you want as few curb cuts as possible in the middle of sidewalks. We don't want pedestrians to have to play a game of dodge 'em as the walk down the sidewalk. Mr. Schmelzer does bring up a good point with potential developers trying to do a setback to be relieved of the wall.

J. Scrimshaw stated that she really didn't think anyone would want to lose all that space. The lots aren't that deep and you'd lose so much useful parking space. She feels we are saying that parking lots with any frontage on Main Street must comply. Doesn't that cover it? Your lot (or parcel) has frontage on Main Street. It doesn't say that your actual parking lot comes up to it.

P. Schmelzer asked if the code would be restricting access or if that would be a function of CPC. J. Scrimshaw replied that it is stated in the language that curb cuts onto Main Street are prohibited. P. Schmelzer responded that he had major concerns with that.

M. Cordonnier stated that he had debated this one for quite a while. He thinks there are situations where it could be appropriate. P. Schmelzer replied that he would recommend that we say that curb cuts onto Main Street are discouraged. Mr. Cordonnier stated that he would be okay with that.

P. Schmelzer stated that it will put the review of that into a body that can make a determination whether it is logical or not. He doesn't think it should be 100% prohibited by a zoning code.

M. Cordonnier replied that he could agree with that. Prohibited is 100% of the time. We do want to discourage curb cuts and it will give some flexibility to CPC to make a decision.

Mr. Schmelzer inquired about an existing parking lot scenario. The owner wants to do renovation to the lot or an existing lot that had an access point on Main Street. Does this apply to those situations?

Matt presented an example. Let's say Wilson's is torn down and changed to a Taco Bell. This would apply to the new development. If you are restriping, repaving or reworking your site for maintenance reasons it does not. P. Schmelzer replied that that is exactly what I was thinking. If someone comes in and they do a scrape and rebuild they must come to CPC. The way the proposal is written, the curb cut that Wilson's had, we are obligated to close. I don't think we want that.

M. Cordonnier replied that he can agree with that. He thinks when we put that in there we were mainly thinking about a new stand-alone parking lot with no building associated with it. When you bring in the potential building and parking lot it doesn't necessarily make sense.

J. Opperman said he could see permitting an access only from Main Street. You can pull in but you can't exit. Todd Richard stated that that was something we had discussed. He thinks it is a bad idea generally. Traffic can back up on the street waiting for someone to make a left turn. The Huntington Bank has one and another lot on the east side of Main south of Sandusky. They do tie up traffic at times.

M. Cordonnier stated that in the example he used of Wilson's being replaced by a new restaurant, they would be required to put up the wall. The merits of the curb cut on Main would be discussed during CPC review. One could make the argument that the site could function very well using access on Hardin Street. At this moment my thoughts are to cut the landscape requirements in front of the wall and alter that statement that curb cuts on Main Street are prohibited. Change that to read curb cuts are discouraged.

Joe Opperman commented that that language is useless. What does it mean? P. Schmelzer replied that it means it's our obligation as a planning body to analyze each situation. Todd Richard asked if Traffic Commission should ever be involved in looking at these things. P. Schmelzer replied that obviously he has not been here that long, but he did not recall ever looking at an access issue with the Traffic Commission. Historically I don't know what they have done.

Todd Richard stated that when you look at closing access points you often gain parking spots on the street. Wilson's site is a mess with in and out traffic, being so close to a traffic signal, etc. We gained parking when Marathon closed the accesses along Main Street.

M. Cordonnier stated that he recognized what Joe said about what does "discourage" mean. But, as Paul said CPC sees a site plan and they may see good alternatives to a cut on Main Street. I think you can make the case to deny.

T. Richard asked if we could say something about curb cuts on Main Street are only permitted on a case by case basis if there is no alternative but to use Main Street. Is there something that could be put in there like that? Paul Schmelzer commented that everything is case by case for CPC. We are stating the obvious by putting that in.

J. Opperman commented that that way traffic moves on Main Street, he really doesn't want access points in the middle of blocks.

P. Schmelzer commented that he is just looking at this from the standpoint of existing businesses. Like it or not we have them. So if you say you can't have a curb cut unless there is no functional alternative we are doing nothing but changing it to a different discussion point. A guy says I have a fast food restaurant and having the traffic have to turn around and conflict with my drive thru isn't functional for me. He thinks that if we put in the language that they are discouraged, this body that is supposed to use good judgment based on what we see and how it applies to the environment can make a determination. If they don't like it there is an appeal process. Todd noted that drive thrus are not allowed in downtown anyway.

Matt Cordonnier stated the he agreed with Paul. As a body CPC has discretion. If you feel the layout can be better you don't have to approve it as is. You have the power to say no, it's not a good design. As much as he dislikes curb cuts on Main he thinks there may be situations where it needs to be considered.

J. Opperman said he'll go along with "discouraged" just to get away from this issue.

Paul Schmelzer stated that he had another theoretical question. In regard to something like the 1st Federal bank at Main and Main Cross: If they want to come in with an addition to their building will they have to put up the wall on the existing parking lot?

M. Cordonnier stated that that is an issue that needs to be clarified. In general, the zoning code needs clarification as to when things kick in. Existing lots are grandfathered to a certain extent. J. Scrimshaw commented that we had discussed the scrape and clean site being made to comply. She did not think a building addition would make it kick in. Matt said he could see maybe using an addition of 50% to kick it in. We don't have that in writing anywhere. Judy stated that perhaps it should just be an increase in the parking lot since that is what we are regulating. P. Schmelzer stated that they are just so many examples.

J. Scrimshaw said that if they bought a building next door to tear down and add parking that front on Main Street, then yes. They should definitely have to comply with the code.

Paul Schmelzer asked what if they buy a building on the side street for additional parking. J. Scrimshaw noted that we have a section for side street parking lots in C-3. Landscaping is required but no wall.

Paul replied to stick with the two (2) modifications to take out landscaping and replace the word prohibited with discouraged. Matt Cordonnier stated that in the meantime we will look at more zoning codes and see if anyone has a good solution.

Paul asked if this item would go to Council next week. He definitely wants the Wasbro rezoning to get on the agenda. Judy Scrimshaw replied that Denise DeVore has all the paperwork for the rezonings to go in Council packets. She will send info from CPC to Planning and Zoning Committee.

The next item to consider was in the section on EMC's (**Electronic Message Centers**). J. Scrimshaw stated that we were changing the word permitted to approved. We have instances where the EMC is larger than the rest of the sign. That was never the intent. If you are permitted 400 square feet of sign face but you aren't using that for the total sign face it doesn't mean that you can have 25% of the 400 as an EMC. Rolling Thunder for example has an EMC at least twice the size of the identification portion of the sign. Whatever you come in and apply for as the total sign area, you can have a maximum of 25% of that as an EMC. There is an illustration on the next page.

P. Schmelzer stated he is not sure this language accomplishes that goal. If a person is allowed multiple signs on a site, they could total it all up and say you owe me 25% of that number in an EMC. Matt Cordonnier replied that he believed the context of the section and what is before this prevents that issue.

T. Richard remarked that are EMC's are limited to certain districts, have a height limitation, etc. He feels the intent is to make the portion of the EMC reduced only.

Mr. Schmelzer asked if it is redundant to add "on the sign on which the message center will be placed". Mr. Cordonnier replied that we can do that.

The next item discussed had to do with issues in the **R-3 Single Family Small Lot district**. J. Scrimshaw explained that T. Richard had come up with some language from an older version of the code for the smaller lots giving leeway on the rear yard depth. The same with an average calculation for the front yards. Many of the older sections of town have homes much closer to the right of way than is normally permitted.

P. Schmelzer asked if the section on overhangs is new. J. Scrimshaw stated yes, there is nothing currently in the code addressing these. There was no other discussion on this item.

P. Schmelzer then asked if the next section in regard to **repair/replacement of non-conforming structures** was all new as well. T. Richard stated that this was something that was in the old code but did not make it into the new one.

J. Scrimshaw explained that there is an entire section addressing non-conformities in the code. This is an added paragraph.

The next item was adding the verbiage "**except residential uses**" in the **C-1 District**. The current language states that all uses permitted in O-1 are permitted in C-1. There is Single Family Residential permitted in O-1. We do not want that to pyramid. It would follow into C-2 as well if left as is. The residential was removed from all Commercial districts several years ago and this would allow it to creep back in.

P. Schmelzer asked if there is much residential in C-1 now. J. Scrimshaw stated that yes, all the commercial districts have had them for years. We hope to correct that in the map process as well. Most of these have existed since day one of zoning.

The next item discussed was the **maximum size for accessory buildings**. T. Richard explained that we are trying to have some control on the accessory buildings. But we want to give some allowance for the person who does not have a garage to begin with by not counting the garage toward the total accessory building area permitted. So a person can have a 2 car garage of up to 576 square feet and then an additional 900 square feet of outbuilding whether in one structure or a combination of structures.

Mr. Schmelzer asked if 900 square feet is based on what he saw people wanting to build. Mr. Richard said he thinks it strikes a happy medium. It is only 800 square feet right now and a garage would be part of that number.

Dan Clinger asked if the maximum lot coverage still would apply. T. Richard replied yes it is still a factor.

P. Schmelzer asked if a person already has a garage can they add to it. M. Cordonnier stated that the credit they get is up to the 576 square feet. If the garage is added to and goes over that amount, they deduct 576 square feet and the rest applies to the maximum 900.

T. Richard stated that he thought the maximum size of any building should cap at 900 square feet. One year he had about 15 buildings go up that were 1200 square feet or more. In most cases the neighbors started to complain. P. Schmelzer stated that that needs to be clarified. T. Richard said we would add a line that states that no single building is to be more than 900 square feet.

Paul Schmelzer asked if we were still working on other sections of the code. He wants to look at a document that both sides have come to a consensus on before he reviews it. He appreciates that fact that we want to address some of the issues immediately, but whenever you agree on everything else, he will look at it.

ADJOURNMENT

With no further business the meeting was adjourned at 10:40 a.m.

Lydia L. Mihalik
Mayor

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

City of Findlay City Planning Commission

Thursday, October 10, 2013 - 9:00 AM

AGENDA

CALL TO ORDER

ROLL CALL

SWEARING IN

APPROVAL OF MINUTES

NEW ITEMS

1. NO NEW AGENDA ITEMS FOR REVIEW

NO MEETING HELD.

ADMINISTRATIVE APPROVALS

SITE PLAN APPLICATION #SP-16-2013 filed by JDP Ventures, LLC, 1100 E. Main Cross Street, Findlay for expansion of parking area at 1100 E. Main Cross Street, Findlay, OH.

SITE PLAN APPLICATION #SP-17-2013 filed by Findlay Cartage Co, Inc., 200 Northparke Drive, Findlay for an addition of a truck dock on an existing warehouse building at 200 Northparke Drive.

ADJOURNMENT



September 27, 2013

Findlay City Council
318 Dorney Plaza
Findlay, Ohio 45840

Attention: James P. Slough, President

RE: Amendment to the Findlay Zoning Code

Honorable Members of Council:

Hancock Regional Planning Commission is submitting several changes to the City of Findlay Zoning Code. There are a total of five proposed changes to the code. Below is a list of the changes and the reasoning for each.

1) Downtown Parking Buffer – (Not forwarded to Council by the Planning and Zoning Committee)

2) R-3 Setback Changes

The R-3 residential zoning classification is designed to accommodate the smallest residential lots in the City. Very often the R-3 zoned lots are very small and the current setbacks cause significant barriers and limit the property owners options.

The first proposed change is to modify the rear setback from a static 30 feet to a variable standard. The proposal reads, "*Rear Yard Setback: Fifteen percent (15%) of the lot depth or thirty feet (30), whichever is less*". This standard was used in the old code and after some practical usage in the field it has been determined that the flexibility that it allows is better than a static thirty foot setback.

The second proposed change is to the front setback requirement. Currently the front yard setback allows for a variable distance depending on the setback of the neighboring houses. This works very well but we propose to add a statement that limits the variable setback to a minimum of five feet to provide at least a minimal standard of setback.

The final proposed change to the R-3 setbacks is to state that "*Overhangs may not encroach into any setback by more than two (2) feet.*". Todd Richard deals with this question very often and the code does not address it. The allowance of a 2 foot overhang is one foot less than the smallest setback ensuring that overhangs do not encroach into a neighboring property.

3) Non-Conformity Replacement

This is a proposed addition to the Non-conforming section of the Zoning Code. It allows for the replacement of porches, attached garages, and other portions of a non-conforming structure provided that the replacement is the same or smaller in size.

4) C-1 Residential

Sometime in 2005 or 2006 residential uses were removed from commercial zoning districts. Currently the code allows residential in the O-1 (Office Institution) which is intended. The proposed change is in the C-1 district which allows all uses from the O-1 district. (pyramidal structure) The proposed change is to add the phrase, "*except residential uses*" to the list of permitted uses in the C-1 district.

5) Electronic Message Center

Electric Message Centers are allowed to make up 25% of a sign. The current wording of the code is somewhat vague. The proposed new wording will make it clear that the message center may only be 25% of the actual sign that is constructed, not 25% of the theoretical maximum sign allowed.

6) Accessory Building Allowances

The first change to accessory buildings in residential areas is to increase the allowable square footage of accessory structures from 800 SF to 900 SF.

The second change is to exclude detached garages from the permitted accessory use calculation of 900 SF. The change is an attempt to create a level playing field for those houses with a detached garage versus those with an attached garage. Essentially the code as written today allows less accessory building square footage to those houses with detached garages.

Sincerely,



Matt Cordonnier, Director
Hancock Regional Planning Commission

Electronic Message Center Changes

Industrial and I2 General Industrial Districts and shall not be permitted in any other zoning district, or overlay district.

B. SIZE

Electronic Message Centers shall not exceed twenty-five percent (25%) of the total sign area ~~permitted on the site~~ of the sign as approved and constructed.

1161.12.14 ROOF SIGNS

For the purposes of this Ordinance, roof signs shall be considered as attached signs when determining the allowable square foot area and total square foot area of all permitted signs.

1. Height

Roof signs cannot exceed the maximum building height allowable per district.

2. Erection

Requirements for erection of a roof sign are as follows:

- a. No roof sign shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces; however, if the sign is less than twenty (20) square feet, it shall not be erected with the face thereof nearer than one (1) foot to the outside wall toward which the sign faces.
- b. Every roof sign shall be thoroughly secured to the building by iron, or other metal anchors, bolts, supports, rods, or braces. When erected upon buildings that are not constructed of entirely fireproof material, the bearing plates of said sign shall bear directly upon masonry walls and intermediate steel columns in the building. No roof sign shall be supported or anchored to the wooden framework of a building.

1161.12.15 SUBDIVISION ENTRYWAY SIGNAGE

Entrances to residential, commercial or industrial subdivisions may be identified by monument signage. Such signage shall not encroach into the requirements per Chapter 1163.11 Corner Vision Clearance Standards. The sign area shall not exceed seventy (70) square feet in sign area. Signage shall be allowed on both sides of the major entry ways into the subdivision, each being no larger than seventy (70) square feet in sign area.

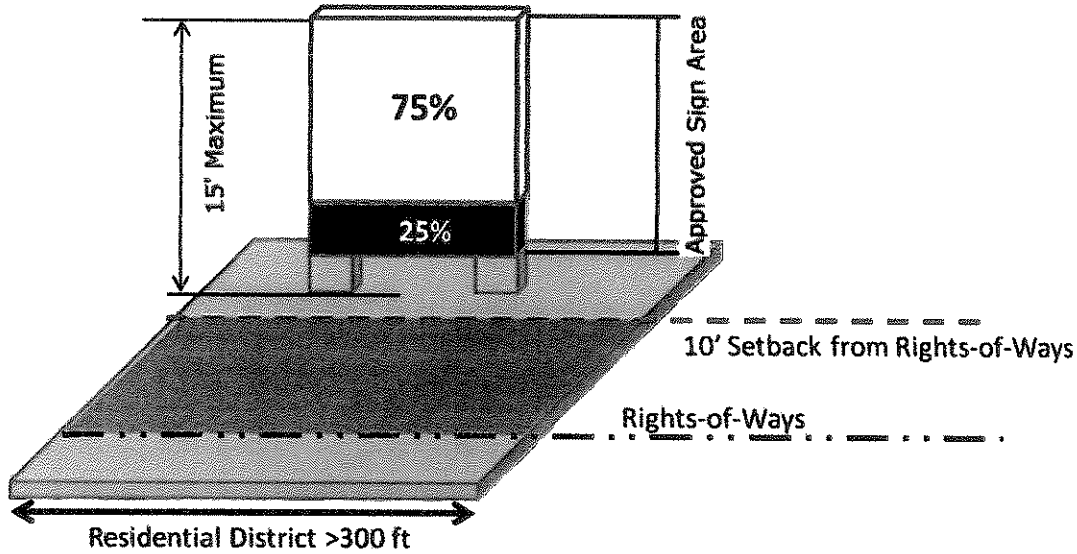


1161.12.13 ELECTRONIC MESSAGE CENTERS

The following requirements shall prevail over Electronic Message Centers, as defined:

A. LOCATION

1. Shall only be placed on conforming accessory signs, or on Interstate High-Rise Signs, where permitted and as defined.
2. Shall not be permitted on any wall or fence.



ELECTRONIC MESSAGE BOARD

C-1, C-2, I-1, I-2 & University Overlay

3. If an Electronic Message Center is erected as part of any freestanding conforming accessory sign, the overall height of the sign structure shall not exceed fifteen feet (15'). Clearance requirements on corner lots shall still apply.
4. Interstate High Rise Signs are exempt from 1161.12.13 (A) (3) and are subject to requirements set forth in 1161.12.11 Interstate High Rise Signs.
5. Electronic Message Centers shall be at least 300 feet from any residential district.
6. Electronic Message Centers shall only be permitted in the C1-Local Business, C2-General Business, University Overlay Districts, I1- Light



R-3 Setback Changes

1123.05 REQUIRED BUILDING SETBACKS

A. FRONT YARD SETBACK

Major & secondary thoroughfares: fifteen feet (15')

All other streets: ten feet (10')

B. SIDE YARD SETBACK

Three feet (3')

C. STREET SIDE YARD SETBACK

Ten feet (10')

D. REAR YARD SETBACK

~~Thirty feet (30')~~ Fifteen percent (15%) of the lot depth or thirty (30) feet, whichever is less.

E. AVERAGE FRONT YARD SETBACK

Available for use on lots not able to comply with requirements herein, yet not to have less than a five foot (5') front yard setback. See CHAPTER 1174 DEFINITIONS.

F. OVERHANGS

Overhangs may not encroach into any setbacks by more than two (2) feet.

1123.06 LOT REQUIREMENTS

A. MINIMUM REQUIRED LOT SIZE

The minimum lot size is 3,500 square feet.

B. MINIMUM REQUIRED LOT FRONTAGE

Thirty five feet (35')

C. MAXIMUM PERCENT OF LOT COVERAGE

1. Maximum:

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

2. Exceptions include:

One accessory building containing fifty (50) square feet or less per site.

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

Example 2: A lot in an R-3 District is 5,000 square feet and has 40% lot coverage (2000 sq. ft). It does not have a garage and owner would like to construct a 600 square foot garage. The owner is limited to 550 square feet before reaching the 50% maximum (2,500 sq. ft). Can the application for

Non-Conformity Replacement

characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. PROPORTION OF NONCONFORMITY

A non-conforming structure may be enlarged or altered provided the new construction complies with the requirements of this Ordinance.

Example: new work may not increase the non-conformity, such as encroachment into the setbacks.

B. NON-REPLACEMENT OF NONCONFORMITY

Should such structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its actual cash value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance. Cash value may be determined by an appraisal or the Hancock County Auditor's value.

C. REPAIR/REPLACEMENT OF NONCONFORMITY

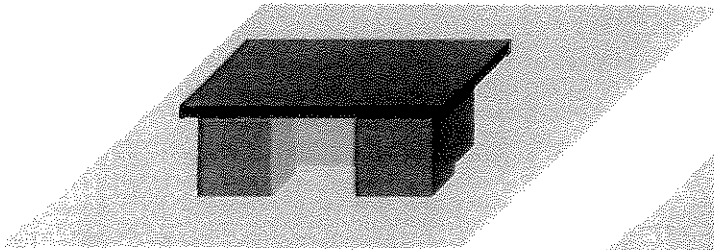
Portions of nonconforming buildings such as porches, attached garages or other appurtenances may be replaced so long as the replacement does not increase the degree of nonconformity of the structure.

D. LOCATION OF NONCONFORMITY

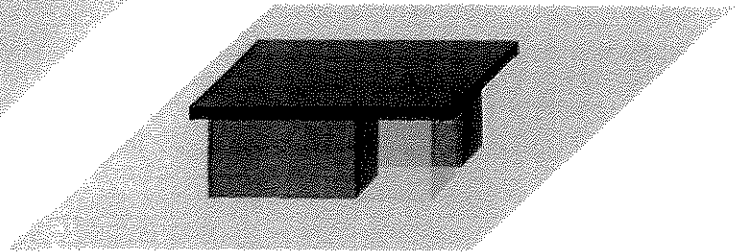
Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is removed. This does not preclude the elevation of structures to comply with the flood damage reduction ordinance.

E. ADDITIONS TO NON-CONFORMING STRUCTURES

Additions to non-conforming structures must meet the applicable set-backs with the following exception: Infill construction as noted below will be permitted.



YES



NO



C-1 Residential

CHAPTER 1133 C-1 LOCAL COMMERCIAL DISTRICT

CHAPTER CONTENTS

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

1133.01 INTENT

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

1133.02 PERMITTED USE - CERTIFICATE REQUIRED

All uses permitted in O-1, except residential uses, are permitted in this district, , in addition to which the following uses are also permitted: Retail Business (except conditions per Chapter 1161.15).

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

Accessory Building Allowances

they are a single lot must combine the parcels with a new legal description and deed at the Hancock County Auditor's Office. Proof of a recorded deed must be provided as part of the application.

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

2. **Maximum Floor Area:** The combined building footprint of all accessory buildings on site shall not exceed ~~eight hundred (800)~~ nine hundred (900) square feet. ~~This does not include the structures exempted in the residential district.~~ One accessory building that is 50 square feet or less shall be exempt from this requirement. In no instance shall any separate accessory building be larger than 900 square feet. All accessory buildings are subject to maximum lot coverage requirements as prescribed in each zoning district. The following stipulations apply to properties without attached garage: ~~Example-The 50 sq. ft. allowable accessory building~~

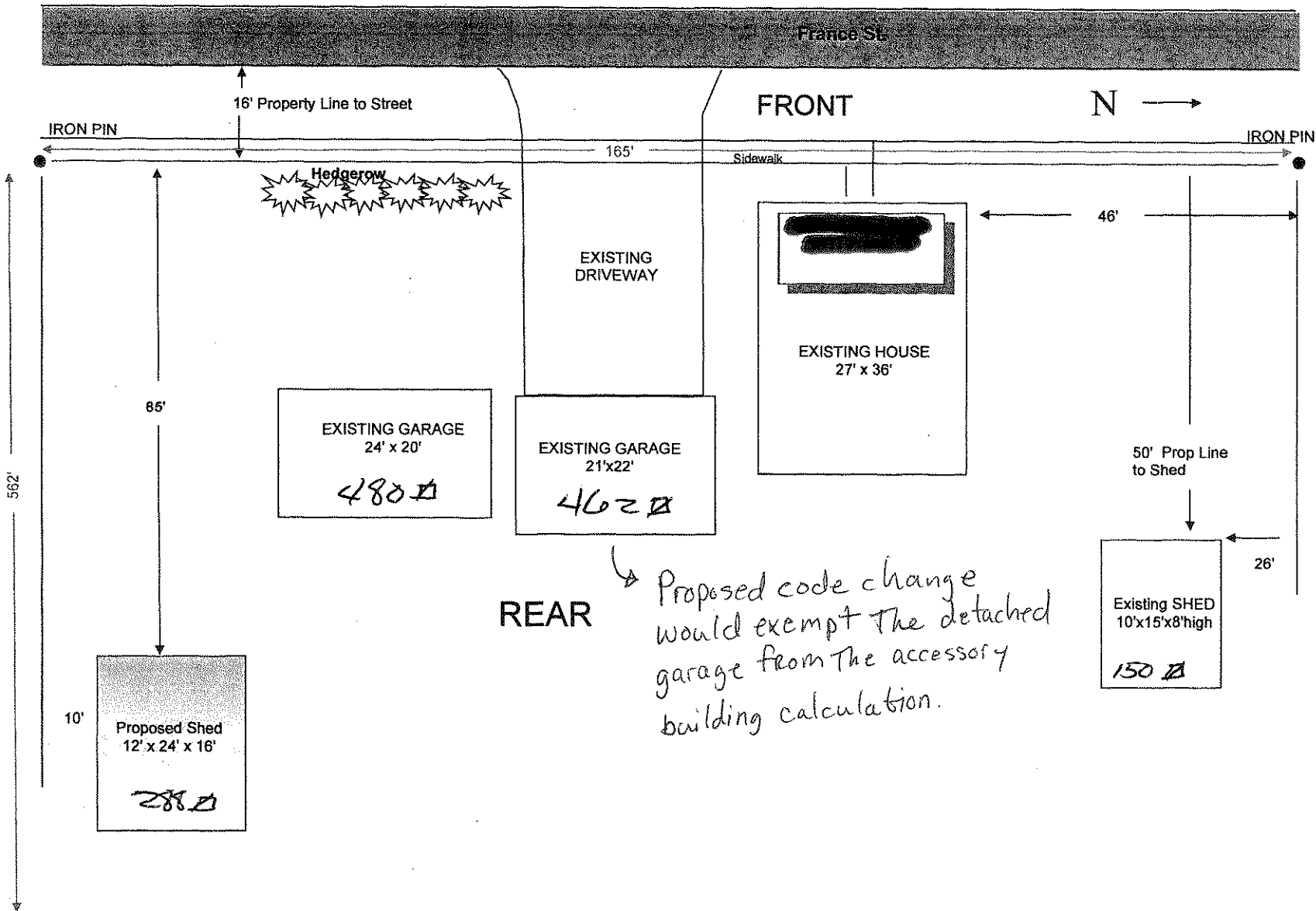
- a. Any detached garage up to 576 square feet shall not count against the total allowable accessory building area. Any detached garage greater than 576 square feet will have that area in excess of 576 square feet deducted from the maximum allowable accessory building area.

- b. An existing primary garage less than 576 square feet can be increased in area so the total building area does not exceed 576 square feet, even if the property contains other accessory buildings that exceed the 900 square foot limit.

3. **Restricted in Front Yard Requirement:** No accessory structure shall be permitted in the required front yard.
4. **Conversions:** Permanently attaching any accessory building to a primary building shall be considered a conversion and shall be subject to all required setbacks for primary structures.

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





Proposed code change would exempt the detached garage from the accessory building calculation.

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

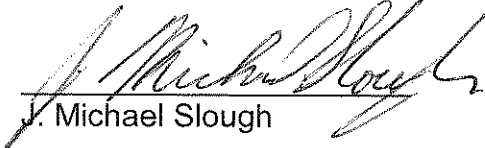
The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Jeanne Wasbro (Wasbro Rental Property, LLC) to rezone 124 and 124 ½ Center Street in the North Findlay Addition from R3 Single Family High Density to M2 Multiple Family High Density.

We recommend APPROVAL OF THE REZONE.

Aye Nay 
W. Jerry Murray, Chairman

Aye Nay 
Grant Russel

Aye Nay ABSENT
William Schedel, Jr.

Aye Nay 
J. Michael Slough

Aye Nay ABSENT
Anne Spence

PLANNING & ZONING COMMITTEE

DATE: September 24, 2013

LEGISLATION _____

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **PLANNING & ZONING COMMITTEE** to whom was referred a request from Wendy McCormick to rezone 1806, 1810, 1822, and 1849 Payne Avenue in the Thorpe and Andrews (West Park) Addition from R2 Single Family Medium Density to R3 Single Family ~~High-Density~~.

We recommend APPROVAL OF THE RE-ZONING

Aye Nay W. Jerry Murray
W. Jerry Murray, Chairman

Aye Nay Grant Russel
Grant Russel

Aye Nay ABSENT
William Schedel, Jr.

Aye Nay J. Michael Slough
J. Michael Slough

Aye Nay ABSENT
Anne Spence

PLANNING & ZONING COMMITTEE

DATE: September 24, 2013

LEGISLATION _____

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The PLANNING & ZONING COMMITTEE to whom was referred a request to discuss amendments to the Findlay Zoning Code.

We recommend:

APPROVAL OF ITEMS 2-6 WITH THE FOLLOWING ADJUSTMENTS:

- 1. ELECTRONIC MESSAGE CENTER - 1161.12.13 - B.
ELECTRONIC MESSAGE CENTERS SHALL NOT EXCEED TWENTY FIVE PERCENT (25%) OF THE TOTAL SIGN AREA AS APPROVED AND CONSTRUCTED.
- 2. ACCESSORY BUILDING ALLOWANCES - PAGE 138.2.A.
ANY DETACHED GARAGE UP TO 576 SQUARE FEET SHALL NOT COUNT AGAINST THE TOTAL ALLOWABLE ACCESSORY BUILDING AREA. ANY DETACHED GARAGE

Aye Nay W. Jerry Murray, Chairman

Aye Nay Grant Russel

Aye Nay ABSENT
William Schedel, Jr.

Aye Nay J. Michael Slough

Aye Nay ABSENT
Anne Spence

GREATER THAN 576 SQUARE FEET WILL HAVE THAT AREA IN EXCESS OF 576 SQUARE FEET DEDUCTED FROM THE MAXIMUM ALLOWABLE ACCESSORY BUILDING AREA.
PLANNING & ZONING COMMITTEE

DATE: September 24, 2013

LEGISLATION _____

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to discuss Community Reinvestment Areas #1 and #2.

We recommend APPROVAL OF THE PRESENTED PLAN AND THAT THE PLAN BE REFERRED TO CITY COUNCIL AT THE NEXT COUNCIL MEETING FOR APPROVAL.

Aye Nay

W. Jerry Murray
W. Jerry Murray, Chairman

Aye Nay

Grant Russel
Grant Russel

Aye Nay

ABSENT
William Schedel, Jr.

Aye Nay

J. Michael Slough
J. Michael Slough

Aye Nay

ABSENT
Anne Spence

PLANNING & ZONING COMMITTEE

DATE: September 24, 2013

LEGISLATION _____

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

OCTOBER 1, 2013

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, OCTOBER 1, 2013 MEETING.

RESOLUTIONS

- 040-2013 A RESOLUTION COMMENDING THE HANCOCK COUNTY SPECIAL OLYMPICS BUCKEYES VOLLEYBALL TEAM IN CAPTURING THE BRONZE MEDAL AT THE JUNE 2013 STATE SUMMER GAMES, AND THE HANCOCK COUNTY SPECIAL OLYMPICS TRADITIONAL SOFTBALL TEAM FOR PLACING THIRD AT THE SEPTEMBER 2013 STATE SPECIAL OLYMPICS SOFTBALL TOURNAMENT.
- 041-2013 A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS AND DECLARING AN EMERGENCY.
- 042-2013 A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

ORDINANCES

- 2013-067 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 CENTER STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "M2 MULTIPLE FAMILY HIGH DENSITY.
- 2013-068 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 PAYNE AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY MEDIUM DENSITY" TO "R3 SINGLE FAMILY HIGH DENSITY.
- 2013-069 AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

RESOLUTION NO. 040-2013

A RESOLUTION COMMENDING THE HANCOCK COUNTY SPECIAL OLYMPICS BUCKEYES VOLLEYBALL TEAM IN CAPTURING THE BRONZE MEDAL AT THE JUNE 2013 STATE SUMMER GAMES, AND THE HANCOCK COUNTY SPECIAL OLYMPICS TRADITIONAL SOFTBALL TEAM FOR PLACING THIRD AT THE SEPTEMBER 2013 STATE SPECIAL OLYMPICS SOFTBALL TOURNAMENT.

WHEREAS, the Hancock County Special Olympics Buckeyes Volleyball Team, which consists of players and coaches throughout Hancock County, completed an impressive first season with 6-2 record, and;

WHEREAS, the Hancock County Special Olympics Buckeyes Volleyball Team won the area tournament in Napoleon, Ohio qualifying them for the state competition held in Columbus, OH. The Hancock County Buckeyes lost to Franklin County in the semi-finals, but went on to beat Crawford County in a consolation match, placing third overall.

WHEREAS, the Hancock County Special Olympics Traditional Softball Team, consisting of players and coaches throughout Hancock County, completed another outstanding season with a 2-1 record, and;

WHEREAS, the Hancock County Special Olympics Traditional Softball Team won the West Sectional Softball tournament held at the Marathon Diamonds in Findlay, Ohio qualifying them for the state tournament held at the Coontz Recreation Center in Oregon, Ohio where they finished third overall.

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

SECTION 1: That the following athletes are hereby recognized and commended for their successful Special Olympics Buckeyes volleyball season for Hancock County, Ohio:

Rodney Brown, Joe DiCesare, Billie Joe Emmons, Samantha Forwalder, Donald Gatchell, Stephanie Johnson, Rachel Menz, Chad Pickens, Brandon Snay, and Rodney Sterling.

SECTION 2: That Coaches Vincent Windau, Lauren Williams, David Baum, and Melissa Forwalder are hereby commended for their unselfish service in coaching these players during their successful volleyball season.

SECTION 3: That the following athletes are hereby recognized and commended for their successful Special Olympics Traditional softball season for Hancock County, Ohio:

Michael Brooks, Rodney Brown, Chris Clapper, Samantha Cramer, Billie Joe Emmons, Samantha Forwalder, Danika Henley, Corey Jones, Tyler Lydick, John McCarley, Paul McCarley, Rachel Menz, Kayleigh Oman, Chad Pickens, Brandon Snay, Cody Stahl, Cole Stephens, and Brian Wilkinson.

SECTION 4: That Coaches and volunteers Samantha Hanna, Jon Hanna, Natash Hibbard, Mike Kirkland, Bianca Patton, David Forwalder, and Melissa Forwalder are hereby commended for their unselfish service in coaching these players during their successful volleyball season.

SECTION 5: 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 _____

RESOLUTION NO. 041-2013

A RESOLUTION TRANSFERRING FUNDS WITHIN APPROPRIATED FUNDS AND DECLARING AN EMERGENCY.

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

SECTION 1: That the Auditor is authorized to appropriate the following sums and to transfer said sums to the following accounts and/or projects:

FROM:	Engineering Department #21021000-personal services	\$ 15,000.00
TO:	Engineering Department #21021000-other	\$ 15,000.00

SECTION 2: This Resolution 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 make said transfer so that services rendered in the Engineering Department may be paid.

WHEREFORE, this Resolution 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 _____

RESOLUTION NO. 042-2013

A RESOLUTION APPROVING THE EXPENDITURES MADE BY THE AUDITORS OFFICE ON THE ATTACHED LIST OF VOUCHERS WHICH EITHER EXCEED THE PURCHASE ORDER OR WERE INCURRED WITHOUT A PURCHASE ORDER EXCEEDING THE STATUTORY LIMIT OF THREE THOUSAND DOLLARS (\$3000.00) ALL IN ACCORDANCE WITH OHIO REVISED CODE 5705.41(D).

WHEREAS, Ohio Revised Code 5705.41(D) provides that if expenditures are incurred by a municipality without a purchase order, within thirty (30) days, the municipality must approve said expenditures.

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

SECTION 1: That the expenditures set forth on the attached list identified as "Exhibit A" which are identified by the appropriate voucher on previously appropriated funds be and the same are hereby approved, all in accordance with Ohio Revised Code 5705.41(D)

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 _____

OVER PURCHASE ORDER/NO PURCHASE ORDER- COUNCIL AUTHORIZATION

VENDOR	VOUCHER	ACCOUNT	DEPARTMENT NAME	AMOUNT	REASON FOR EXPENSE	WHY
GARY C JOHNSON & ASSOCIATES LLC	117746	21005000- 441402	LAW DIRECTOR	4989.00	PROFESSIONAL SERVICES – REPRESENTING THE CITY OF FINDLAY	NO PURCHASE ORDER – PRIOR PURCHASE ORDER WAS OUT OF FUNDS.

ORDINANCE NO. 2013-067

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 CENTER STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY" TO "M2 MULTIPLE FAMILY HIGH DENSITY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That the following described property:

Situated in the City of Findlay, County of Hancock, State of Ohio:

Being Lot 959 in the North Findlay Addition to the City of Findlay, Ohio.

SECTION 2: That said property above described herein be and the same is hereby rezoned from R3 Single Family High Density to M2 Multiple Family High Density.

SECTION 3: That from and after the effective date of this ordinance, said property above described herein shall be subject to M2 Multiple Family High Density regulations.

SECTION 4: 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. 2013-068

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 PAYNE AVENUE REZONE) WHICH PREVIOUSLY WAS ZONED "R2 SINGLE FAMILY MEDIUM DENSITY" TO "R3 SINGLE FAMILY HIGH DENSITY.

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio:

SECTION 1: That the following described property:

Situated in the City of Findlay, County of Hancock, State of Ohio:

Being Lot 1 except the west ten feet (10') and Lot 2 in Block 17 together with Lots 21, 22, 23 and 24 in Block 15 of the Thorpe and Andrews (West Park) Addition to the City of Findlay, Ohio.

SECTION 2: That said property above described herein be and the same is hereby rezoned from R2 Single Family Medium Density to R3 Single Family High Density.

SECTION 3: That from and after the effective date of this ordinance, said property above described herein shall be subject to R3 Single Family High Density regulations.

SECTION 4: 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. 2013-069

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	\$ 230,000.00
TO: 2013 Sanitary Sewer Lining <i>Project #35630300</i>	\$ 230,000.00
FROM: General Fund (Insurance Proceeds)	\$ 13,343.21
TO: Police Department <i>#21012000-other</i>	\$ 13,343.21
FROM: Self Insurance Fund	\$ 8,000.00
TO: Self Insurance <i>#26066000-other</i>	\$ 8,000.00

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 construction on said project may begin, so that reimbursement for repairs to a police cruiser resulting from an accident may be utilized, and so that costs associated with the 2013-2014 insurance audit 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 _____

**FINDLAY CITY COUNCIL
CARRY-OVER LEGISLATION
October 1, 2013**

2013-063
I-75 widening project – transfer land to ODOT

Second reading

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE DEEDS TRANSFERRING 1.527 ACRES OF LAND TO THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE FINDLAY I-75 CORRIDOR WIDENING PROJECT AND DECLARING AN EMERGENCY.