

Below is a list of the proposed changes to the zoning code. The document received a 5-0 vote to recommend approval to City Council. (July PC meeting)

The Planning and Zoning Committee voted 4-0 to recommend approval. (August 10<sup>th</sup>, 2023 meeting.

**RED = Addition to Code**

**BLACK=language removed, the strikeout has been removed from the code, for final adopted format.**

## **SUMMARY of PROPOSED ZONING CODE CHANGES** *August 2023*

- **Pg. 33, Roberts Rules of Order**
  - Remove reference to this in the code. Attorney suggested that it is a liability that we make a small misstep that could cost the city in court.
  - Recommends having it in a Policy Document for Planning Commission
  
- **Pg. 34, Planning Commission Public Notice**
  - Increased the area that is sent a letter for Planning Commission. Increased distance from 250 feet to 500 feet.
  
- **Pg. 34, City Council Signage for Rezoning**
  - A sign indicating that the property is being considered for rezoning by City Council shall be placed on the property from the 1<sup>st</sup> reading through the 3<sup>rd</sup> reading.
  
- **Pg. 34-36 Order of Business, Burden of Proof, PC Actions**
  - Remove the Order of Business section, is a liability, recommends it be in a policy booklet.
  - Remove Burden of Proof as that is inherent in the ORC.
  - Remove PC Actions, refer to the ORC, the ORC may change over time, more effective to stay up to date.
  - Added statement that references the powers identified in chapter 713 of the ORC
  
- **Pg. 42 BZA Public Notice**
  - Post a sign for BZA cases similar to PC. This does not require a mailing to properties located within 250 feet.
  
- **Pg. 42 Granting of Variance**
  - Added the 7 basic criteria for a variance as set by the Ohio Supreme Court.

- **Pg. 44, 45 Establishment of districts.**
  - Added A-1, I-3, PUD                      Removed PMUD, PRD
  
- **Pg. 48,49 A-1 Agriculture**
  - Proposal to add an A-1 Agriculture zoning district. If the City were to annex agricultural land this classification will reassure property owners that they may continue to use the property as agricultural. It will also be an ideal placeholder zoning classification while land is waiting for long term development.
  
- **Pg. 50,52,54,57,59,61,65,67,70,74,104 Borrow Pits**
  - Remove borrow pits from all zoning classifications.
  
- **Pg. 59, 61 M-1 and M-2 Infill Height and Setbacks**
  - Added a statement about average front yard setbacks
  - Added infill height limitations – 40 feet.
  
- **Pg. 69 C-1 Commercial Uses**
  - Removed uses that are considered too intense for the C-1 district.
  
- **Electric Charging Stations**
  - Added charging stations to the C-2, O-1, C-1, C-3, M-1, M-2 district as a conditional use.
  
- **Pg. 74 C-3 Downtown Commercial**
  - Removed shopping malls from permitted uses.
  
- **Pg. 81 Design Review Maintenance Requirements**
  - Allows the administrator to determine if a complaint is valid before the item is heard by the board. It is removing a clunky step in the process.
  
- **Pg. 103 I-1 Light Industrial**
  - Removed a reference to the NAICS Code in the intent of the district.
  
- **Pg. 102,103 Conditional Use in I-1**
  - Moved transfer station and recycling center from a permitted use to conditional use. These uses can create a lot of debris, smell, wanted to have PC input before approval.
  
- **Pg. 106,107 I-3 Large Scale Development**
  - Proposal to add an I-1 Large Scale Industrial zoning district. The purpose of this district is to allow for alternative energy sources such as wind turbines.

Alternative energy generation is to serve a specific building or use, not intended for general electrical grid usage. Not intended to permit large scale solar or wind farms that generate electricity for the grid.

- Removed I-2 uses from the I-3 district. I-2 uses can be very intense did not want to pyramid them into I-3.
- **Pg. 109 to 118 PUD – Traditional**
  - Each PUD is considered a separate and unique zoning district.
    - Plan and zoning text depicting the specific development standards is adopted simultaneously with the amendment to the zoning map.
    - PC – P&Z – City Council
  - Final Development Plan = Site Plan
    - PC Only
  - Provide flexibility that standard zoning districts do not allow.
  - Allow for a mix of land uses otherwise not permitted within standard zoning.
  - Combine the process of rezoning and plan review.
  - Allows negotiation between the City and Developer. City can require or negotiate the terms of the rezoning as part of the PUD process.
  - This ordinance can be used for any combination of uses. Residential/Commercial, Commercial/Industrial, Multi-Family/Commercial/Industrial etc.
- **Removal of PRD and PMUD**
  - These variations of a PUD were adopted in 2011. To date no property owner has pursued these zoning classifications. Upon review, staff determined that it would be beneficial to replace these with a traditional PUD.
- **Pg. 130 to 135 Alternative Energy**
  - Reworked wind turbine ordinance and solar power ordinance.
    - The rewrite would allow wind turbines as a permitted use in the I-3 district. The combination would permit wind turbines that service single users while not allowing wind farms.
  - Created a new chapter, 1156 for these two items, moved from the development standards section.
  - Added standards for building mounted on a pitched roof, cannot exceed the pitch of the roof by more than 5%
  - Added standards for flat roof installation, panels can be installed at any angle, must be screened from ground level view
- Pg. 136 added Saunas to permitted accessory structures in residential districts.
- **Pg. 138 Accessory Uses in Residential**
  - Added a requirement for accessory structures that are used for storing or parking vehicles. The access to the building must be paved from property line to structure.

- **Pg. 146 Commercial Roof Top Mechanical Equipment.**
  - Shall be screened from ground level.
  
- **Pg. 165 Outdoor Storage in Commercial and Industrial**
  - Outdoor storage is a conditional use. Statement made for clarification because of changes to the conditional use section.
  
- **Pg. 167 Parking Standards – Off Alley Access**
  - Requires drives and parking areas used to access accessory buildings or detached garages to have paved access from the alley. Applicable in all zoning districts.
  
- **Pg. 169 Parking in R-1 to R4 Districts**
  - Prohibits the parking of semi-trucks, taxi cabs, and garbage hauling/scraping vehicles.
  
- **Pg. 170 Parking M-1 and M-2**
  - Clarifies the setback of parking lots.
  - Prohibits the parking of semi-trucks, taxi cabs, and garbage hauling/scraping vehicles.
  
- **Pg. 173 Utility Trailers in Office, Commercial, and Industrial**
  - Requires utility trailer to be parked or stored more than 30’ from the right-a-way, or within ten feet of the primary building.
  - Must be parked on a hard surface and registered to that address.
  - Purpose is to reduce the use of trailers used as signage, these trailers are often used as a way to circumvent the signage rules.
  
- **Pg. 178 to 196 Sign Code Update**
  - Removed a repetitive corner vision clearance statement.
  - Removed previously included wall sign standard. Keeping the code the same.
  - Removed pylon signs as a sign option, all future signage is required to be ground signage with a maximum height of 8 ft.
    - This is done for aesthetic reasons.
  - C-3 Wall Signs
    - Added wall sign size restrictions for the C-3 Downtown zoning district. These size restrictions fall in line with the downtown design review district.
    - Wall sign size is based upon the frontage of the building.
  - Electronic Message Boards
    - Limits electronic signage to 25% of the total constructed sign.
    - Done for aesthetic purposes.
  - Temporary Banners

- Restricts use of banners to 30 day period, not more than 3 permits per year.
    - Done for aesthetic purposes, Banners are sometimes used as in place of a permanent sign.
  - Billboards
    - Added language to limit the construction of new billboards and the conversion of traditional billboards to electronic billboards.
    - The key change is the required distance between billboards which was increased to 2,500 feet.
  - Nonconforming Signs
    - Created criteria for when a sign loses its nonconforming designation.
    - Purpose is to slowly reduce the number of pylon signs within the city.
    - After December 31, 2033, the replacement of the sign face or any other change constitutes a loss of the nonconforming status and must be brought into code compliance.
- **Alternative Energy**
  - Deleted this section. Now located at 1156
- **Pg. 201 - 203 Conditional Uses**
  - Deleted all the conditional use standards that the code use to outline for certain uses. The listing of specific criteria was sometimes was in conflict with Planning Commission decisions, where outdated, or were not pertinent to a use at a specific site.
  - Conditional uses shall be reviewed based upon the 7 criteria set forth by the Ohio Supreme Court.
- **Pg. 212,213 Swimming Pool Fence**
  - Increased required fence size from 42 to 48 inches, to be in line with industry standards.
  - Allows pools with complying safety covers to forgo fencing.
- **Pg. 226 Good Standing Clause**
  - More clearly states that the good standing clause pertains to a single parcel, not to any parcel with the same owner.
  - Outlines the appeal process.
- **Definitions Added**
  - 235, Agriculture, Agriculture Activity or Farm
  - 237, Blade Length, Blade Radius (WECS)
  - 237, Bed and Breakfast
  - 257, Short Term Rental
  - 259, Solar Energy System, Accessory, Principal, Large, Medium

- 261, Total System Height
- 261, Transient Guest
- 262, Wind Energy Conversion System (WECS)
- 263-269 Exhibits – drawings to help with interpretation

**CITY OF FINDLAY  
ZONING ORDINANCE**

**Hancock County, Ohio**



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**CHAPTER 1101**  
**General**

- 1101.01 Authority.**
- 1101.02 Purpose.**
- 1101.03 Scope.**
- 1101.04 Validity.**
- 1101.05 Interpretation of Standards.**
- 1101.06 Construction of Language.**
- 1101.07 Uses.**
- 1101.08 Prohibition.**
- 1101.09 Voting Place.**

**1101.01 AUTHORITY.**

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

**1101.02 PURPOSE.**

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

**1101.03 SCOPE.**

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

**1101.04 VALIDITY.**

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

**1101.05 INTERPRETATION OF STANDARDS.**

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

**1101.06 CONSTRUCTION OF LANGUAGE.**

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

**A. Particular vs General**

The particular shall control the general.

**B. Text vs Illustration**

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

**C. “Shall”**

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

**D. “May”**

The word "may" is permissive.

**E. Tense and Number**

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

**F. “Building” or “Structure”**

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

**G. “Used for”**

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

**H. “Person”**

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

**I. “And”, “or”, “either...or”**

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

1. “And”

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

2. "Or"

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

3. “Either...or”

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

**J. Undefined**

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

**1101.07 USES.**

**A. Public Utilities**

The location, erection, construction, change, alteration, maintenance, reconstruction, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility herein defined shall be permitted in all districts established by this Ordinance except in platted subdivisions with lots less than five (5) acres whether residential or commercial. A

Compliance Certificate, but no fee therefore, shall be required for any building or structure or for the use of land essential to the operations of a public utility or railroad and such buildings, structures, or use shall comply with all requirements of this Ordinance.

**B. Essential Services**

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

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

**1101.08 PROHIBITION.**

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure, or part thereof, except in conformity with the provisions of this Ordinance. If any building, structure or use is not expressly permitted or conditionally permitted by this Ordinance, it is expressly prohibited.

**1101.09 VOTING PLACE.**

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

## **CHAPTER 1105 General Provisions**

**1105.01 Title.**

**1105.02 Purpose.**

**1105.03 Definitions.**

**1105.04 Jurisdiction.**

**1105.05 Interpretation.**

### **CROSS REFERENCES**

Rules of construction generally - see ADM. Ch. 101

Statutory definitions - see Ohio R.C. 711.001

### **1105.01 TITLE.**

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of the City of Findlay, Ohio" and shall hereinafter be referred to as "these regulations."

(Ord. 1992-41. Passed 9-15-92.)

### **1105.02 PURPOSE.**

The purposes of these regulations are to provide for the orderly growth and harmonious development of the City; to secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewage disposal, and other health requirements; to secure adequate provisions for recreational areas, school sites and other public facilities; and to provide logical procedures for the achievement of these purposes.

(Ord. 1992-41. Passed 9-15-92.)

### **1105.03 DEFINITIONS.**

For the purpose of these regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Alley" means a dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.
  
- (b) "Block" means that property abutting one side of a street and lying between the two nearest intersecting streets or between the nearest such street and railroad right of way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.
  
- (c) "Comprehensive Land Use Plan" means a plan, or any portion thereof, adopted by the City Planning Commission or the Hancock Regional Planning Commission showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of the community.

- (d) "Commission" means the City of Findlay Planning Commission.
- (e) " Dwelling unit" means a building or portion thereof designed for occupancy by one family for residential purposes and having cooking and sanitary facilities.
- (f) "Easement" means a specific area of land over which a liberty, privilege or advantage is granted by the owner to the public, a corporation or some particular person or part of the public for specific uses and purposes, and which shall be designated a "public" or "private" easement, depending upon the nature of the user.
- (g) "Engineer" means any person registered to practice professional engineering by the State Board of Registration as specified in Ohio R.C. 4733.14. (Ord. 1992-41. Passed 9-15-92.)
- (h) "Flag lot" means a lot so shaped that the majority of the lot area is connected to a public roadway by a narrow strip of land. A typical flag lot configuration is one that would resemble a flag and pole. (Ord. 1995-49. Passed 6-20-95.)
- (i) "Improvements" means street pavement or resurfacing, curbs, gutters, sanitary sewage collection, sidewalks, water lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of land into building sites.
- (j) "Lot" means, for the purposes of these regulations, a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
  - (1) A single lot of record;
  - (2) A portion of a lot of record;
  - (3) One or more complete lots of record, complete lots of record and portions of lots of record, or portions of lots of record.
- (k) "Minor subdivision" means a division of a parcel of land that does not require a plat to be approved by a planning authority according to Ohio R.C. 711.131. Also known as "lot split".
- (l) "Performance bond" or "surety bond" means an agreement by a subdivider or developer to Council or their designated agent, in the amount of the estimated construction cost, as estimated by the project engineer in his official estimate, assuring the completion of certain physical improvements according to approved plans and specifications, and within the time prescribed by the subdivider's guarantee.
- (m) "Plat" means a map or drawing of a subdivision of land.
  - (1) "Preliminary plat" means a map showing all requisite details of a proposed subdivision submitted to the Commission for purposes of preliminary consideration, prepared in conformance with these regulations.

- (2) "Final plat" means a map of all or part of a subdivision providing substantial conformance to the approved preliminary plat of the subdivision, prepared in conformance with the requirements of these regulations and suitable for recording by the County Recorder.
- (n) "Public utility" means any individual, firm, association, syndicate, corporation, partnership, municipal department, board or commission, duly authorized to furnish and furnishing under governmental regulations, to the public: facilities, products or services, such as gas, steam, electricity, sewage and storm water disposal, communication, telegraph, transportation, potable water, etc.
- (o) "Public walkway" means a right of way dedicated for the purpose of pedestrian access through residential areas, and located so as to connect to two or more streets, or a street and a public land parcel.
- (p) "Setback line" means a line established by the Subdivision Regulations or Zoning Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings, or structure may be located above ground, except as may be provided in these Codes.
- (q) "Street" means any street, avenue, boulevard, road, lane, parkway, viaduct or other way which is an existing state, county, township or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Recorder. A Street includes the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns.
- (1) "Boulevard Street" means a street developed into two multi-lane, one-way pavements, separated by a median.
- (2) "Cul-de-sac Street" means a minor street of short length, having one end open to traffic and being permanently terminated at the other end by a turn-around.
- (3) "Major thoroughfare" means an arterial street of extended continuity which is intended to serve as a large volume traffic way for both the immediate area and region beyond, and is designated on the Findlay Thoroughfare Plan as a major thoroughfare.
- (4) "Marginal Access Street" means a minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.
- (5) "Minor street" means a street of limited continuity used primarily for access to abutting properties.
- (6) "Secondary thoroughfare" means a street used primarily to carry traffic from minor streets to major thoroughfares, and is designated on the Findlay Thoroughfare Plan as a secondary thoroughfare.  
(Ord. 1996-117. Passed 1-7-97.)

- (7) "Turn-around" means a short boulevard street permanently terminated by a vehicular turn-around.
- (r) "Subdivider" means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.
- (s) "Subdivision" means:
- (1) The division of any parcel of land shown as a unit or as contiguous units on the tax roll next preceding January 15, 1963, the date of adoption of the City's original Subdivision Regulations, into two or more parcels, sites or lots, any one of which is five acres or less in area, for the purpose, whether immediate or future, of transfer of ownership, providing, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
  - (2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open space for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (See "minor subdivision").
- (t) "Surveyor" means any person registered to practice surveying by the State Board of Registration as specified in Ohio R.C. 4733.14.
- (u) "Thoroughfare Plan" means the part of the Comprehensive Land Use Plan which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.
- (v) "Variance" means a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest, and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- (w) "Vicinity Map" means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments, landmarks, community facilities, watersheds and services within and adjacent to the City in order to better locate and orient the area in question.  
(Ord. 1992-41. Passed 9-15-92.)

- (x) "Subdivision Regulations" or "these regulations" means Ordinance 1992-41, passed September 15, 1992, which is codified as Title One of this Part Eleven - Planning and Zoning Code.

#### **1105.04 JURISDICTION.**

- (a) These regulations shall be applicable to all subdivisions hereafter made of lands located within the City, and lands lying within three miles of the corporate limits of the City. These regulations shall be administered by the City Planning Commission.
- (b) For unincorporated areas lying within three miles of the City corporate limits, all plats shall be approved by the Hancock Regional Planning Commission and the City Planning Commission prior to being recorded by the Hancock County Recorder.
- (c) The approvals required under the provisions of these regulations shall be obtained prior to the installation of any subdivision or project improvements within the jurisdiction of these regulations in public streets, public rights of way and public easements, or under the ultimate jurisdiction of the City or Hancock County. All subdivision or project improvements within the jurisdiction of these regulations installed in such public spaces shall comply with all of the provisions and requirements of these regulations or any other related ordinances.  
(Ord. 1992-41. Passed 9-15-92.)

#### **1105.05 INTERPRETATION.**

The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety and general welfare and to improve, protect and preserve the environment of the City and its surrounding area. These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or laws of the City, nor conflict with any laws of the State. However, unless otherwise noted herein, these regulations shall prevail in cases where they impose a greater restriction than is provided by existing laws or regulations.  
(Ord. 1992-41. Passed 9-15-92.)

**CHAPTER 1107**  
**Administration and Enforcement**

**1107.01 Variances.**

**1107.02 Appeals.**

**1107.03 Review fees.**

**1107.99 Penalty**

**CROSS REFERENCES**

Unlawful transfer of plats - see Ohio R.C. 711.13, 711.15

Violations of rules and regulations - see Ohio R.C. 711.102

**1107.01 VARIANCES.**

The following regulations shall govern the granting of variances:

(a) Where the City Planning Commission finds that undue and unnecessary hardship may result from strict compliance with these regulations, it may grant a variance as defined in Section 1105.03(v). Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the Comprehensive Plan, or any zoning regulation that may apply to the property.

(Ord. 1995-49. Passed 6-20-95.)

(b) In granting variances or modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

(Ord. 1992-41. Passed 9-15-92.)

**1107.02 APPEALS.**

Any person who believes he has been aggrieved by these regulations or the action of the City Planning Commission, has the rights of appeal set forth in Ohio R.C. Chapter 711 or any other applicable section of the Ohio Revised Code.

(Ord. 1992-41. Passed 9-15-92.)

**1107.03 REVIEW FEES.**

Council shall establish a schedule of fees, charges and expenses, and a collection procedure for same, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Mayor, and may be altered or amended only by Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. 1992-41. Passed 9-15-92.)

**1107.99 PENALTY.**

(a) Whoever violates any rule or regulation adopted by Council for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the City or any resident thereof. Whoever violates any provision of these regulations shall forfeit and pay not less than one hundred dollars

(\$100.00) nor more than one thousand dollars (\$1,000). Such sum may be recovered with costs in a civil action in the Municipal Court of the City. Each day that a violation is permitted to exist shall constitute a separate violation.

(b) Whenever the owner or agent or the owner of any land within the jurisdiction of these regulations transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, he shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. (Ord. 1992-41. Passed 9-15-92.)

**CHAPTER 1109**  
**Procedure for Plat Approval**

- 1109.01 Initial plat investigation.**
- 1109.02 Preliminary plat required.**
- 1109.03 Final plat required.**
- 1109.04 Minor subdivisions.**
- 1109.05 Subdivisions involving private streets.**

**CROSS REFERENCES**

- Plat and subdivision defined - see Ohio R.C. 711.001; P.& Z. 1105.03
- Plat and contents - see Ohio R.C. 711.01 et seq.
- Plat approval - see Ohio R.C. 711.09
- Approval without plat - see Ohio R.C. 711.131

**1109.01 INITIAL PLAT INVESTIGATION.**

The subdivider shall meet with the Planning Commission or its designated representative prior to submitting the preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to attempt to familiarize the subdivider with the laws, regulations and plans as exemplified by the Comprehensive Plan, the Thoroughfare Plan, the Parks and Recreation Plan, applicable zoning standards, and the drainage, sewerage and water systems for the City and State.  
(Ord. 1992-41. Passed 9-15-92.)

**1109.02 PRELIMINARY PLAT REQUIRED.**

- (a) After the initial plat investigation, the subdivider shall submit a preliminary plat of the proposed subdivision which shall conform to the requirements set forth in this section. The preliminary plat shall be prepared by an engineer or surveyor.
- (b) Filing.
  - 1. Ten copies of the preliminary plat of the proposed subdivision together with written application in triplicate, shall be submitted to the Planning Commission.  
(Ord. 1992-41. Passed 9-15-92.)
  - 2. Submittal with the Commission shall be at least twenty-one days prior to the next regular Commission meeting, which meeting date shall be considered the date of filing, at which the subdivider or its agent will be scheduled to appear. Should any of the data required in this section be omitted, the Commission staff shall notify the subdivider of the additional data required and Commission action shall be delayed until the required data is received.  
(Ord. 1997-105. Passed 9-16-97.)
  - 3. The meeting date of the Commission after receipt of the required data shall be the date of filing. The Commission shall act on the preliminary plat within thirty days of the date of filing unless the subdivider agrees to an extension of time in writing.
- (c) Identification and description. The preliminary plat shall include:
  - 1. Proposed name of subdivision.

2. Location by section, town and range, or by other legal description.
  3. Names and addresses of the subdivider, owner and the planner, designer, engineer or surveyor who designed the subdivision layout. The subdivider shall also indicate his interest in the land.
  4. Scale of plat, one inch equals 100 feet as minimum acceptable scale, and shall be presented on one or more sheets of twenty-four inches by thirty-six inches in size.
  5. Date and north point.
- (d) Existing conditions. The preliminary plat shall include:
1. A vicinity map at a scale of not less than one inch equals 1,000 feet shall be provided showing the relationship of the subdivision to its surroundings within one-half mile.
  2. Boundary line of proposed subdivision, section or corporation lines within or adjacent to the tract and overall property dimensions.
  3. Names of all adjacent subdivisions, owners of adjoining parcels of unsubdivided land and the location of their boundary lines.
  4. Location, widths and names of existing or prior platted streets and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
  5. Location of existing sewers, water mains, storm drains, pipelines and other underground facilities within and adjacent to the tract being proposed for subdivision.
  6. The shape of the land shown as contours with an interval of not more than two feet. Topography is to be based on the most recent N.G.S. datum.
  7. For subdivisions involving five acres or more, or fifty or more lots, and lying within a flood hazard area as identified by the flood hazard boundary map for the City, base flood elevation data shall be provided. Base flood elevations shall indicate the anticipated high water level during a flood having a frequency rate of one percent (1%) (a "one hundred year flood").
- (e) Proposed conditions. The preliminary plat shall include:
1. Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets and also the widths and location of easements and public walkways.
  2. Layout, numbers and approximate dimensions of lots, including building setback lines showing dimensions.
  3. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.
  4. An indication of the ownership, and existing and proposed use of any parcels identified as "accepted" on the preliminary plat. If the subdivider has an interest in or owns any parcel so identified as "accepted", the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.
  5. An indication of the proposed systems for water supply, sewage disposal and storm drainage and control of soil erosion and sedimentation according to standards established by Council, the Board of Health, the City Engineer, the

Hancock County Board of Commissioners, the Hancock County Board of Health or the County Engineer, depending upon the bodies maintaining jurisdiction.

6. In the case where the subdivider wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the subdivider intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the subdivider is subdivided.

7. Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry.

H. Location and approximate dimensions of all existing buildings.

8. For commercial and industrial development, the location, dimensions and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets and the points of vehicular ingress and egress to the development.

9. Description of any proposed covenants and restrictions.

10. Verification that any oil and gas wells on the site have been plugged in accordance with Ohio R.C. Chapter 1509 shall be required. A copy of the abandonment of well report required under Ohio R.C. 1509.14 shall be considered verification.

(f) Preliminary plat review by Planning Commission.

1. The Engineering Department staff shall receive and check for completeness the preliminary plat as required under subsections (a) and (b)(1) to (4) hereof. When complete and basically in conformance with applicable requirements, the proposal shall be placed on the agenda of the next regular Commission meeting. The proposed subdivision shall be transmitted to the Commission staff for review.

2. The staff shall review the plat from a technical standpoint, and shall transmit their recommendations to the Commission.

3. The Commission shall review all details of the proposed subdivision within the framework of applicable zoning regulations, within the various elements of the Comprehensive Land Use Plan, and within the standards of these regulations.

4. The Commission shall approve conditionally, disapprove or approve the preliminary plat.

i. Should the approval be a conditional approval, the conditions shall be satisfied by the subdivider within a time set by the Commission or the plat shall be rejected.

ii. Should the Commission disapprove the preliminary plat, it shall record the reasons in the minutes of the regular meeting. A copy of the minutes shall be sent to the subdivider.

iii. Should the Commission find that all conditions have been satisfactorily met, it may give approval to the preliminary plat. On approval, the chairman shall make a notation to that effect on six copies of the preliminary plat and distribute copies of same as follows: return one copy to the subdivider; retain one copy which shall become a matter of record in the Commission files; forward one copy to the School Board having jurisdiction in the area concerned; forward one copy to the Findlay

Board of Health or the Hancock County Board of Health, depending upon the body having jurisdiction; forward one copy each to the City Engineer and the Hancock County Engineer.

(g) Approval period. The approval of the preliminary plat shall be effective for a maximum period of twelve months and shall guarantee that the terms under which approval was granted will not be affected by changes to these regulations during that period.

(Ord. 1992-41. Passed 9-15-92.)

### **1109.03 FINAL PLAT REQUIRED.**

The subdivider, having received approval of the preliminary plat, shall submit a final plat of the subdivision and drawings and specifications of the improvements required therein. The final plat shall have incorporated all changes in the preliminary plat required by the Planning Commission. Otherwise it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The final plat shall bear the seal of a surveyor and the supplementary information shall bear the seal of an engineer.

(a) Preparation.

(1) Final plat form. The final plat shall be legibly drawn in waterproof ink on mylar or other material of equal permanence. It shall be drawn at a scale of not less than 100 feet to the inch. If more than one sheet is needed, each sheet shall be numbered and relation of one sheet to another clearly shown. The signatures of all approval authorities shall be in waterproof, permanent ink.

(2) Board of Health review. Within the City's three-mile extraterritorial jurisdiction, all final plats shall be reviewed and approved by the Hancock County Board of Health prior to being signed by the chairman of the City Planning Commission and filed with the Hancock County Recorder. The subdivider shall provide an appropriate space on the final plat for the Board of Health to certify its approval thereof.

(3) Regulations governing improvements. The final plat drawings and specifications of improvements shall include a set of construction and utility plans, including typical sections, plans and profile views, construction details and estimates of quantities. All typical sections and major engineering details to be used on any particular street shall be approved in advance by the City or County Engineer before completion of the plans. Prior to the granting of approval of a final plat, the subdivider shall have installed the minimum required improvements, or shall have furnished a surety or certified check for the amount of the estimated construction cost of the ultimate installation and initial maintenance of the improvements. Before surety is accepted, it shall be approved by the proper administrative officials.

(4) Final plat contents. The final plat shall contain the following information:

A. Name of the subdivision, location by section, range and township, or by other survey number; date, north point, scale and acreage; acreage shall be indicated by section and/or corporation boundaries.

B. Name and address of the subdivider, and the engineer who prepared the plat and appropriate registration number and seal.

C. Plat boundaries based on accurate traverse, with angular and lineal dimensions. All dimensions, both linear and angular, shall be determined by an accurate control survey in the

field which must balance and close conforming to minimum standards for boundary surveys in the State, Ohio R.C. 4733-37.

D. Bearings and distances to nearest established street lines or other recognized permanent monuments.

E. Exact locations, right of way and names of all streets within and adjoining the plat, and building setback lines.

F. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs and lengths and bearings of chords of all applicable streets within the plat area.

G. All easements and rights of way provided for public services or utilities.

H. All lot numbers and lines with accurate dimensions in feet and hundredths. When lots are located on a curve, the lot width at the building setback line shall be shown.

I. Accurate location and description of all monuments and survey markers.

J. Accurate outlines of any area to be reserved for the common use of all property owners. The proposed use and accurate locations shall be shown for each parcel of land to be dedicated.

K. A copy of any restrictions and covenants the subdivider intends to include in the deeds to the lots in the subdivision.

L. Certification by a surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional details are correct.

M. Notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas.

N. Typical sections and complete profiles of streets and other related improvements to be constructed in the proposed subdivision shall accompany the final plat. If any part of the plat is located in a flood hazard area, a grading plan demonstrating compliance with Section 1111.06 shall also be provided.

O. Base flood elevation data as required by Section 1109.02(b)(3)G.

P. Appropriate approval certification blanks for the chairman of the City Planning Commission, the City Engineer and the Clerk of Council. If the plat is located outside the City, the City Engineer and Clerk of Council certifications are not required, but blanks shall be provided for the Hancock Regional Planning Commission, the County Board of Health and the County Engineer.

(b) Final Plat Review.

(1) Application for approval of final plat. An application for approval for the final plat shall be submitted to the Planning Commission on forms provided by the Commission, together with five copies of the plat and any supplementary information specified. This material shall be submitted at least twenty-one days prior to the date of any regular Commission meeting, which date shall be considered the date of filing.

(Ord. 1997-105. Passed 9-16-97.)

(2) Approval of the final plat. Following review by the Planning Commission Staff, the Commission shall approve or disapprove the final plat within thirty days after it has been filed. Failure of the Commission to act upon the final plat within such time shall be deemed as approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of such record shall be forwarded to the subdivider. The Commission shall not disapprove the final plat if the developer has done everything that he was required to do and has proceeded in accordance with the conditions and standards specified in

the approved preliminary plat. If disapproved, the subdivider may make the necessary corrections and submit the final plat to the Commission for its reconsideration. If a plat is refused by the Commission, the subdivider may file a petition within ten days after such refusal in the Court of Common Pleas seeking reconsideration of the action of the Commission. When the final plat has been approved by the Commission, the original tracing shall be returned to the subdivider for filing with the County Recorder after all necessary certifications are received.

(Ord. 1992-41. Passed 9-15-92.)

#### **1109.04 MINOR SUBDIVISIONS.**

Approval without a plat of a minor subdivision may be granted by the Planning Commission subject to the following conditions:

- (a) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road;
- (b) No more than five lots are involved after the original parcel has been completely subdivided;
- (c) If located within the City's three-mile extraterritorial jurisdiction, the proposed subdivision has received written approval of the Hancock County Board of Health relative to water supply and method of sewage disposal;
- (d) If located within the City's three-mile extraterritorial jurisdiction, the proposed subdivision has received written approval of the Hancock County Engineer relative to proposed drainage and driveway access points;
- (e) The proposed subdivision is not contrary to applicable subdivision design standards or township zoning regulations, if such exist;
- (f) All lots intended for one- or two-family dwelling purposes and abutting a major or secondary thoroughfare as defined in Section 1105.03(q)(3) and (q)(6) shall bear a side lot or rear lot relationship to such thoroughfare, or be provided with a marginal access drive if a front lot relationship is unavoidable;
- (g) The property has been surveyed by a registered surveyor and a boundary survey drawing and legal description of the property is submitted with the application for approval.

If approval is requested under these provisions, and if the proposed minor subdivision is in compliance with items (a) through (g) above, the Planning Commission shall, within seven working days after submission approve such proposed subdivision and, on presentation of a conveyance of such parcel, shall stamp "Approved by the City of Findlay Planning Commission; no plat required", and the authorized representative of the Commission shall initial the conveyance.

(Ord. 1992-41. Passed 9-15-92.)

#### **1109.05 SUBDIVISIONS INVOLVING PRIVATE STREETS.**

Subdivisions employing private streets as a means of access to individual lots may be permitted, subject to the following conditions:

- (a) The private street shall be located within a roadway easement having a width of not less than sixty feet.

(b) All lots shall have a minimum area of five acres exclusive of the roadway easement or any public street right of way; provided, however, that if local zoning regulations permit, density may be increased to one dwelling unit per acre if the subdivision is to be served by a centralized sewage treatment system. Unless otherwise permitted by local zoning regulations, all dwellings shall be single-family residential structures. Additionally, unless otherwise prohibited by local zoning regulations, condominium projects having no more than four dwelling units per acre shall be permitted provided that all applicable sanitary and storm water discharge regulations are met.

(c) The plat shall be accompanied by restrictive covenants which prohibit further division of the lots unless the private street is improved to City standards, the street right of way is dedicated and the street is accepted for public maintenance.

Subdivisions using private streets shall be reviewed in the same manner as any other record subdivision, and shall be subject to design standards presented in Sections 1111.01 to 1111.04; except that subdivisions using private streets need not meet the improvement standards applicable to public streets. Instead, the subdivider shall submit with his final plat proposed typical sections and complete profiles of any private street to be developed in the subdivision, certified by an engineer, licensed in the State, as meeting or exceeding minimum acceptable standards of construction considering all applicable data and expected traffic flow. Private streets need not be constructed with curbs and gutters. Any so certified plan of private street construction presented in conformity with this section shall be reviewed for approval by the City or County Engineer, depending upon jurisdiction. The subdivider shall construct any private street consistent with the approved plan and a performance bond shall be provided to guarantee such construction.

(Ord. 1992-41. Passed 9-15-92.)

**CHAPTER 1111  
Design Standards**

- 1111.01 Applicability.**
- 1111.02 Streets.**
- 1111.03 Blocks.**
- 1111.04 Lots.**
- 1111.05 Natural features.**
- 1111.06 Flood areas and storm drain ditches.**
- 1111.07 High pressure gas, crude and products lines.**

**1111.01 APPLICABILITY.**

The regulations in this chapter shall control the manner in which streets, lots and other elements of the subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, creation of usable lots, provision of space for public utilities, and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

(Ord. 1992-41. Passed 9-15-92.)

**1111.02 STREETS.**

Streets in proposed subdivisions shall conform to at least the following minimum requirements:

- (a) Location and Arrangement.
  - (1) The proposed subdivision shall conform to the various elements of the Findlay and Hancock County Comprehensive Land Use Plans and shall be considered in relation to the existing and planned major and secondary thoroughfares and such streets shall be platted in the location and width indicated on such Plan.
  - (2) The street layout shall provide for continuation of secondary thoroughfares and minor streets in adjoining subdivisions or the proper projection of streets when adjoining property is not subdivided.
  - (3) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
  - (4) Should a proposed subdivision border on or contain an existing or proposed major or secondary thoroughfare, the Commission shall require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of traffic and reduction of traffic hazards.  
(Ord. 1996-117. Passed 1-7-97.)
  - (5) Should a proposed subdivision border on or contain a railroad, expressway or other limited access highway right of way, the Commission may require the location of a street approximately parallel to and on each side of such right of way at a distance suitable for the development of the intervening land. Such distances

shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

(6) Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half street, the other half shall be platted.

(7) Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turnaround satisfactory to the Commission in design is provided and provisions for maintenance and removal are advanced. Temporary dead-end streets longer than 200 feet shall not be permitted.

(b) Right-of-Way Widths. Street right-of-way widths shall conform to at least the following minimum requirements:

	Type of Street	Right-of-Way Widths
(1)	Major thoroughfare	120 feet or in conformance with Hancock County Major Thoroughfare Plan
(2)	Secondary thoroughfares	80 feet
(3)	Individual service streets	60 feet
(4)	Multiple-family residential streets (where platted)	60 feet
(5)	Minor (single-family residential) streets	60 feet
(6)	Marginal access streets	35 feet
(7)	Turnaround street	110 feet
(8)	Cul-de-sac streets-turnarounds	
	A. Industrial	75 foot radius
	B. Residential and others	60 foot radius
(9)	Length for cul-de-sac streets shall not exceed	600 feet

(c) Street Geometrics. Standard for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be established by the City Engineer and approved by Council, or, in unincorporated areas, by the County Engineer and be approved by resolution of the Board of County Commissioners.

(d) Street Intersections. Streets shall be laid out so as to intersect as nearly as possible to ninety degrees. Curved streets, intersecting with major thoroughfares and secondary thoroughfares shall do so with a tangent section of centerline not less than fifty feet in length, measured from the right-of-way line of the major or secondary thoroughfare.

(e) Street Jogs. Street jogs with centerline offsets of less than 125 feet shall be prohibited unless a variance is approved.

(f) Boulevard Streets. Where a subdivision includes a boulevard or similar space in excess of City design specifications; the restrictive covenants filed with the plat shall include measures to assure the continued maintenance of the additional space, placing the responsibility therefor with the owners of property in such subdivision.  
(Ord. 1992-41. Passed 9-15-92.)

### **1111.03 BLOCKS.**

Blocks within subdivisions shall conform to the following standards:

- (a) Sizes.
  - (1) Blocks shall not exceed 1,400 feet in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
  - (2) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
- (b) Public Walkways.
  - (1) Location of public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities or where blocks exceed 900 feet in length.
  - (2) Public walkways shall be in the nature of an easement for this purpose.
- (c) Easements.
  - (1) Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than fifteen feet wide, seven and one-half feet from each parcel.
  - (2) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the subdivider to submit copies of the preliminary plat to all appropriate public utilities.
  - (3) Easements not less than three feet in width shall be provided where needed alongside lot lines so as to provide for street light dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicating lot numbers) are subject to street light dropout rights granted to the (name of utility company)."  
(Ord. 1992-41. Passed 9-15-92.)

### **1111.04 LOTS.**

Lots within subdivisions shall conform to the following standards:

- (a) Sizes and Shapes.
  - (1) The size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
  - (2) In areas where City or township zoning regulations are in effect, the lot width and lot area requirements of such zoning regulations shall control.

(3) The following standards shall apply in unincorporated areas where no zoning regulations are in effect:

A. When a subdivision in an unincorporated area is to be connected to public sanitary sewer facilities or to a community sewage disposal plant, and when lots in such subdivision are intended for single-family residential use, all lots shall have a minimum width of sixty-five feet at the building line and a minimum area of 7,800 square feet.

(Ord. 1992-41. Passed 9-15-92.)

B. Whenever either public or community sewage disposal facilities are not available, lots intended for single-family residential use shall have a minimum width of 125 feet and a minimum area of 2 acres.

(Ord. 1995-49. Passed 6-20-95.)

C. Whenever sanitary sewer facilities are not reasonably accessible and a community sewage disposal plant is not required, lots shall be increased in area by 10,000 square feet for each dwelling unit in excess of one.

(4) Unless otherwise controlled by City or township zoning regulations, the minimum front yard setback shall be thirty feet. In the case of a rear yard abutting a side yard, the side yard setback shall be not less than the minimum front yard setback required herein, and all regulations applicable to a front yard shall apply.

(5) Corner lots in residential subdivision shall be platted at least ten feet wider than the minimum width permitted by these regulations or any applicable zoning regulations. (Ord. 1992-41. Passed 9-15-92.)

(6) Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of three to one shall normally be considered a maximum.

(7) Flag lots shall not be less than five (5) acres in area, either in recorded subdivision plats or as minor subdivisions. In computing the area of a flag lot, the area of the flag "pole" shall not be included. The area of the "flag" itself shall be five acres or more. To ensure future access, and orderly development of land adjoining the parcel, the flag "pole" shall extend the full depth of the flag lot. Additionally, to ensure the future ability to utilize the "pole" for access, all improvements or structures shall be set back from the nearest point of the pole not less than thirty feet. Upon timely application, in situations where exceptional topographic or other physical conditions render compliance with the required length of the flag "pole" impractical, the Planning Commission may grant such variance as may be needed to effect the spirit and purpose of these regulations.

(8) Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks and loading and unloading areas.

(9) Lots may not be created by dividing land at the ends of stub streets in adjacent subdivisions, such stub streets being intended to provide continuity of street systems in adjoining subdivisions.

(10) To provide adequate right of way for future public roadways, all parcels shall be provided not less than sixty feet of frontage on a public roadway, or on a private roadway that has been approved as part of a record subdivision plat. In the case of a flag lot, the flag "pole" shall have a width of sixty feet for its entire length. (Ord. 1995-49. Passed 6-20-95.)

(b) Arrangement.

(1) Every lot shall front or abut a public street, except that private streets existing prior to January 15, 1963, and which have existed as easements of access and are so recorded in the records of Hancock County, may remain as private roadways.

(2) Wherever practical, side lot lines shall be at right angles or radial to the street right-of-way lines.

(3) Residential lots abutting major or secondary thoroughfares, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots or with side lot lines parallel to the major or secondary traffic streets. (Ord. 1996-117. Passed 1-7-97.)

(4) Lots shall have a front-to-front relationship across all streets where possible. (Ord. 1992-41. Passed 9-15-92.)

### **1111.05 NATURAL FEATURES.**

To the greatest extent possible, the natural features and character of land shall be preserved. Due regard shall be shown for all natural features such as large trees, natural groves and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels shall be considered by the subdivider and the dedication and provision of adequate barriers where appropriate shall be required. (Ord. 1992-41. Passed 9-15-92.)

### **1111.06 FLOOD AREAS AND STORM DRAIN DITCHES.**

(a) Flood Plain Areas. All subdivisions shall conform to the City flood damage prevention ordinance or, if in unincorporated territory, to the Hancock County Flood Damage Prevention Regulations, as approved by the Hancock County Commissioners on May 9, 1991. Such Regulations are maintained by the Hancock County Engineer. Whenever all or part of a proposed subdivision lies within an area of special flood hazard as identified in the most recent available mapping published by the Federal Emergency Management Agency (FEMA), approval of the subdivision plat shall be conditioned on the following:

(1) No encroachment by either fill material or future structures shall be permitted in the area identified as "floodway" on FEMA mapping. Modifications of floodway areas shall only be permitted if an engineering analysis demonstrates to

the satisfaction of the City or County Engineer that such modifications will not result in detrimental impacts either up or downstream

(2) Development within flood hazard areas shall not result in any decrease in the flood storage capacity of the flood plain area. Therefore, any subdivision proposed in flood hazard areas shall be accompanied by a grading plan indicating how land balancing may be achieved, and how all building sites can be elevated above the base flood elevation for that location.

(3) If a subdivision is approved in a flood hazard area, the subdivider shall be required to post a performance bond guaranteeing execution of the grading plan. The grading plan shall be executed and the results certified by an engineer prior to the plat being signed by the City Engineer and submitted to the County Recorder. The plat shall be accompanied by restrictive covenants prohibiting the placement of any fill material in areas lying below the base flood elevation, and the subdivider shall be responsible for enforcement of the covenants until all lots in the subdivision have been conveyed to others.

(4) Development activities located in areas that are designated as flood plain areas, including floodway, will require an approval from the City Local Flood Plain Administrator and shall follow all requirements set forth in Chapter 1351 of these Codified Ordinances. All engineering analysis submitted to the City Local Flood Plain Administrator shall be conducted by a state registered professional engineer.

(5) No encroachment by either fill material or future structures shall be permitted in the area identified as “floodway” on FEMA mapping. Modifications of floodway areas shall only be permitted if such modifications follow all requirements found in Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations and in Chapter 1351 of these Codified Ordinances. Modifications in the floodway shall not result in any increases in the base flood elevation, also known as 100 year flood elevation. All engineering analysis that certifies no increase in the base flood elevation shall extend a distance of one mile upstream and downstream of the development site to ensure no impact on the 100 year flood elevation.

(b) Areas of Poor Drainage. If a subdivision is located in an area having poor drainage or other adverse physical characteristics, the Commission may approve the subdivision provided the subdivider agrees to perform such improvements as will render the area safe for the intended use. In lieu of the improvements, the subdivider shall furnish a surety or certified check covering the cost of the required improvements.

(c) Flood Control and Storm Drainage Facilities. Flood control or storm drainage facilities shall be provided as follows:

(1) Access to flood control or storm drainage ditches and channels shall be by means of easements. Such easements shall be not less than thirty feet in width, exclusive of the width of the ditch or channel, and an easement of this type shall

be provided on one side of a flood control or storm drainage ditch, channel or similar type facility.

(2) Flood control or storm drainage easements containing underground facilities shall have a minimum width of ten feet.

(3) Whenever a flood control or storm drainage ditch or channel has a depth of five feet or more, or a bank slope of two feet horizontal to one foot vertical or steeper, a five-foot high masonry wall or chain link fence may be required by the Commission.

(4) The basis for determining storm water conveyance shall be a 10-year storm. All storm water to be discharged from the platted area shall be detained based on a 100-year storm volume unless otherwise recommended by the Chief Engineer and approved by the City Planning Commission. The discharge rate for all detention-retention areas shall be equal to the 5-year pre-developed runoff from the site. Detention- retention calculations shall be reviewed by the Chief Engineer. All lots within recorded subdivisions shall be provided positive drainage so as to avoid areas of standing water.

Where a subdivision includes a pond, lake, basin or other physical facilities for storm water management, the restrictive covenants filed with the plat shall include measures to assure the continued maintenance of the facilities, placing the responsibility for maintenance with the owners of property in such subdivision.

(5) Provisions shall be made to provide an emergency overflow route, from the detention areas to the point of discharge, in the event a storm exceeds the 100-year detention capacity. The overflow route must not adversely impact adjoining properties.

(6) In any subdivision created after the effective date of this section, the subdivider shall be required to post a performance bond to guarantee the execution of the detention-retention area plan. The performance bond shall not be released until the actual conditions, certified by a professional engineer, are submitted and verified by the Chief Engineer.

(Ord. 2008-002. Passed 2-5-08.)

#### **1111.07 HIGH PRESSURE GAS, CRUDE AND PRODUCTS LINES.**

Whenever a proposed subdivision is located on land crossed by a high pressure gas, crude or products line, the following regulation shall apply:

(a) Preliminary Plat. The preliminary plat shall show the location of all high pressure gas, crude or products lines.

(b) A twenty-five foot easement shall be provided, with the center line of the easement being the actual pipeline. (Ord. 1992-41. Passed 9-15-92.)

## **CHAPTER 1112 Improvements**

### **1112.01 Standards.**

### **1112.02 Streets.**

### **1112.03 Public utilities.**

### **1112.04 Walkways and street signs.**

#### **CROSS REFERENCES**

Rules for construction of improvements - see Ohio R.C. 711.101

#### **1112.01 STANDARDS.**

(a) The improvements set forth under this chapter are to be considered as the minimum acceptable standards. All improvements for which standards are not specifically set forth herein shall have such standards approved by Council or, for unincorporated areas, by resolution of the Board of County Commissioners, depending on jurisdiction. All improvements shall meet the approval of the City and/or County Engineer.

(b) Prior to the undertaking of any improvements, the subdivider shall deposit with the appropriate Engineer cash, a certified check or irrevocable bank letter of credit, whichever the subdivider selects, or a surety bond acceptable to the appropriate legislative body, to insure faithful completion of all improvements within the time specified. All improvements shall be constructed and approved by the Engineer, or surety provided, before the final plat is approved. However, the installation of sidewalks may be delayed until structures have been completed on individual lots. The Engineer shall release the performance bonding as work is completed and approved by the Engineer.

(c) Improvements shall be provided by the subdivider in accordance with the standards and requirements established in this chapter and/or any other such standards and requirements which may from time to time be established by Council or by resolution of the Board of County Commissioners.  
(Ord. 1992-41. Passed 9-15-92.)

#### **1112.02 STREETS.**

All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by Council or by the Board of County Commissioners.  
(Ord. 1992-41. Passed 9-15-92.)

#### **1112.03 PUBLIC UTILITIES.**

(a) Requirements for Underground Wiring. The subdivider shall make arrangements for all lines for public utility services distributed by facilities such as wire or cable to be placed underground entirely throughout a newly subdivided area, except for major or secondary thoroughfare rights-of-way, and such conduits or cables shall be placed within private easements provided to such public utility service companies by the developer or within dedicated public ways; provided, however, that overhead lines

may be permitted within the limits of such newly subdivided area upon approval of the Commission and Council or the Board of County Commissioners and the County Engineer at the time of final plat approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, plat design and character of the subdivision. In the event that a public utility company foresees practical difficulties in complying with the requirements of this section, such company may petition the Commission for a variance. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the State. All drainage and underground public utility installations which traverse privately owned property shall be protected by easements granted by the subdivider. The requirements for underground wiring contained in this section shall also include and require the developer (subdivider) to have the public utility stub in street light wiring in accordance to the utility's plans and specifications for said subdivision and shall be done at the time all other underground wiring is installed by said utility.

(Ord. 1996-108. Passed 12-17-96.)

- (b) Storm Drainage System and Other Drainage Improvements. Per details and specifications approved by Council or the Board of County Commissioners, depending upon jurisdiction.
- (c) Sewage Disposal. Per details and specifications approved by Council or the Hancock County Health Board, depending upon jurisdiction.
- (d) Water Supply - Water Distribution System. Per details and specifications and standards approved by Council or the Board of County Commissioners and in conformance with the regulations of the appropriate Board of Health.  
(Ord. 1992-41. Passed 9-15-92.)

#### **1112.04 WALKWAYS AND STREET SIGNS.**

- (a) Sidewalks. Sidewalks shall be provided on the sides of all road rights of way adjacent to the subdivision being developed, and such walks shall be located one foot from the property line. In areas outside the City's corporate limits, and in the event no good purpose would be served by the provision of sidewalks, this requirement may be waived by mutual consent of the Planning Commission and the Board of County Commissioners.
- (b) Public Walkways. Walkways shall be at least six feet in width. Fences and other improvements may also be required if the Commission determines they are necessary to protect the adjacent property owners.
- (c) Street Signs. Street name signs shall be placed at all street intersections and shall be of a permanent weather resistant construction with the street names visible from two directions, as approved by the City or County Engineer, depending upon jurisdiction. Traffic regulation signs, as may be required, shall be located as required by the Traffic Commission and/ or Council. All costs associated with the construction and installation of street signs and other traffic regulation signs including, but not limited to, stop signs shall be borne by the developer of said subdivision.  
(Ord. 1997-53. Passed 5-6-97.)

## CHAPTER 1113

### General

- 1113.01 City Planning Commission.
- 1113.02 Authority to File Applications.
- 1113.03 Pre-Application.
- 1113.04 Form of Application.
- 1113.05 Application Filing Fees
- 1113.06 Application Completeness.
- 1113.07 Application Requirements.
- 1113.08 Final Submittal.
- 1113.09 Meeting Location.
- 1113.10 Meeting Schedule and Submission Deadlines.
- 1113.11 Special Meetings.
- 1113.12 Quorum.
- 1113.14 Public Meetings.
- 1113.15 Public Notice.
- 1113.19 Withdrawals.
- 1113.20 Planning Commission Action.
- 1113.21 Conditions on Approval.
- 1113.22 Issuance of Zoning Permit.
- 1113.23 Appeals.
- 1113.24 Staff.
- 1113.25 Staff Report.
- 1113.26 Consultants.
- 1113.27 Conditions for Reviewing Applications for Zoning Change & Non-Conforming Use.
- 1113.28 Site Plans.
- 1113.29 Administrative Review & Actions.
- 1113.30 Decisions by Staff.
- 1113.31 Minor Changes Definition (Site Plans & Plats).
- 1113.32 Report to Planning Commission.
- 1113.33 Appeal of Administrative Decisions.
- 1113.35 Action on Appeal of a Site Plan.
- 1113.36 Approval Plus Variance.
- 1113.37 Repetitive Applications.
- 1113.38 Lapse of Approval.

### **1113.01 CITY PLANNING COMMISSION.**

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

#### **A. Subdivisions**

As required per the City of Findlay Subdivision Rules and Regulations

#### **B. All site plans**

1. All new construction, except:
  - a. Single, two, and three family dwellings
  - b. Accessory buildings and structures
  - c. Signs
  - d. Additions/alterations to one, two, and three family dwellings
2. Any existing site proposing changes that would involve a change to:
  - a. Building Square Footage of more than ten percent (10%)
  - b. Required Parking
  - c. Access from a public roadway
  - d. Public water or sewer connections
  - e. Impervious surface on the site
  - f. Required Landscaping (Staff

#### **C. Conditional Uses**

#### **D. Non-conforming Uses**

#### **E. Zone Change Requests**

#### **F. Street & Alley Vacation Requests**

#### **G. Any Element of this Code as Identified**

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

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

### **1113.03 PRE-APPLICATION.**

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

### **1113.04 FORM OF APPLICATION.**

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

Commission staff has reviewed the application and supporting information for completeness, the applicant must submit the remainder of the required material per Chapter 1113.08 Final Submittal.

### **1113.05 APPLICATION FILING FEES.**

Applications must be accompanied by the fee amount that has been established by the City Council. Any fee refund resulting from the applicant's withdrawal is solely at the discretion of the Planning Commission Chairman.

### **1113.06 APPLICATION COMPLETENESS.**

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

#### **A. Staff Review**

Planning Commission staff will make a determination of application completeness.

#### **B. Incomplete Applications**

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

#### **C. Deficiencies**

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

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

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

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

##### **3. Unresolved within Sixty (60) Days**

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

### **1113.07 APPLICATION REQUIREMENTS.**

#### **A. Preliminary Development Plan**

Applications requiring Preliminary Development Plans shall contain information set forth in Section 1113.07(C)

General Information and (D)

Development **Plan Information** and will be referred to various city agencies and utility providers for study. The approval of a Preliminary Development Plan shall be in effect for two (2) years to allow for the preparation and submission of the Final Development

Plan. If the Final Development Plan has not been filed within this approval period, then the Preliminary Development Plan approval shall expire.

**B. Final Development Plan**

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

**C. General Information**

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

**D. Development Plan Information**

1. Vicinity/project location map
2. Location, type and density of development types
3. Conceptual drainage plan
4. Location and amount of open space(s)
5. Gross lot acreage, net lot acreage, maximum allowable density, proposed density with calculations indicated
6. Maximum site coverage
7. Topography at one-foot contour intervals
8. Base flood elevation data per Chapter 1109.02 (b) (3) (G)
9. Existing features of the development site, including major wooded areas, streets, easements, utility lines, and ponds, waterways, and land uses
10. Street layout and names
11. Existing buildings to remain or to be removed; and if the existing buildings remain, their proposed use
12. Proposed method of street lighting
13. Landscaping (if required as condition for approval)
14. Location, area, and dimensions of all lots, setbacks, and building envelopes
15. Required number of parking spaces and number of spaces proposed
16. All proposed signs excluding street signs (i.e. apartment signage)
17. Area identification (entrance) structure and/or signage
18. Any/all drainage and retention calculations
19. Proposed utility layout
20. Façade plans for projects within the Downtown Design Review District

### **1113.08 FINAL SUBMITTAL.**

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

In addition, the applicant shall submit the following:

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

### **1113.09 MEETING LOCATION.**

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

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

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

### **1113.11 SPECIAL MEETINGS.**

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

### **1113.12 QUORUM.**

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

#### **A. Motions**

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

#### **B. Voting**

Voting shall be by roll call.

#### **C. Manner of Votes**

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

### **1113.14 PUBLIC MEETINGS.**

All Planning Commission meetings shall be open to the general public. Information presented during the meeting shall be recorded.

### **1113.15 PUBLIC NOTICE.**

A. Notice of applications shall be provided to property owners located within **500** feet of the applicant property perimeter. Notification shall be postmarked at least fourteen (14) days prior to the date of the meeting at which the request will be considered. The process for notification shall be as follows:

1. Staff will provide a list of surrounding property owners to the applicant.
2. Staff will mail notices.
3. Staff report will:
  - a. Identify adjacent property owners
  - b. Indicate date of mailing notices

B. Posted Notice.

1. The City of Findlay shall post a sign on the subject property at least ten (10) days before the hearing.
2. Upon placing the sign, the staff will take a time stamped photo of the signage to provide proof of placement.
3. The sign shall indicate that the subject property is on the City Planning Commission agenda and provide a method for citizens to get more information.
4. The City of Findlay shall remove the sign within seven days after the meeting.
5. **Rezoning requests shall have a sign posted on the property while it is being considered by the City Council. The sign shall indicate that the subject property is on the City Council Agenda and provide a method for citizens to get more information. The sign shall be posted at least one day before the first reading and shall be removed within 7 days after the third reading of the rezoning ordinance.**

D. Withdraws.

1. Prior to Deadline

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

2. Post Deadline

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

### **1113.20 PLANNING COMMISSION ACTION.**

In making its recommendation or decision, the Planning Commission may take any of the

following actions including: approval of the application; approval with modifications or conditions; denial of the application; or tabling/deferring the application to another date. In the course of review and decision-making, the Planning Commission; **may exercise all powers identified in Chapter 713 of the Ohio Revised Code.**

#### **1113.21 CONDITIONS OF APPROVAL.**

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

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

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

#### **1113.23 APPEALS.**

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

#### **1113.24 STAFF.**

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

#### **1113.25 STAFF REPORT.**

The Planning Commission staff will review each request in accordance with the requirements set forth in the Findlay Zoning Ordinance and the Ohio Revised Code. Based on the results of those reviews, the staff will provide the report to the Planning Commission and applicant.

#### **1113.26 CONSULTANTS.**

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

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

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

##### **A. Consistency with Planning & Zoning**

Consistency of the proposed rezoning with the Comprehensive Plan and the stated

purpose of Findlay's Zoning Ordinance.

**B. Existing Uses**

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

**C. Existing Zoning**

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

**D. Physical Characteristics**

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

**E. Effect from Change**

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

**F. Errors or Inconsistencies**

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

**G. Utilities & Services**

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

**H. Impact on Environment**

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

**1113.28 SITE PLANS.**

**A. Purpose**

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

**B. Criteria**

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

**1. Compliance**

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

**2. Prior Conditions**

All prior conditions for approval of previous cases pertaining to the subject parcel(s), site, building, etc., imposed by the City Planning Commission, Board of Zoning Appeals, or Findlay City Council must have been satisfied in order for a new application for the same parcel(s) to be eligible for submission. Parcel(s) not in compliance with said conditions must be brought into conformance before new

applications can be accepted by the City of Findlay;

**3. Permitted Use**

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

**4. Vehicular Access**

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

**5. Pedestrian Access**

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

**1113.29 ADMINISTRATIVE REVIEW & ACTIONS.**

**A. Purpose**

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

**B. Eligible Applications**

1. Home Occupations

Must meet the zoning criteria required for approval;

2. Non-conforming uses

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

3. Minor Changes

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

4. Building Additions

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

**1113.30 DECISIONS BY STAFF.**

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

**A. Approval**

Approve the request as submitted;

**B. Review & Comment**

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

**C. Approve the Request with Conditions**

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

**D. Denial**

Deny the application for reason(s) stated; or

**E. Send to Planning Commission**

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

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

Minor Changes include the following:

#### **A. Building Size**

An increase in building footprint size or cumulative floor area:

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

#### **B. Building Height**

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

#### **C. Hard Surface**

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

#### **D. ZONING**

Permitted in the zoning district which it is located;

#### **E. Circulation**

Changes in the internal traffic circulation;

#### **F. Open Space**

Minor alterations in open space layout;

#### **G. Parking**

Insignificant changes to the parking layout;

#### **H. Building Placement**

Changes in the building/building envelope configurations that do not significantly change the coverage ratios, engineering calculations, parking layout, etc.; and;

#### **I. Amenities**

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

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

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

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

Appeals of staff decisions may be taken to the Planning Commission by filing a notice of appeal with the Planning Commission Clerk. Appeals must be filed within ten (10) days of the staff's decision and must set forth a written statement from the aggrieved party setting forth the grounds for appeal.

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

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

### **1113.36 APPROVAL PLUS VARIANCE.**

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

any/all necessary waivers.

#### **1113.37 REPETITIVE APPLICATIONS.**

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

#### **1113.38 LAPSE OF APPROVAL.**

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

**CHAPTER 1115**  
**Board of Zoning Appeals Rules & Procedures**

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

**1115.01 CREATION AND MEMBERSHIP.**

**A. Creation**

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

**B. Member Composition**

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

**C. Terms**

These members of the Board and alternates shall hold office for terms of four (4) years, and their terms shall be staggered so that not more than two (2) shall expire in any one (1) year.

**D. Vacancies**

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

**E. Continuity**

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

**F. Removal**

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

**1115.02 ORGANIZATION.**

The Board is subject to the following:

**A. Officers and Proceedings.**

The Board shall, within ten (10) days after appointment, meet and organize by electing a chairman, a vice-chairman and a secretary from their membership. All meetings of the Board shall be held at the call of the chairman, or on the written request to the chairman of two (2) members of the Board, and at such time and places as the chairman may determine. The chairman, or in the chairman's absence, the vice-chairman, may administer oaths and require the attendance of witnesses. All meetings of the Board shall be open to the public.

**B. Record Keeping.**

The Board shall keep minutes of its proceedings, showing the vote of each member on each

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

**C. Operations.**

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

**D. Quorum.**

A majority of the members of the Board shall constitute a quorum. No action of said Board shall be official unless such action be taken or authorized by a majority of the membership of the Board. *Example: if only three (3) of the five (5) members are in attendance, then all decisions must be unanimous, such by a vote of 3 - 0.*

**1115.03 JURISDICTION.**

**A. Appeals.**

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

**B. Stay of Proceedings.**

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

**C. Set Meeting.**

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

**D. Board Action.**

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

**E. Appeal of Board Action.**

After hearing as provided above, any person adversely affected by any order or decision issued by the Board may appeal from the order of the Board to the Court of Common Pleas as provided pursuant to Chapter 2506 of the Ohio Revised Code. Any party desiring to appeal shall file a notice of appeal with the Board setting forth the order appealed from and the grounds for appeal. A copy of such notice of appeal shall also be filed in the Court of Common Pleas by the party appealing. Such notice of appeal shall be filed within thirty (30) days after the filing of a decision of the Board in the office of the Zoning Administrator. The filing of a notice of appeal in the office of the Board shall stay all

proceedings appealed from until the Court of Common Pleas has rendered a decision on the matter.

#### **1115.04 VARIANCE.**

##### **A. Applying Standards**

The Board may authorize, in specific cases, a variance from the terms of this chapter, except, however, the Board may not grant a use variance.

##### **B. Public Notice of Meeting**

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

##### **2. Posting of Sign.**

- a. The City of Findlay shall post a sign on the subject property at least ten (10) days before the hearing.
- b. Upon placing the sign, the staff will take a time stamped photo of the signage to provide proof of placement.
- c. The sign shall indicate that the subject property is on the City Board of Appeals agenda and provide a method for citizens to get more information.
- d. The City of Findlay shall remove the sign within seven days after the meeting.

#### **1115.05 GRANTING OF VARIANCE.**

In determining whether to grant a variance, the Board shall consider the following factors:

- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- B. Whether the variance is substantial;
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

**1115.07 CONDITIONS.**

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

**1115.08 TIME LIMIT.**

When a variance from the strict application of the terms of this Code has been approved by the Board of Zoning Appeals, the Zoning Department may issue a zoning permit. If an applicant fails to secure the zoning permit within sixty (60) days of the decision, such variance shall expire. If it deems a more restrictive time limit to be appropriate, the Board of Zoning Appeals shall have the authority to adjust the permit duration period. City of Findlay Zoning Permits are valid for one (1) year. The duration period can be reduced but not by less than three (3) months. Permit duration can also be increased, but not by more than two (2) years.

**1115.09 ZONING DISTRICT MAP INTERPRETATION.**

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

**CHAPTER 1119**  
**Establishment of Districts**

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

**1119.01 DISTRICTS.**

The City is hereby divided into the following Districts known as:

- A. "A-1" Agricultural**  
Allow for agricultural uses in the City of Findlay.
- B. "R-1" Single-Family Low Density Residential District**  
Area restricted primarily to low density residential development.
- C. "R-2" Single-Family Medium Density Residential District**  
Area restricted primarily to medium density residential development.
- D. "R-3" Single-Family High Density Residential District**  
Area restricted primarily to high density residential development on lots. This zoning district is designed to accommodate the many smaller, older lots within the City of Findlay.
- E. "R-4" Duplex/Triplex High Density Residential District**  
Area providing for high density residential development, including single family and two-family residential units.
- F. "M-1" Multiple-Family District**  
Area restricted primarily to multiple dwelling units with low density on single lots.
- G. "M-2" Multiple-Family District**  
Area restricted primarily to multiple dwelling units with high density on single lots.
- H. "CD" Condominium District**  
District for the development of residential condominiums.
- I. "MH" Mobile Home District**  
Areas designed for mobile home parks.
- J. "O-1" Institutions and Offices District**  
Area restricted primarily to office uses, both single building and campus type.
- K. "C-1" Local Commercial District**  
Area designated for businesses of more local target market and under 15,000 square feet in building footprint.
- L. "C-2" General Commercial District**  
Area designated for businesses of more regional target market and over 15,000 square feet in building footprint.
- M. "C-3" Downtown Commercial District**  
Area designated to represent the downtown business district
- N. "I-1" Light Industrial District**

- Area designed primarily for light industry and wholesaling.
- O. "I-2" General Industrial District**  
Area designed for heavy industry, including food processing.
- P. "I-3" Large Scale Industrial**  
The I-3 Large Scale Industrial Districts are designed to allow for maximum flexibility.
- Q. "PO" Park and Open Space District**  
Special purpose district designed to preserve and enhance open space and recreational areas whether public or private.
- R. "PUD" Planned Unit Development**  
Allows for the creation of a PUD zoning classification.

### **1119.02 OVERLAY DISTRICTS.**

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

#### **A. "MOD" Medical Overlay District**

The Medical Overlay District promotes medical and related uses associated with a primary care point such as a hospital. The district allows for a mix of uses supporting the primary care point while protecting the property in the vicinity from more intrusive uses allowable in other use districts.

#### **B. "ROD" Riparian Overlay District**

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

#### **C. "UOD" University Overlay District**

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

### **1119.03 ZONING DISTRICT MAP.**

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

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

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

**A. Findlay Municipal Code Chapter 1351 “Flood Damage Reduction Ordinance”**

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

**B. Findlay Municipal Code Chapter 1105 Subdivision Rules and Regulations**

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

**C. Hancock County Access Management Regulations**

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

#### **1119.05 INTERPRETATION OF DISTRICT BOUNDARIES.**

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

**A. Roadways**

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

**B. Lot Lines**

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

**C. Municipal Limits**

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

**D. Railroads**

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

**E. Shorelines**

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

**F. Map Interpretations**

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

**G. Interpretations & Discrepancies**

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

#### **H. Extend to Centerlines**

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

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

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

**CHAPTER 1120  
A-1 Agricultural**

- 1120.01 Intent.**
- 1120.02 Permitted Use – Certificate Required.**
- 1120.03 Conditional Use Requiring Planning Commission Approval.**
- 1120.04 Required Building Setbacks.**
- 1120.05 Lot Requirements.**
- 1120.06 Height Requirements.**
- 1120.07 Accessory Structures**

**1120.01 INTENT.**

To encourage and preserve agricultural uses as part of a balanced and diversified economy in the city, as well as to provide a district for properties within the city which are currently being used for agricultural purposes and/or which may be in a transitional stage with regard to development.

**1120.02 PERMITTED USE – CERTIFICATE REQUIRED.**

- A.** Agricultural (Farm) Activities
- B.** Single Family Dwelling
- C.** Sale of farm products grown or raised on the premises.
- D.** Accessory Uses
- E.** Public Parks

**1120.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL.**

- A.** Cemeteries
- B.** Government Uses
- C.** Home Occupations
- F.** Places of Worship
- G.** Emergency Services
- H.** Nursery
- I.** Farm Animal Operations
  - a. The construction or conversion of a structure for the purpose of housing animals shall go to City Planning Commission.
  - b. Farm Animal Operations existing before the creation of the A-1 Agriculture zoning district shall be grandfathered.

**1120.04 REQUIRED BUILDING SETBACKS.**

- A. Front Yard Setback**  
Fifty feet (50')
- B. Side Yard Setback**  
Twenty feet (20')
- C. Rear Yard Setback**  
Forty feet (40')
- D. Street Side Yard Setback**  
Fifty feet (50')

**1120.05 LOT REQUIREMENTS.**

**A. Minimum Required Lot Size**

5 acres

**B. Minimum Required Lot Frontage**

Two hundred and fifty feet (250')

**C. Maximum Percent of Lot Coverage**

1. Maximum

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

**1120.06 HEIGHT REQUIREMENTS.**

**A. Primary Structure**

Shall not exceed forty feet (40') above grade

**B. Accessory Structures excluding farm structures.**

Shall not exceed thirty five feet (35') above grade

**C. Farm related structures such as barns and grain silos are exempt from A and B.**

a. They shall not exceed 60 Feet.

**1120.07 ACCESSORY STRUCTURES.**

**A.** There shall be no limit to the number or square footage of accessory structures primarily used for agricultural purposes.

**B.** All accessory structures shall have the same building setbacks as a primary structure.

**CHAPTER 1121**  
**R-1 Single Family Low Density Residential**

- 1121.01 Intent.**
- 1121.02 Permitted Use – Certificate Required.**
- 1121.03 Conditional Use Requiring Planning Commission Approval.**
- 1121.04 Required Building Setbacks.**
- 1121.05 Lot Requirements.**
- 1121.06 Minimum Living Areas.**
- 1121.07 Height Requirements.**

**1121.01 INTENT.**

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

**1121.02 PERMITTED USE – CERTIFICATE REQUIRED.**

- A. Single Family Dwelling.**
- B. Accessory Uses. (See 1161.01 Accessory Structures, Permitted Accessory Structures)**
- C. Daycares (Type B Family Day-Care Home).**
- D. Public and Private Parks.**

**1121.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL.**

- A. Cemeteries**
- B. Government Uses**
- C. Home Occupations**
- D. Non-Commercial Recreational Facilities**
- E. Places of Worship**
- F. Public/Private Golf Courses**
- G. Public Swimming Pool.**
- H. Restricted Commercial Recreational Facilities**
- I. Schools – Public/Private Kindergarten to 12**
- J. Emergency Services**
- K. Community Center**

**1121.04 REQUIRED BUILDING SETBACKS.**

**A. FRONT YARD SETBACK. Thirty feet (30')**

1. Infill Development and Additions

a. Where one or more lots are improved, the front yard setback shall be the average depth of the front yard setbacks on either side of the lot.

b. Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots.

**B. SIDE YARD SETBACK. Five feet (5')**

**C. REAR YARD SETBACK. Thirty feet 30')**

**D. STREET SIDE YARD SETBACK. Fifteen feet (15')**

**1121.05 LOT REQUIREMENTS.**

**A. Minimum Required Lot Size**

10,000 square feet

**B. Minimum Required Lot Frontage**

Sixty-five feet (65')

**C. Maximum Percent of Lot Coverage**

1. Maximum

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

2. Exceptions

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

**1121.06 MINIMUM LIVING AREAS.**

**A. Single Story Home**

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

**B. Two Story Home**

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

**1121.07 HEIGHT REQUIREMENTS.**

**A. Primary Structure**

Shall not exceed forty feet (40') above grade.

**B. Accessory Structures**

Shall not exceed eighteen feet (18') above grade.

**CHAPTER 1122**  
**R-2 Single Family Medium Density Residential**

- 1122.01 Intent.**
- 1122.02 Permitted Use - Certificate Required.**
- 1122.03 Conditional Use Requiring Planning Commission Approval.**
- 1122.04 Required Building Setbacks.**
- 1122.05 Lot Requirements.**
- 1122.06 Minimum Living Areas.**
- 1122.07 Height Requirements.**

**1122.01 INTENT.**

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

**1122.02 PERMITTED USE – CERTIFICATE REQUIRED.**

- A. Single Family Dwelling**
- B. Accessory Uses**
- C. Daycares (Type B Family Day-Care Home)**
- D. Public and Private Parks**

**1122.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL.**

- A. Cemeteries**
- B. Home Occupations**
- C. Non-Commercial Recreational Facilities**
- D. Places of Worship**
- E. Public/Private Golf Courses**
- F. Public Swimming Pools**
- G. Restricted Commercial Recreation Facilities**
- H. Schools – Public/Private Kindergarten to 12**
- I. Bed & Breakfasts**
- J. Group Homes**
- K. Emergency Services**
- L. Community Center**

**1122.04 REQUIRED BUILDING SETBACKS.**

**A. FRONT YARD SETBACK. Twenty five feet (25')**

1. Infill Development and Additions

a. Where one or more lots are improved, the front yard setback shall be the average depth of the front yard setbacks on either side of the lot.

b. Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots.

**B. SIDE YARD SETBACK. Five feet (5')**

**C. REAR YARD SETBACK. Thirty feet 30')**

**D. STREET SIDE YARD SETBACK. Fifteen feet (15')**

**1122.05 LOT REQUIREMENTS.**

**A. Minimum**

No lot size shall be less than 7,500 square feet.

**B. Minimum**

Minimum required lot frontage is fifty feet (50').

**C. Maximum Percent of Lot Coverage:**

1. Maximum

No lot shall exceed thirty three percent (33%) in coverage for all roofed structures.

2. Exceptions

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

**1122.06 MINIMUM LIVING AREAS.**

**A. Single story homes**

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

**B. Two story homes**

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

**1122.07 HEIGHT REQUIRMENTS.**

**A. Primary Structure**

Shall not exceed forty feet (40') above grade.

**B. Accessory Structures**

Shall not exceed eighteen feet (18') above grade.

**CHAPTER 1123**  
**R-3 Single Family High Density Residential**

- 1123.01 Intent.**
- 1123.02 Permitted Use – Certificate Required.**
- 1123.03 Conditional Use Requiring Planning Commission Approval.**
- 1123.04 Required Building Setbacks.**
- 1123.05 Lot Requirements.**
- 1123.06 Minimum Living Area.**
- 1123.07 Height Requirements.**

**1123.01 INTENT.**

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

**1123.02 PERMITTED USE – CERTIFICATE REQUIRED.**

- A. Single Family Dwelling**
- B. Accessory Uses**
- C. Daycares (Type B family Day-Care Home)**
- D. Public and Private Parks**

**1123.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL.**

- A. Cemeteries**
- B. Government Uses**
- C. Home Occupations**
- D. Non-Commercial Recreational Facilities**
- E. Places of Worship**
- F. Public/Private Golf Courses**
- G. Public Swimming Pools**
- H. Restricted Commercial Recreational facilities**
- I. Schools – Public/Private Kindergarten to 12**
- J. Funeral Services**
- K. Group Homes**
- L. Bed & Breakfasts**
- M. Parking Lots**
- N. Emergency Services**
- O. Community Center**
- P. Duplex/Triplex**

#### **1123.04 REQUIRED BUILDING SETBACKS.**

##### **A. FRONT YARD SETBACK. Ten feet (10')**

###### **1. Infill Development and Additions**

- a. Where one or more lots are improved, the front yard setback shall be the average depth of the front yard setbacks on either side of the lot.
- b. Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots.

##### **B. SIDE YARD SETBACK. Three feet (3')**

##### **C. REAR YARD SETBACK.**

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

##### **D. STREET SIDE YARD SETBACK. Ten feet (10')**

##### **E. Overhangs**

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

#### **1123.05 LOT REQUIREMENTS.**

##### **A. Minimum Required Lot Size**

The minimum lot size is 3,500 square feet.

##### **B. Minimum Required Lot Frontage**

Thirty-five feet (35').

##### **C. Maximum Percent of Lot Coverage**

Maximum

No lot shall exceed fifty percent (50%) in coverage for all roofed structures.

##### **D. Exceptions Include**

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

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

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

#### **1123.06 MINIMUM LIVING AREA.**

##### **A. Single Story Homes**

Shall have a minimum 800 square feet of living space.

##### **B. Two Story Homes**

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

#### **1123.07 HEIGHT REQUIREMENTS.**

##### **A. Primary Structure**

Shall not exceed forty feet (40') above grade.

##### **B. Accessory Structures**

Shall not exceed eighteen feet (18') above grade.

**CHAPTER 1124**  
**R-4 Duplex/Triplex Residential**

- 1124.01 Intent.**
- 1124.02 Permitted Use – Certificate Required.**
- 1124.03 Conditional Use Requiring Planning Commission Approval.**
- 1124.04 Required Building Setbacks.**
- 1124.05 Lot Requirements.**
- 1124.06 Minimum Living Area.**
- 1124.07 Height Requirements**

**1124.01 INTENT.**

The R-4 Duplex/Triplex District is designed to accommodate one, two, and three unit housing structures as either infill or new developments.

**1124.02 PERMITTED USE – CERTIFICATE REQUIRED.**

- A. Single Family Dwelling**
- B. Duplex**
- C. Triplex**
- D. Accessory Uses**
- E. Daycares (Type B Family Daycare Home)**
- F. Public and Private Parks**

**1124.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL.**

- A. Cemeteries**
- B. Government Uses**
- C. Home Occupations**
- D. Non-Commercial Recreational Facilities**
- E. Places of Worship**
- F. Public/Private Golf Courses**
- G. Public Swimming Pools**
- H. Restricted Commercial Recreation Facility**
- I. Schools – Public/Private Kindergarten to 12**
- J. Funeral Services**
- K. Bed & Breakfasts**
- L. Parking Lot**
- M. Emergency Services**
- N. Group Homes**
- O. Community Center**

**1124.04 REQUIRED BUILDING SETBACKS.**

**A. INFILL DEVELOPMENT AND ADDITIONS**

**1. FRONT YARD SETBACK.**

- a. Where one or more lots are improved, the front yard setback shall be the average depth of the front yard setbacks on either side of the lot.
- b. Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots.

**2. SIDE YARD SETBACK.** Three feet (3')

**3. STREET SIDE YARD SETBACK.** Ten feet (10')

**4. REAR YARD SETBACK.** Thirty feet (30')

**B. NEW CONSTRUCTION.**

**1. FRONT YARD SETBACK.** Twenty-five feet (25')

**2. SIDE YARD SETBACK.** Five feet (5')

**3. REAR YARD SETBACK.** Thirty feet (30')

**1124.05 LOT REQUIREMENTS.**

**A. Minimum Required Lot Size**

The minimum lot size is 4,500 square feet.

**B. Minimum Required Lot Frontage**

Forty-five feet (45')

**C. Maximum Percent of Lot Coverage**

Maximum

No lot shall exceed fifty percent (50%) in coverage for all roofed structures.

**D. Exceptions include**

One accessory building containing fifty square feet (50 sq. ft.) or less per buildable lot.

See Chapter 1121.06 for additional information.

**1124.06 MINIMUM LIVING AREA.**

**A. Single Story Homes**

Shall have a minimum 800 square feet of living space.

**B. Two Story Homes**

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

**1124.07 HEIGHT REQUIREMENTS.**

**A. Primary Structure**

Shall not exceed forty feet (40') above grade.

**B. Accessory Structures**

Shall not exceed eighteen feet (18') above grade.

**CHAPTER 1125**  
**M-1 Multiple Family Residential District**

- 1125.01 Intent.**
- 1125.02 Permitted Use – Certificate Required.**
- 1125.03 Conditional Use - Planning Commission Approval.**
- 1125.04 Required Building Setbacks.**
- 1125.05 Lot Requirements.**
- 1125.06 Minimum Living Area.**
- 1125.07 Minimum Building Separation.**
- 1125.08 Maximum Height.**

**1125.01 INTENT.**

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

**1125.02 PERMITTED USE – CERTIFICATE REQUIRED.**

- A. Multiple-Family Dwellings**
- B. Accessory Uses**
- C. Two-Family Dwellings**
- D. Apartments**

**1125.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL.**

- A. Cemeteries**
- B. Child Daycare Center**
- C. Government Uses**
- D. Home Occupations**
- E. Non-Commercial Recreational Facilities**
- F. Nursing and Convalescence Homes**
- G. Places of Worship**
- H. Public/Private Parks**
- I. Public/Private Golf Courses**
- J. Public Swimming Pools**
- K. Commercial Recreation Facility**
- L. Schools – Public/Private Kindergarten to 12**
- M. Funeral Services**
- N. Bed & Breakfasts**
- O. Group Homes**
- P. Parking Lot**
- P. Community Center**
- Q. Emergency Services**
- R. Electric Vehicle Charging Station – for residents only**

#### **1125.04 REQUIRED BUILDING SETBACKS.**

##### **A. Front Yard Setback**

1. Major & secondary thoroughfares:  
Forty feet (40')
2. **All Other Streets**  
Twenty-five feet (25')
3. **Infill Developments and Additions**  
**Front Yard Setback.**
  - a. Where one or more lots are improved, the front yard setback shall be the average depth of the front yard setbacks on either side of the infill lot.
  - b. Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots.

##### **B. Side Yard Setback**

Twenty-five feet (25')

##### **C. Rear Yard Setback**

Thirty feet (30') minimum. Buildings with heights between 30' and 50' require equivalent rear yard setbacks.

#### **1125.05 LOT REQUIREMENTS.**

##### **A. Minimum Lot Size**

Ratio

The required minimum lot size shall be determined by the following ratio: 5.400 square feet of lot size per living unit.

##### **B. Exclusive of Right of Ways and Streets**

Dedicated and private streets do not count toward the required lot size.

*Example: A ten-unit apartment building would require a lot of 54,000 square feet, not including dedicated right-of-ways or private streets. (10 x 5,400 = 54,000)*

##### **C. Minimum Lot Frontage**

Seventy-five feet (75')

##### **D. Maximum Lot Coverage**

Not more than forty percent (40%) of the site may be covered by impervious surface excluding patios, sidewalks, and walking paths.

#### **1125.06 MINIMUM LIVING AREA.**

500 square feet per living unit.

#### **1125.07 MINIMUM BUILDING SEPARATION.**

Twenty feet (20')

#### **1125.08 MAXIMUM HEIGHT.**

##### **A. Primary Structure**

1. Primary structures shall not exceed fifty feet (50')
2. **Infill projects within an existing neighborhood shall not exceed forty feet (40')**

##### **B. Accessory Structure**

Accessory structures shall not exceed eighteen feet (18')

**CHAPTER 1126**  
**M-2 Multiple Family Residential District**

- 1126.01 Intent.**
- 1126.02 Permitted Use – Certificate Required.**
- 1126.03 Conditional Use Requiring Planning Commission Approval.**
- 1126.04 Required Building Setbacks.**
- 1126.05 Lot Requirements.**
- 1126.06 Minimum Living Area.**
- 1126.07 Height Requirements.**
- 1126.08 Minimum Building Separation.**

**1126.01 INTENT.**

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

**1126.02 PERMITTED USE – CERTIFICATE REQUIRED.**

- A. Multiple-Family Dwellings**
- B. Two-Family Dwellings**
- C. Apartments**
- D. Accessory Uses**

**1126.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL.**

- A. Cemeteries**
- B. Daycare Facilities**
- C. Government Uses**
- D. Home Occupations**
- E. Non-Commercial Recreational Facilities**
- F. Nursing and Convalescence Homes**
- G. Places of Worship**
- H. Public/Private Parks**
- I. Public/Private Golf Courses**
- J. Public Swimming Pools**
- K. Restricted Commercial Recreational Facilities**
- L. Schools – Public/Private Kindergarten to 12**
- M. Funeral Homes**
- N. Bed & Breakfasts**
- O. Parking Lot**
- P. Emergency Services**
- Q. Community Center**
- R. Electric Vehicle Charging Station – for residents only**

## 1126.04 REQUIRED BUILDING SETBACKS

### A. Front Yard Setback

1. Major & secondary thoroughfares:  
Forty feet (40')
2. All other streets: Twenty-five feet (25')
3. **Infill Developments and Additions**  
**Front Yard Setback.**
  - a. Where one or more lots are improved, the front yard setback shall be the average depth of the front yard setbacks on either side of the infill lot.
  - b. Where the lot is a corner lot, the depth of the front yards shall equal the front yard depth of the adjoining lots.

### B. Side Yard Setback

Twenty-five feet (25')

### C. Rear Yard Setback

Thirty feet (30') minimum. Building with heights between 35' and 50' require equivalent rear yard setbacks

## 1126.05 LOT REQUIREMENTS

### A. Minimum Lot Size

Shall be determined by the following ratio: 3,500 square feet of lot size per living unit. Dedicated right-of-ways and private streets do not count toward the required lot size.

*Example: A ten-unit apartment building would require a lot of 35,000 square feet, not including dedicated rights-of-ways or private streets. (10 x 3,500 = 35,000)*

### B. Minimum Lot Frontage

One hundred and twenty-five feet (125').

### C. Maximum Lot Coverage

Not more than forty percent (40%) of the site may be covered by impervious surface, excluding patios, sidewalks, and walking paths.

## 1126.06 MINIMUM LIVING AREA

### A. Minimum Living Area

500 square feet per living unit.

## 1126.07 HEIGHT REQUIREMENTS

### A. Primary Structure

1. Primary structures shall not exceed fifty feet (50')
2. **Infill projects within an existing neighborhood shall not exceed forty feet (40')**

### B. Accessory Structure

Shall not exceed eighteen feet (18')

## 1126.08 MINIMUM BUILDING SEPARATION

### A. Minimum

Twenty feet (20')

**CHAPTER 1127  
CD - Condominium District**

- 1127.01 Intent.**
- 1127.02 Permitted Use – Certificate Required.**
- 1127.03 Conditional Use Requiring Planning Commission Approval.**
- 1127.04 Required Building Setbacks.**
- 1127.05 Lot Requirements.**
- 1127.06 Minimum Living Area.**
- 1127.07 Height Requirements.**
- 1127.08 Minimum Building Separation.**
- 1127.09 Maximum Building Size.**

**1127.01 INTENT.**

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

**1127.02 PERMITTED USE – CERTIFICATE REQUIRED**

- A. Condominiums**
- B. Accessory Uses**
- C. Public/Private Parks**

**1127.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL**

- A. Government Uses**
- B. Home Occupations**
- C. Borrow Pits**
- D. Non-Commercial Recreational Facilities**
- E. Nursing and Convalescence Homes**
- F. Places of Worship**
- G. Public/Private Golf Courses**
- H. Commercial Recreational Facilities**
- I. Schools – Public/Private, Kindergarten to 12**

**1127.04 REQUIRED BUILDING SETBACKS**

- A. Front Yard Setback**
  - 1. Major & secondary thoroughfares: Forty feet (40')
  - 2. All other streets: Twenty-five feet (25')
- B. Side Yard Setback**  
Fifteen feet (15')
- C. Rear Yard Setback**  
Thirty feet (30')

### **1127.05 LOT REQUIREMENTS**

#### **A. Minimum Lot Size**

Shall be determined by the following ratio:

7,000 square feet minimum area of lot size per living unit.

#### **B. Right of Ways**

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

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

#### **C. Minimum Frontage**

One hundred feet (100')

### **1127.06 MINIMUM LIVING AREA**

#### **A. Minimum**

800 square feet per living unit.

### **1127.07 HEIGHT REQUIREMENTS**

#### **A. Primary Structure**

Shall not exceed forty feet (40')

#### **B. Accessory Structure**

Shall not exceed eighteen feet (18')

### **1127.08 MINIMUM BUILDING SEPARATION**

#### **A. Single Family Detached Condominium**

Ten feet (10')

#### **B. Two or Three Unit Condominium Building**

Fifteen feet (15')

#### **C. Four Unit Condominium Building**

Twenty feet (20')

#### **D. Differing Sized Condominiums**

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

### **1127.09 MAXIMUM BUILDING SIZE**

#### **A. Maximum**

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

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

**CHAPTER 1129**  
**MH – Mobile Home District**

- 1129.01 Intent.**
- 1129.02 Permitted Use – Certificate Required.**
- 1129.03 Conditional Use Requiring Planning Commission Approval.**
- 1129.04 Required Setbacks.**
- 1129.05 Lot Requirements.**
- 1129.06 Minimum Living Area.**
- 1129.07 Minimum Building Separation.**
- 1129.08 Minimum Building Size.**
- 1129.09 Height Requirements.**

**1129.01 INTENT.**

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

**1129.02 PERMITTED USE – CERTIFICATE REQUIRED.**

- A. Mobile Homes**
- B. Accessory Uses**

**1129.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL**

- A. Home Occupations**
- B. Non-Commercial Recreational Facilities**
- C. Public/Private Parks**
- D. Public Swimming Pool**
- E. Emergency Services**

**1129.04 REQUIRED SETBACKS**

- A. Perimeter Setback**
  - 1. Major or secondary thoroughfare (Required)  
Forty feet (40')
  - 2. Other Streets  
Thirty feet (30')
- B. Interior - Side Yard**  
Thirty feet (30')
- C. Interior - Rear Yard**  
Thirty feet (30')
- D. Front Setback**  
Fifteen feet (15') from edge of pavement
- E. Side Setback**  
Seven feet (7')
- F. Rear Setback**  
Ten feet (10')

### **1129.05 LOT REQUIREMENTS**

#### **A. Minimum Development Size**

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

1. Exclusive of Rights-of-Way

#### **B. Minimum Lot Size**

Shall be determined by the following ratios:

1. 4,000 square feet per dwelling

#### **C. Minimum Lot Frontage – Entire Site**

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

#### **D. Maximum Lot Coverage**

Per requirements of the State of Ohio Health Department.

### **1129.06 MINIMUM LIVING AREA**

Per State of Ohio Health Code.

### **1129.07 MINIMUM BUILDING SEPARATION**

Per State of Ohio Health Code.

### **1129.08 MINIMUM BUILDING SIZE**

Per State of Ohio Health Code.

### **1129.09 HEIGHT REQUIREMENTS**

#### **A. Primary Structure**

Shall not exceed twenty feet (20')

#### **B. Accessory Structure**

Shall not exceed eighteen feet (18')

**CHAPTER 1131  
O-1 INSTITUTIONS & OFFICES DISTRICT**

- 1131.01 Intent.**
- 1131.02 Permitted Use – Certificate Required.**
- 1131.03 Conditional Uses.**
- 1131.04 Required Building Setbacks.**
- 1131.05 Lot Requirements.**
- 1131.06 Minimum Building Separation.**

**1131.01 INTENT.**

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

**1131.02 PERMITTED USE – CERTIFICATE REQUIRED.**

- A. Accessory Uses**
- B. General Offices**
- C. Government Uses**
- D. Financial and Insurance Institutions**
- E. Laboratories**
- F. Medical Offices**
- G. Law Offices**
- H. Places of Worship**
- I. Professional Offices**
- J. Public/Private Parks**
- K. Schools – Public/Private Kindergarten to 12**
- L. Daycare Facilities**
- M. Libraries**
- N. Community Centers**
- O. Schools: Trade, Business, Commercial**

**1131.03 CONDITIONAL USES.**

- A. Nursing and Convalescence Homes**
- B. Funeral Services**
- C. Cemeteries**
- D. Emergency Services**
- E. Communication Structures**
- F. Mixed Use Office/Residential**
- G. Electric Vehicle Charging Station**

#### **1131.04 REQUIRED BUILDING SETBACKS**

Building setbacks are based on three categories of height: Buildings one (1) or two (2) stories in height, buildings three (3) stories in height or less, and; buildings in excess of three (3) stories. (Delete ;)

##### **A. Buildings One (1) or Two (2) Stories Tall**

###### **1. Front Yard Setback**

Twenty five feet (25')

###### **2. Side Yard Setback**

Five feet (5')

###### **3. Rear Yard Setback**

Twenty feet (20')

##### **B. Buildings Three (3) Stories Tall**

###### **1. Front Yard Setback**

Forty feet (40').

###### **2. Side Yard Setback**

Twenty feet (20')

###### **3. Rear Yard Setback**

Twenty feet (20')

##### **C. Buildings Four (4) Stories Tall or More**

###### **1. Front Yard Setback**

Fifty-five feet (55').

###### **2. Side Yard Setback**

Twenty feet (20')

###### **3. Rear Yard Setback**

Forty Feet (40')

#### **1131.05 LOT REQUIREMENTS**

##### **A. Minimum Lot Size**

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

##### **B. Minimum Lot Frontage**

Fifty feet (50')

#### **1131.06 MINIMUM BUILDING SEPARATION**

##### **A. Buildings Three (3) Stories Tall or Less**

Twenty feet (20')

##### **B. Buildings Four (4) Stories Tall or More**

Thirty feet (30')

**CHAPTER 1133  
C-1 LOCAL COMMERCIAL DISTRICT**

- 1133.01 Intent.**
- 1133.02 Permitted Use – Certificate Required.**
- 1133.03 Conditional Uses.**
- 1133.04 Required Building Setbacks.**
- 1133.05 Required Lot Frontage.**
- 1133.06 Height Standards.**
- 1133.07 Outdoor Display of Merchandise.**
- 1133.08 Screening.**

**1133.01 INTENT.**

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

**1133.02 PERMITTED USE – CERTIFICATE REQUIRED.**

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

- A. Professional Services**
- B. Libraries**
- C. Restaurants – No drive thru or pick up windows.**
- D. Art and Antique Shops**
- E. Bakeries - Retail**
- F. Bed & Breakfasts**
- G. Book Stores**
- H. Business Services**
- I. Coffee Shops**
- J. Convenience Stores**
- K. Craft Supplies**
- L. Dance Studios**
- M. Day Care Centers (Type A & B)**
- N. Dry Cleaners**
- O. Flower Shops**
- P. Food Retailing**
- Q. Hardware Stores**
- R. Health Services**
- S. Ice Cream Shops**
- T. Beauty Salons**
- U. Barber Shops**
- V. Body Clinics**

- W. Veterinary Clinics (No Kennel)**
- X. Accessory Uses**
- Y. Personal Services**
- Z. Community Center**
- AA. Fraternal Organizations**
- BB. Private Clubs**

**1133.03 CONDITIONAL USES.**

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

- A. Sports & Recreational Facilities**
- B. Bars, Night Clubs, Taverns**
- C. Drive Thru Pick Up Window Only**
- D. Funeral Services**
- E. Off-Premises Signs**
- F. Mixed Use Commercial/Residential**
- G. Electric Vehicle Charging Station**

**1133.04 REQUIRED BUILDING SETBACKS.**

- A. Front Yard Setback**  
Twenty-five feet (25')
- B. Side Yard Setback**  
Ten feet (10')
- C. Street Side Yard Setback**  
Fifteen feet (15')
- D. Rear Yard Setback**  
Twenty feet (20')

**1133.05 REQUIRED LOT FRONTAGE.**

**Minimum Lot Frontage**

Minimum required lot frontage is seventy-five feet (75').

**1133.06 HEIGHT STANDARDS.**

Maximum forty feet (40')

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

See Chapter 1161.10 Outdoor Storage Standards/ Chapter 1161.10.3 Outdoor Display.

**1133.08 SCREENING.**

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

**CHAPTER 1135  
C-2 GENERAL COMMERCIAL DISTRICT**

- 1135.01 Intent.**
- 1135.02 Permitted Use – Certificate Required.**
- 1135.03 Conditional Uses.**
- 1135.04 Required Building Setbacks.**
- 1135.05 Required Lot Frontage.**
- 1135.06 Height Standards.**
- 1135.07 Outdoor Display of Merchandise & Outdoor Storage.**

**1135.01 INTENT.**

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

**1135.02 PERMITTED USE – CERTIFICATE REQUIRED.**

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

- A. Retail Trade**
- B. Automotive Sales**
- C. Motels and Hotels**
- D. Cinemas/Theaters**
- E. Commercial Schools**
- F. Clubs**
- G. Financial Institutions**
- H. Shopping Malls**
- I. Lumber Yards**
- J. Pawn Shops**
- K. Accessory Uses**
- L. Taxi Services**
- M. Fueling Stations**
- N. Minor Automobile Repair Services**

**1135.03 CONDITIONAL USE.**

In addition to other requirements found in this Ordinance, uses stated below may be permitted or denied depending upon how well they can address various site issues.

- A. Sports & Recreational Facilities**
- B. Bars, Night Clubs, Taverns**
- C. Funeral Services**
- D. Outdoor Sale of Building Materials**
- E. Drive-Thru Beverage Stores**
- F. Contractor Equipment, Rental, & Supplies**
- G. Car Washes**
- H. Drive Thru Lanes/Windows**

- I. Parking Garages**
- J. Off Premise Signs**
- K. RV Sales**
- L. Major Auto Repair**
- M. Borrow Pits**
- N. Mixed Use Commercial/ Residential**
- O. Electric Vehicle Charging Station**

**1135.04 REQUIRED BUILDING SETBACKS.**

**A. Front Yard Setback**

Thirty feet (30')

**B. Side Yard Setback**

1. Typical

Fifteen feet (15')

2. Adjacent to Residential Use or Zoning

Twenty-five feet (25')

**C. Street Side Yard Setback**

Fifteen feet (15')

**D. Rear Yard Setback**

Thirty feet (30')

**1135.05 REQUIRED LOT FRONTAGE.**

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

**1135.06 HEIGHT STANDARDS.**

Maximum sixty feet (60')

**1135.07 OUTDOOR DISPLAY OF MERCHANDISE & OUTDOOR STORAGE.**

See Chapter 1161.10 Outdoor Storage Standards/ Chapter 1161.10.3 Outdoor Display.

**CHAPTER 1137  
C-3 DOWNTOWN BUSINESS DISTRICT**

- 1137.01 Intent.**
- 1137.02 Uses Permitted.**
- 1137.03 Conditional Uses Permitted.**
- 1137.04 Lot Requirements.**
- 1137.05 Building Width**

**1137.01 INTENT.**

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

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

**1137.02 USES PERMITTED**

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

- A. Professional Services**
- B. Libraries**
- C. Restaurants**
- D. Art and Antique Shops**
- E. Bakeries – Retail**
- F. Bed & Breakfasts**
- G. Book Stores**
- H. Bars, Taverns, Night Clubs**
- I. Coffee Shops**
- J. Convenience Stores**
- K. Craft Supplies**
- L. Dance Studios**
- M. Day Care Centers (Type A & B)**
- N. Dry Cleaners**
- O. Flower Shops**
- P. Food Retailing**
- Q. Hardware Stores**
- R. Health Services**
- S. Ice Cream Shops**
- T. Beauty Salons**
- U. Barber Shops**
- V. Sidewalk Cafes (Dependent on Approval from Safety Service Director)**

- W. **Veterinary Clinic (No Kennel)**
- X. **Accessory Uses**
- Y. **Taxi Services**
- Z. **Retail Trade**
- AA. **Motels and Hotels**
- BB. **Cinemas/Theaters**
- CC. **Commercial Schools**
- DD. **Clubs**
- EE. **Financial Institutions**
- FF. **Parking Lots, Ramps & Decks**
- GG. **Entertainment Uses**
- HH. **Governmental Uses**
- II. **Public & Quasi-Public Uses**

**1137.03 CONDITIONAL USES PERMITTED**

- A. **Residential Uses**
- B. **Automotive Sales**
- C. **Electric Vehicle Charging Station**
- D. **Other Uses**

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

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

**1137.04 LOT REQUIREMENTS.**

**A. Front & Rear Yard Requirements**

1. Main Street, Main Cross Street & Sandusky Street

Buildings are not permitted to be set back more than five feet (5') from the right-of-way; up to fifty percent (50%) of the building frontage can be set back an additional five feet (5') to provide a public-private space.

2. All other streets - No front or side yards are required in the C-3 Districts.

**B. Rear yards**

1. Loading spaces shall be provided in the ratio of at least ten square feet (10 sq. ft.) per front foot of the building.

2. Where an alley exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the center of said alley.

**1137.05 BUILDING WIDTH.**

**A. Required building width**

1. Buildings are to have a minimum width of sixty percent (60%) of the lot width.

**CHAPTER 1138**  
**Design Review Regulations**

- 1138.01 Purpose.**
- 1138.02 Definitions.**
- 1138.03 Downtown Design Review Board established.**
- 1138.04 Designation.**
- 1138.05 Downtown Design Review Board; powers and duties.**
- 1138.06 Certificate of Appropriateness.**
- 1138.07 Limitations on issuance of certificates and permits.**
- 1138.08 Minimum maintenance requirement.**
- 1138.97 Stop work order.**
- 1138.99 Penalty.**

**1138.01 PURPOSE.**

The purposes of this chapter are:

- A.** To establish procedures whereby certain areas of the City are afforded protection from actions that would be detrimental to the business, residential and cultural resources in the community, and to pursue the following objectives:
  - 1. Maintain and enhance the distinctive aesthetic character of downtown;
  - 2. Encourage development of vacant properties in accordance with the character of the designated districts.
- B.** To contribute to the economic and cultural development of downtown Findlay by:
  - 1. Protecting and enhancing the downtown attraction to prospective residents, businesses and visitors;
  - 2. Strengthen the economy of downtown by stabilizing and improving property values;
- C.** To facilitate reinvestment in and revitalization of the central business district.  
(Ord. 2018-035. Passed 5-1-18.)

**1138.02 DEFINITIONS.**

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

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

- D.** "Complete Applicant" means the application for a Certificate of Appropriateness to be deposited with the Administrator, together with such plans, specifications and drawings needed to convey the scope of the proposed Alteration.
- E.** "Downtown Design Review District" means any area within the City designated by Council to be subject to the provisions of this chapter.
- F.** "Downtown Design Review Guidelines" means a written set of examples of good and bad design features. The review guidelines are meant to help convey the aesthetic character of the Downtown Design Review District.
- G.** "Member" means any Member of the Downtown Design Review Board as established under this chapter.
- H.** "Minor Alteration" means either: (1) an alteration for which there is no reasonable basis to object to the alteration based on the Downtown Design Review Guidelines; or (2) an alteration that will have little or no impact on the distinctive aesthetic character of the Downtown Design Review District. Based on these criteria, the Administrator has authority to determine whether a proposed alteration is a minor alteration.
- I.** "Property owner" means the owner or owners of record, lessees or occupants, of real property.
- J.** "Real Property" includes lands, tenements, structures and hereditaments.
- K.** "Administrator of the Board" or "Administrator" shall be a staff member designated by the Downtown Design Review Board.
- L.** "Structure" means anything constructed or erected, or placed on the land, the use of which requires a permanent location on the ground or attachment or something having a location on the ground. This includes but is not limited to buildings, walls, fences, advertising signs, and billboards.
- (Ord. 2018-035. Passed 5-1-18.)

### **1138.03 DOWNTOWN DESIGN REVIEW BOARD ESTABLISHED.**

- A.** Composition of the Board. There is hereby established a Downtown Design Review Board ("Board") which shall have the powers and duties set forth in this Chapter. The Board shall consist of seven members and two alternates, who shall be appointed by the Mayor, subject to confirmation by Council. The Members of the Board shall be appointed by the Mayor with due regard for the need for professional expertise and balance among the diverse interests within the Downtown Design Review District.
- B.** Alternates. Two alternates shall be appointed and are considered a member when acting on behalf of a member who is absent or must abstain from a vote. Alternates shall be asked to attend any meeting a regular member will be absent or has a conflict of interest. The alternates should fill any vacant seats to help ensure that seven voting members are present.

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

**D. Attendance.** Any member of the Board that has been absent for two (2) consecutive meetings or more than 1/3 of the total number of regularly scheduled meetings during the previous twelve months, and having been properly advised as to the date, time and place of said meetings may be subject to removal. The Board will review each case individually to determine if removal is necessary. (Ord. 2018-035. Passed 5-1-18.)

#### **1138.04 DESIGNATION.**

The Downtown Design Review District shall be confined to properties within the designated area. This will include all property located within the boundaries set forth on the map. Any changes to the Downtown Design Review District boundaries must be approved by Council. (Ord. 2018-035. Passed 5-1-18.)

#### **1138.05 DOWNTOWN DESIGN REVIEW BOARD; POWERS AND DUTIES.**

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

**B. Applicable Properties.** This Chapter applies only to the following property types:

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

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

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

1. Site Design.
  - a. Relationship of Building Masses and Spaces - The relationship of a structure within the district to the open space between it and adjoining structures should be compatible.
  - b. Height - the height of any proposed alteration should be compatible with the style and character of surrounding structures in the Downtown Design Review District;
  - c. Scale - The scale of the structure after iteration, should be compatible with its architectural style and character with surrounding structures;
  - d. Landscaping - Landscaping should be compatible with the architectural character and appearance of the Downtown Design Review District.
2. Building Design.
  - a. Proportions of windows and doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the district;
  - b. Materials - Building materials shall be complementary to the character of the Downtown Design Review District.
  - c. Roof Shape - The design of the roof, and cornice should be compatible with the architectural style and character of the Downtown Design Review District;
  - d. New Structures - New structures shall be compatible with the character of the Downtown Design Review District.
  - e. Color - Shall be compatible with the character of the Downtown Design Review District.

**D. Meeting Schedule.**

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

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

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

**G.** Establishing Administrative Review. The Administrator may review a prospective project to determine:

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

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

(Ord. 2018-035. Passed 5-1-18.)

## **1138.06 CERTIFICATE OF APPROPRIATENESS.**

**A.** Process and Timing.

1. Before commencing any alteration, the Property Owner shall contact the Administrator.
2. The Administrator shall determine if the project is an alteration or a minor alteration. If it is determined to be a minor alteration, the Administrator shall issue a Certificate of Appropriateness. If it is determined to be an alteration, the applicant shall submit a complete application to the Administrator to apply for and secure a Certificate of Appropriateness from the Board. The application for a certificate shall be deposited with the Administrator, together with such plans, specifications and drawings needed to convey the scope of the project. The Administrator shall transmit the application to the Board members.
3. Within forty-five days of filing, the Board shall consider the application, and approve, deny, or approve the application with conditions or modifications.
4. If the Board fails to meet and consider an application within forty-five days of filing, the application shall be deemed approved. Once the Board meets to consider the application the forty-five day period is satisfied and no specific timeline is applied to the application. The Board may table an application for no longer than a forty-five day period for further discussion or fact finding purposes.
5. The Board may require any person applying for a Certificate of Appropriateness to supply additional information with the Board prior to any hearing or determination to properly review the application.

6. If the proposed alteration is determined to have no adverse effect on the Downtown Design Review District, and does not violate the spirit and purpose of these regulations, then the Administrator shall issue the Certificate of Appropriateness.

7. If the Board determines that the proposed alteration will have an adverse effect on the Downtown Design Review District, or violates the spirit and purposes of these regulations, then the Board shall deny issuance of the Certificate of Appropriateness. The Board shall state in its records the reason for denial and transmit to the applicant via proof of mailing the reasons for denial.

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

(Ord. 2018-035. Passed 5-1-18.)

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

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

B. Exemptions.

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

2. Any minor alteration.

(Ord. 2018-035. Passed 5-1-18.)

#### **1138.08 MINIMUM MAINTENANCE REQUIREMENT.**

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

1. Paint: chipped or faded

2. Awnings: torn, faded, structural failures

3. Windows: cracked, broken, missing.

4. Signs: broken, chipped paint, structural failure

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

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

1. Complaints shall be filed with the Administrator. The Administrator will gather information to present at the next scheduled Board meeting.
2. Upon receipt of a complaint, the Administrator shall review and determine if the complaint is valid.
3. The Administrator shall notify the property owner or authorized representative of a potential maintenance violation via proof of mailing. The property owner will be asked to attend the next Board meeting to discuss the potential violation. Prior to the conclusion of the meeting, the Board shall vote to determine if a maintenance violation has occurred and outline steps for remediation. A majority vote of the quorum present is needed to determine if there is a maintenance issue and to outline steps for remediation.
4. If it is determined that a violation exists, the property owner shall have thirty (30) days to fix the violation. The Board may state a period longer than thirty (30) days when appropriate.
5. If the property owner or representative fails to respond or attend the next Board meeting to discuss the potential violation, the Board will proceed without the owners input and prescribe actions for remediation. The Board will make reasonable efforts to schedule a meeting with the property owner if they are unable to attend the regularly scheduled monthly meeting.

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

(Ord. 2018-035. Passed 5-1-18.)

**1138.97 STOP WORK ORDER.**

**A.** The Zoning Administrator, Administrator or other designated enforcement official of the City, upon learning or discovering a violation of this design review ordinance may immediately issue a stop work order which shall be posted on the job site and mailed to the applicant or property owner. All work on the property must cease immediately unless otherwise stated on the stop work order.

**B.** The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

**C.** When an owner fails to comply with the stop work order, the owner may be prosecuted and is subject to the penalty provided in Chapter 1199.

**D.** Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance. (Ord. 2018-035. Passed 5-1-18.)

**1138.99 PENALTY.**

**A.** Fines.

1. Failure to remedy the violation as outlined by the Board within the designated timeframe will result in a violation and will be subject to Penalty Section 1199. (Ord. 2018-035. Passed 5-1-18.)

**CHAPTER 1139**  
**Downtown Design Review District Review Guidelines**

**1139.01 Introduction.**

**1139.02 Design guidelines.**

**1139.03 Secretary of the Interior standards.**

**1139.04 Appendix.**

**1139.01 INTRODUCTION.**

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

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

**1.01 - Role.**

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

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

**1.02 - Purpose.**

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

### **1.03 -Design Review Process.**

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

How does the process begin?

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

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

1. When the property owner or occupant/tenant intends to construct, reconstruct, or alter any portion of a structure within the District, they shall first apply for and secure a Certificate of Appropriateness from the Design Review Board. The application for a certificate shall be deposited with the Design Review Board Administrator, together with such plans, specifications and drawings needed to convey the scope of the project. The application must contain the following:

- a. Completed Application Form
- b. Application fee of \$25
- c. Photographs of existing conditions
- d. Colored drawings of proposed project showing all exposed façades of the building
- e. List of materials to be used in the project including proposed colors.

2. The Administrator shall transmit the application to the Design Review Board Members.

3. Within forty-five days of filing, the Board shall consider the application package and approve, deny, or table the application. Review of the application shall be based on Design Review Guidelines contained in this document.

4. If the Board fails to meet and consider an application within forty-five days of filing, the application shall be deemed approved. Once the Board meets to consider the application the forty-five day period is satisfied and no specific timeline is applied to the application. The Board may table an application for further discussion or fact-finding purposes.

5. The Board may require any person applying for a Certificate of Appropriateness to supply additional information with the Board prior to any hearing or determination to properly review the request.

6. If the proposed construction, reconstruction, alteration is determined to have no adverse effect on the Downtown Design Review District, and does not violate the spirit and purpose of these regulations, then the Board Administrator shall issue the Certificate of Appropriateness.

7. If the Design Review Board determines that the proposed construction, reconstruction, Alteration will have an adverse effect on the Downtown Design Review District, or violates the spirit and purposes of these guidelines, then the Board shall deny issuance of the Certificate of Appropriateness. The Board shall state in its records the reason for denial and transmit to the Applicant via proof of mailing the reasons for denial.

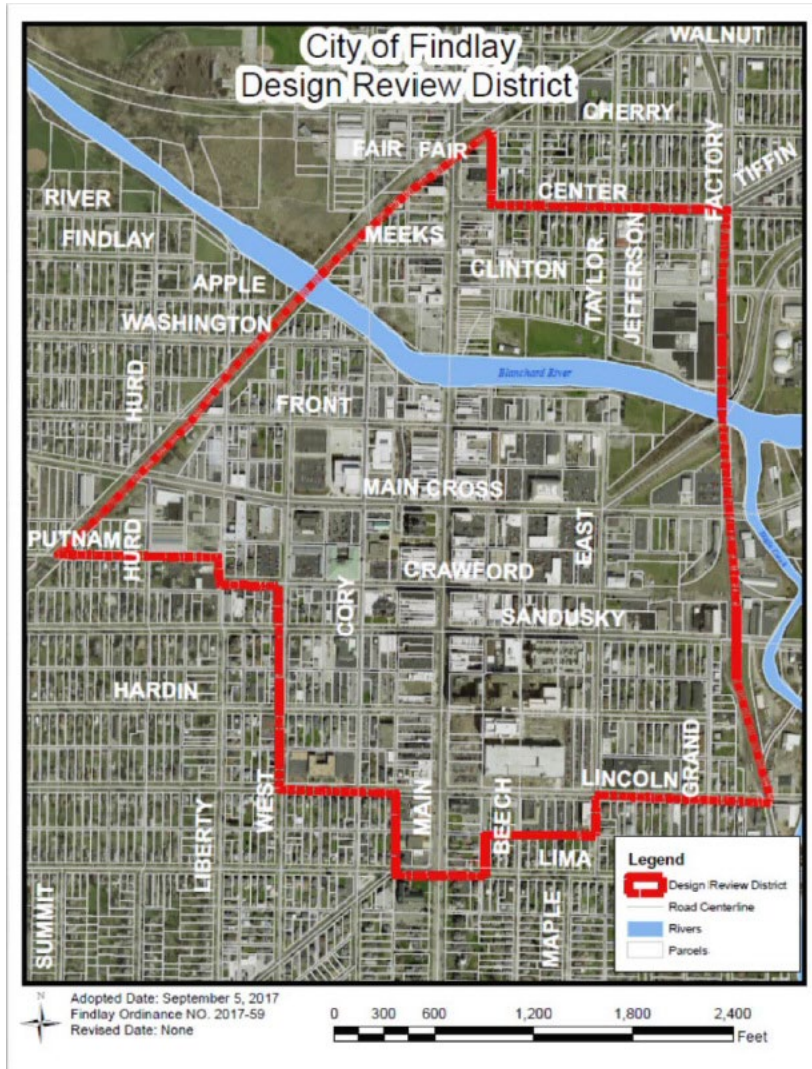


Figure 1.01 District Boundary Map: The Design Review Board Guidelines apply to the buildings within the outlined Downtown Design Review District overlay.

(Ord. 2018-035. Passed 5-1-18.)

### 1139.02 DESIGN GUIDELINES.

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

## **2.00 - General Building Design.**

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

In general, buildings in the Downtown Design Review District should:

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

Buildings should not:

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

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

- 1.01 Building Massing
- 1.02 Building Materials
- 1.03 Building Façade
  - 1.03.1 Windows
  - 1.03.2 Entrances
  - 1.03.3 Awnings
  - 1.03.4 Signage

### 1.03.5 Lighting

### 1.03.6 Colors

## 1.04 Site Improvements

### 1.04.1 Fencing

### 1.04.2 Parking Lots

### 1.04.3 Landscaping

### 1.04.4 Mechanical Systems

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

## **2.01 - Building Massing.**

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

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

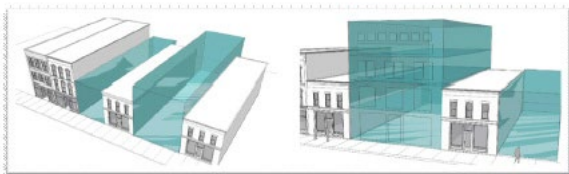


Figure 2.01: Appropriate building massing - subtle variation in building height positively contributes to the urban experience. Notice this example has a continual street wall with no gaps between buildings.

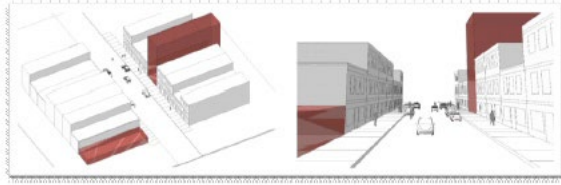


Figure 2.02: Inappropriate building massing - too much variation in height does not present uniform street front. Of most concern is the single-story building which deteriorates the sense of enclosure.

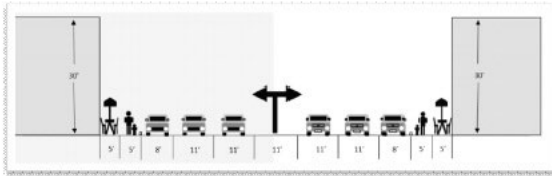


Figure 2.03 Building height, street width ratio: This illustrates a good design criterion that is the street width to building height ratio (1:3 Building heights to street width). Maintaining this ratio helps create the urban sense of enclosure.



Figure 2.04 Street Gaps: Avoid major gaps in street wall



Figure 2.05 Street Wall: Example of a strong street wall

## **2.02 - Building Materials**

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

- Base materials should be consistent and new materials should complement the existing.

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



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



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



Figure 2.08 Discouraged Materials: Discouraged - utility masonry

## 2.03 - Building Façade

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

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



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



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



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

### 2.03.1 - Windows

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



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



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

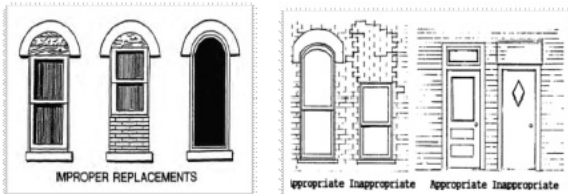


Figure 2.14 Window & Door Replacements: The photos above demonstrate both appropriate and inappropriate window and door replacements.



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



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

### 2.03.2 - Entrances

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

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



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



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

### 2.03.3 - Awnings

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

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



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



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



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

### 2.03.04 - Signage

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

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

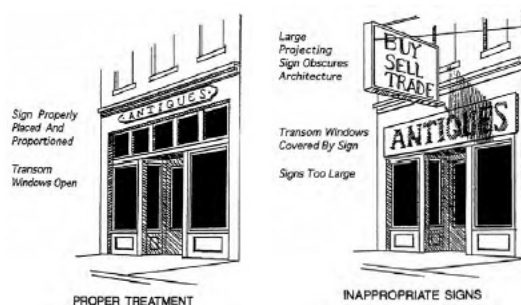


Figure 2.22 Signs: Appropriate vs. inappropriate signage

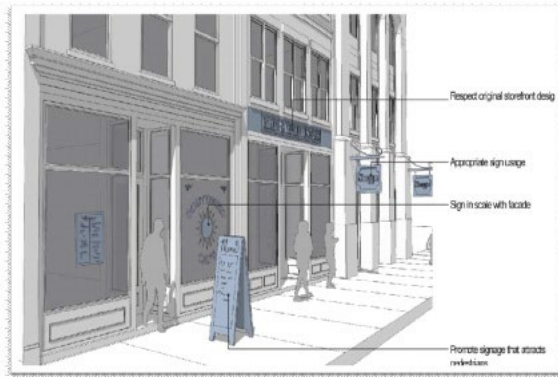


Figure 2.23: Encouraged Signs - Signs that are to scale with building elements help to appropriately advertise for business and reduce visual clutter.

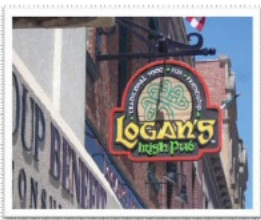


Figure 2.24: Encouraged Projecting Sign - Projecting signs help to create visual interest

### 2.03.5 - Lighting

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



Figure 2.25: Encouraged Projecting lights - Projecting lights

### **2.03.6 - Color**

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

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

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

## **2.04 Site Improvements**

### **2.04.1 - Fencing**

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

The following types of fencing are discouraged:

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

The following is encouraged:

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

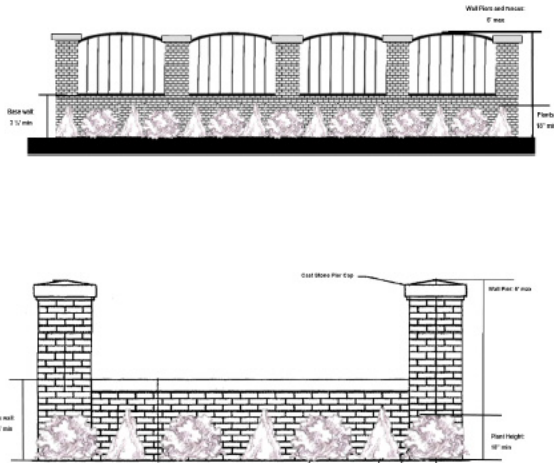


Figure 2.26: Appropriate Fencing - fencing material can create a more inviting appearance.

### 2.04.2 - Parking Lots

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

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



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

### **2.04.3 - Landscaping**

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

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

Figure 2.28: Appropriate Landscaping - Good example of parking lot

### **2.04.4 - Mechanical Systems**

- AC units distended from windows are not allowed.
- New mechanical systems/additional mechanical services should be placed out of the line of sight when possible.
- Special precautions should be taken when installing new mechanical systems in older buildings to ensure that both the interior/exterior of the building is preserved.
- Rooftop units visible from the street shall be screened from pedestrian view with a material in keeping with the architecture of the building.

(Ord. 2018-035. Passed 5-1-18.)

### **1139.03 SECRETARY OF THE INTERIOR STANDARDS.**

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

#### **A. Standards for Preservation.**

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(Ord. 2018-035. Passed 5-1-18.)

## 1139.04 APPENDIX.

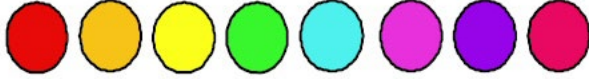


Figure 2.29 Discouraged Colors: Colors like these can be used as accents, but should not be used as the predominant color of the building.



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



Figure 2.31: Encouraged Colors - these colors are more neutral and fit the traditional color palette of the downtown. (Ord. 2018-035. Passed 5-1-18.)

**CHAPTER 1141  
I-1 LIGHT INDUSTRIAL DISTRICT**

- 1141.01 Intent.**
- 1141.02 Permitted Use – Certificate Required.**
- 1141.03 Conditional Uses.**
- 1141.04 Required Building Setbacks.**
- 1141.05 Existing Setbacks.**
- 1141.06 Required Lot Frontage.**
- 1141.07 Height Requirements.**
- 1141.08 Minimum Building Separation.**

**1141.01 INTENT.**

The I-1 Light Industrial Districts are designed primarily to accommodate wholesale activities, warehouses, and light industrial operations which may be conducted in areas proximate to residential and commercial areas with attempts to provide as much isolation as possible and where external environmental and physical effects are restricted to the area of this District. No offensive or hazardous conditions shall be created by an industry. Disruptive activities shall be minimized to maintain tranquility if near commercial or residential areas and districts. These would include excessive traffic, dust, dirt, noxious gases, smoke, noise, fumes or vibrations. Permitted uses of this district exclude heavy industrial operations.

**1141.02 PERMITTED USE – CERTIFICATE REQUIRED.**

- A. Industrial Manufacturing**
- B. Light Manufacturing**
- C. Wholesale Trade**
- D. Transportation & Warehousing**
- E. Machining**
- F. Welding**
- G. Major Automotive Repair**
- H. Semi-Truck Repair, Sales and Service**
- I. Truck Stops**
- J. Research & Development Laboratories**
- K. Mini-Storage Warehouse**
- L. Trade or Industrial Schools**
- M. Public Safety Facilities**
- N. Kennels Outdoor/Indoor - Kennels – Veterinary Clinics**
- O. Towing Operations & Storage Lots**
- P. Production and/or Storage of Medical or Compressed Gases**
- Q. RV Sales and Services**
- R. Contractor Storage Equipment**
- S. Bulk Sales, Storage or Top Soils & Mulches, Etc.**
- T. Accessory Uses**

### **1141.03 CONDITIONAL USES.**

- A.** Sales areas or showrooms for products manufactured on-site.  
Sales area not to exceed forty-percent (40%) of the primary structure.
- B.** Adult Entertainment Establishments / Adult Entertainment Uses  
(Chapter 1164 Adult Entertainment Establishment/Adult)
- C.** Outdoor drive-in movie theaters.
- D.** Any additional less intensive, non-objectionable uses which are subject to Planning Commission review.
- E.** Electric Vehicle Charging Station
- F.** Refuse Transfer Station & Recycling Centers

### **1141.04 REQUIRED BUILDING SETBACKS.**

- A. Front Yard Setback**  
Fifty feet (50')
- B. Side Yard Setback**
  - 1. Thirty feet (30')
  - 2. If adjacent to an area that is zoned or used for residential, the setback shall be seventy-five feet (75').
- C. Rear Yard Setback**
  - 1. Thirty feet (30')
  - 2. If adjacent to an area that is zoned or used for residential, the setback shall be seventy-five feet (75').

### **1141.05 EXISTING SETBACKS.**

- A. Industrial Uses**  
Expansion of existing industrial uses may use the established setbacks or the current standards, whichever is less.

### **1141.06 REQUIRED LOT FRONTAGE.**

- A. Minimum Lot Frontage**  
Minimum required lot frontage is one hundred feet (100').

### **1141.07 HEIGHT REQUIREMENTS.**

- A. Primary Structure**  
Shall not exceed sixty feet (60')
- B. Accessory Structure**  
Shall not exceed forty feet (40')

### **1141.08 MINIMUM BUILDING SEPARATION.**

- A. Minimum Separation**  
Minimum distance between buildings – twenty-five feet (25')

**CHAPTER 1143  
I-2 GENERAL INDUSTRIAL DISTRICT**

- 1143.01 Intent.**
- 1143.02 Permitted Use – Certificate Required.**
- 1143.03 Conditional Uses.**
- 1143.04 Required Building Setbacks.**
- 1143.05 Use of Existing Setbacks.**
- 1143.06 Required Lot Frontage.**
- 1143.07 Minimum Building Separation.**
- 1143.08 Height Requirements.**

**1143.01 INTENT.**

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

**1143.02 PERMITTED USES – CERTIFICATE REQUIRED.**

- A. All Uses Permitted in I-1**
- B. Light Manufacturing**
- C. Research and Testing Facilities**
- D. Automobile Service Stations**
- E. Major Automobile Repair**
- F. Heavy Manufacturing**
- G. Accessory Uses**
- H. Wholesale Businesses**
- I. Warehousing**
- J. Laboratories**
- K. Truck Stops**
- L. Refineries**

**1143.03 CONDITIONAL USES.**

- A. Junkyards**
- B. Stock Yards**
- C. Slaughterhouse**
- D. Landfills**
- E. Oil and Gas Wells**
- F. Adult Entertainment Establishments / Adult Entertainment Uses**
- G. Mining**
- H. Quarrying**
- I. Off Premise Signs**
- J. Borrow Pits**

**K. Electric Vehicle Charging Station**

**L. Any Additional Less Intensive, Non-Objective Uses Which are Subject to Planning Commission Review**

**1143.04 REQUIRED BUILDING SETBACKS.**

**A. Front Yard Setback**

1. Major & secondary thoroughfares – seventy-five feet (75’);
2. All other streets – fifty feet (50’).

**B. Side Yard Setback**

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

**C. Rear Yard Setback**

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

**1143.05 USE OF EXISTING SETBACKS.**

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

**1143.06 REQUIRED LOT FRONTAGE.**

**A. Minimum Lot Frontage**

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

**1143.07 MINIMUM BUILDING SEPARATION.**

**A. Minimum Separation**

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

**1143.08 HEIGHT REQUIREMENTS.**

**A. Primary Structure**

Shall not exceed sixty feet (60’)

**B. Accessory Structure**

Shall not exceed forty feet (40’)

**CHAPTER 1144**  
**I-3 LARGE SCALE INDUSTRIAL DISTRICT**

- 1144.01 Intent.**
- 1144.02 Permitted Use – Certificate Required.**
- 1144.03 Conditional Uses.**
- 1144.04 Required Building Setbacks.**
- 1144.05 Use of Existing Setbacks.**
- 1144.06 Required Lot Frontage.**
- 1144.07 Minimum Building Separation.**
- 1144.08 Height Requirements.**
- 1144.09 Wind Energy Conversion Systems**

**1144.01 INTENT.**

The I-3 Large Scale Industrial Districts are designed to allow for maximum flexibility for manufacturing and assembling, fabricating activities, large scale and specialized industrial operations that are on properties greater than 50 acres. These Districts are structured to include heavy industrial use and innovative technologies that are contained within the premises.

**1144.02 PERMITTED USES – CERTIFICATE REQUIRED.**

- A.** All Uses Permitted in the I-1 District.
- B.** Industry Utilizing Autonomous Technology
- C.** Solar Power Generation
- D.** Wind Energy Conversion Systems

**1144.03 CONDITIONAL USES.**

- A.** Any Additional Less Intensive, Non-Objective Uses Which are Subject to Planning Commission Review

**1144.04 REQUIRED BUILDING SETBACKS.**

**A. Front Yard Setback**

- 1. Major & secondary thoroughfares – seventy-five feet (75’);
- 2. All other streets – fifty feet (50’)

**B. Side Yard Setback**

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

**C. Rear Yard Setback**

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

**1144.05 USE OF EXISTING SETBACKS.**

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

**1144.06 REQUIRED LOT FRONTAGE.**

**A. Minimum Lot Frontage**

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

**1144.07 MINIMUM BUILDING SEPARATION.**

**A. Minimum Separation**

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

**1144.08 HEIGHT REQUIREMENTS.**

**A. Primary Structure**

Shall not exceed sixty feet (60')

**B. Accessory Structure**

Shall not exceed forty feet (40')

**C. Wind Energy Conversion System**

Shall not exceed four hundred and ninety nine feet (499')

**1144.09 Wind Energy Conversion System**

WECS shall be governed by the standards set forth of Chapter 1156.

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

- 1147.01 Intent.**
- 1147.02 Permitted Uses.**
- 1147.03 Required Building Setbacks.**
- 1147.04 Height Requirements.**

**1147.01 INTENT.**

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

**1147.02 PERMITTED USES.**

- A. Community Recreation
- B. Passive Recreation Activities
- C. Active Recreation Activities
- D. Festivals & Gatherings
- E. Accessory Structures

**1147.03 REQUIRED BUILDING SETBACKS.**

**A. Front yard setback**

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

**B. Side and Rear Setback**

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

**1147.04 HEIGHT REQUIREMENT.**

Maximum Building Height – thirty-five feet (35')

**CHAPTER 1151  
PLANNED UNIT DEVELOPMENT (PUD)**

**Sections:**

**1151.01 Purpose and Application**

**1151.02 Establishment of PUD**

**1151.03 Procedures**

**1151.04 Submission Requirements**

**1151.05 Plan Approval Criteria**

**1151.06 Definitions**

**1151.01 PURPOSE AND APPLICATION.**

**A. Purpose.** In some cases, the standard zoning district regulations do not adequately regulate or enable the range of uses in a single zoning district that are appropriate in the city.

1. The purposes of the PUD regulations are to:
  - a. Provide an opportunity for a mix of land uses otherwise not permitted within the standard municipal zoning district classifications.
  - b. Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
  - c. Assure compatibility between proposed land uses within and around the PUD through appropriate development controls.
  - d. Promote economical and efficient use of land and reduce infrastructure costs through unified development.
  - e. Allow for innovated design

**B. Application.** The Planned Unit Development (PUD) regulations combine the request for zoning with the development plan review process, and when applicable, the subdivision process.

1. Each PUD shall be considered a separate and unique zoning district wherein a preliminary development plan, including associated text depicting the specific development standards, is adopted simultaneously with the amendment of the zoning map.
2. PUDs adopted and established in accordance with the provisions of this chapter and the requirements contained herein shall take precedence over any conflicting regulations contained in the Zoning Code and Subdivision Regulations.

**C. Ownership.** All property owners shall be a party to the PUD Application. The PUD shall be binding upon the owners, their successors and assigns and shall limit and control the issuance and validity of all certificates of zoning compliance.

**D. Size.**

1. Minimum size for a PUD is five (5) acres.
2. The five (5) acres requirement may be waived if the project is considered an infill development.

3. The City Planning Commission shall determine if a development is considered infill.
  - a. General Criteria the planning shall consider when determining infill designation:
    - i. The area is unused or underutilized compared to the surrounding land.
    - ii. Previously or currently has dilapidated or vacant structures.
    - iii. Utilizes existing infrastructure.
    - iv. Previously a brownfield site.
    - v. Other mitigating circumstances.

#### **1151.02 ESTABLISHMENT OF PUD.**

- A. Planned Unit Development.** A PUD that is adopted after the effective date of these regulations shall be established according to the following:
  1. A preliminary development plan shall be reviewed by the City Planning Commission, Planning and Zoning Committee and acted upon by the City Council.
  2. Detailed final development plans shall be reviewed and acted upon by the City Planning Commission.
  3. A preliminary subdivision plat may be reviewed simultaneously with a preliminary development plan. A final subdivision plat shall be reviewed simultaneously with a final development plan, unless a final plat has already been approved or is not required for completion of the project.

#### **1151.03 PROCEDURES.**

- A. Purpose.** The purpose of this section is to provide adequate review of applications for planned developments.
- B. General Provisions.** Review of applications for PUDs shall be conducted in compliance with the following general provisions:
  1. Review for completeness. Each planned development application shall be reviewed for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the staff shall notify the applicant of the deficiencies.
  2. Subdivision plat approval. If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process. Preliminary development plan approval and preliminary subdivision plat approval may proceed simultaneously. Final development plan approval and final plat approval shall proceed simultaneously, unless a final plat has already been approved or is not required for completion of the project.
- C. Zoning Amendment Pre-application Meeting with Concept Plan.**

It is recommended that the applicant meet with the City Staff prior to applying for a PUD zoning amendment. The concept plan is intended to outline the basic scope, character and nature of a proposed project.
- D. Zoning Amendment Request.**

In addition to the submission requirements for zoning amendments, the applicant shall also submit a preliminary development plan and supporting documentation as required below.

1. Preliminary development plan review procedures.
  - a. Staff review. After determining that an application is complete, the staff shall forward the application to the appropriate city departments and, if determined necessary, professional consultants for review and comment.
  - b. Review and action by Planning Commission. The Planning Commission shall review the application to determine if it complies with the approval criteria. The Planning Commission shall take into consideration any submitted staff reports, comments, and expert opinions when reviewing the application.
    1. Action by Planning Commission. The Planning Commission shall recommend to City Council one of the following:
      - a. That the preliminary development plan and its supporting documentation be approved as submitted;
      - b. That the preliminary development plan and its supporting documentation be approved with specific conditions set forth by the Planning Commission, and agreed to by the applicant; or
      - c. That the preliminary development plan be disapproved.
    2. Transmission to Council. The Planning Commission shall transmit the zoning amendment application and the preliminary development plan in the form of an ordinance, along with all appropriate documentation, including their recommendation, to City Council.
  - c. Review and action by City Council. City Council shall review and act on the proposed ordinance(s), including conducting a public hearing, in accordance with City Council procedures and public notice provisions.
    1. In reviewing the ordinance(s), the City Council shall consider the approval criteria set forth in the City of Findlay Zoning Code and supporting documents.
    2. Disapproval by City Council shall terminate the process. Another zoning amendment application pertaining to the land included in the disapproved application shall not be accepted within one year from the date of disapproval, unless there has been substantial change to warrant reconsideration.
2. Approval of the PUD/preliminary development plan.
  - a. Adoption of the ordinance shall constitute a rezoning of the property included in the preliminary development plan to a PUD, and the preliminary development plan and associated commitments become binding on the applicant.
  - b. The Official Zoning Map shall be amended to reflect the zoning change.
  - c. In the event City Council approves the preliminary development plan with modifications, the applicant shall incorporate such modifications into the

appropriate documents and file the revised preliminary development plan with the staff. No final development plan application will be processed until the revised preliminary development plan is submitted and approved.

### **E. Final Development Plans.**

An application for final development plan review shall be required for each phase of development. The applicant shall also submit a final subdivision plat for simultaneous review unless a final plat has already been approved or is not required for completion of the project.

1. Review procedures. The application, including any conditional use application, shall be reviewed according to the following procedures:
  - a. Staff review. After determining that an application is complete, staff shall forward the application to the appropriate city departments and, if determined necessary, professional consultants for review and comment.
    1. The application shall be reviewed for compliance with the approved preliminary development plan, the requirements of this Code and other applicable city codes.
    2. During the course of their review, the staff may meet with the applicant to review the application, and the applicant may revise the final development plan application in response to staff's comments.
    3. The application and supporting documents, staff comments, any other reports and accompanying documents shall be transmitted to the City Planning Commission.
  - b. Review by City Planning Commission. The Planning Commission shall review the application to determine if it complies with the approval criteria. The Planning Commission shall take into consideration any submitted staff reports when reviewing the application.
    1. Request for additional information/revisions. In their review of an application, the Planning Commission may request additional information they deem necessary to adequately review and evaluate the proposed development, and/or may request the applicant to revise elements of the application. When this occurs, the Planning Commission may table the application.
    2. Timeframe for review of tabled case. Within sixty (60) days, the applicant will, upon written request to the Planning Commission Staff, be entitled to a fixed hearing date. The case will be scheduled for the next regular meeting of the Planning Commission but not less than thirty (30) days following receipt of the written request.
    3. Any proposed modification to a preliminary development plan shall require a zoning amendment to the preliminary development plan.
    4. Compliance with current city-wide standards. In the event development standards or construction standards that apply city-wide are updated, all subsequently approved final development plans shall comply with the updated standards when the Planning

Commission determines that such updated standard(s) will not cause undue hardship.

- c. Action by Planning Commission. The Planning Commission shall take one of the following actions:
1. Approve the final development plan as submitted;
  2. Approve the final development plan with modification(s) as agreed to by the applicant; or
  3. Disapprove the final development plan when the application does not demonstrate that the required standards have been met. Disapproval of the final development plan shall terminate the process. The applicant may revise the final development to respond to the Planning Commission's concerns and resubmit the plan.

#### **F. Zoning and Building Permits**

1. After approval of the final development plan, the applicant shall obtain a certificate of zoning compliance and building permit prior to construction.
2. A certificate of zoning compliance and building permit shall not be issued until the appropriate final plat has been recorded and the city has accepted any applicable land areas that are to be dedicated to the city.
3. All construction and development shall be in accordance with the approved final development plan. Any unauthorized departure from such plan shall be cause for revocation of the certificate of zoning compliance. All required covenants, easements and restrictions shall be recorded prior to the approval of any construction.

#### **1151.04 SUBMISSION REQUIREMENTS.**

**A. Contents of Preliminary Development Plan Application.** The applicant shall submit a number of copies as determined by the Director of Planning. The information submitted should include all the following that apply to the specific project:

1. Completed application form along with the application fee.
2. Vicinity map showing the relationship of the proposed PD to existing development and including existing property lines, easements, utilities, and street rights-of-way of the subject property and property within five hundred (500) feet of the site, zoning district boundaries, and existing land uses and structures.
3. Regional context map.
4. Legal description.
5. Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:
  - a. Boundaries of the area proposed for development, dimensions and total acreage;
  - b. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
  - c. Identification of any existing buildings or structures to be removed or demolished;
  - d. Existing utility systems and providers;

- e. The location of existing topography showing contour lines at vertical intervals of not more than five (5) feet;
  - f. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation;
  - g. Delineation of existing drainage patterns on the property;
  - h. Location of wetlands, the one hundred (100)-year floodplain, floodway boundary, flood elevation as delineated by the Federal Emergency Management Agency maps.
6. The preliminary development plan map shall include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The information submitted shall indicate:
    - a. The proposed location, use and size of areas of residential, retail, office, industrial or institutional uses, open spaces, and access points.
    - b. The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets, pedestrian circulation, bike paths, access drive locations, improvements to existing streets, and traffic control requirements;
    - c. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
    - d. Natural areas and other natural features to be conserved and any buffer areas;
    - e. A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units.
  7. Preliminary plat, if appropriate.
  8. Architectural drawings
  9. Project phasing map. A phasing plan identifying the separate phases of the project, including utilities and any off-site improvements.
  10. Proposed utilities including the proposed provision of water, sanitary sewer and surface drainage facilities.
  11. The City Engineer may require a traffic study indicating the impact of future traffic on the existing and proposed roadway system.
  12. Development standards text. The development standards text identifying the requirements that are to govern the design and layout of the PUD.
    - a. The development standards text shall include signature and date lines for the applicant certifying the text.
    - b. List of permitted and conditional uses.
    - c. Dimensions and/or acreages illustrated on the development plan shall be described in the development standards text.
    - d. Any dimensions or other provision that departs from any applicable standards set forth in the Findlay Zoning Code.
    - e. Adequate provision shall be made to establish a private organization (i.e. homeowners association) with direct responsibility to provide for the operation and maintenance of all common facilities that are part of the planned

development, and, in such instance legal assurances shall be provided to show that the private organization is self-perpetuating.

- B. Contents of Final Development Plan Application.** Final development plans are intended to be a site plan review and shall include existing conditions and complete construction drawings. The information submitted shall include the following:
1. Completed application form along with the application fee.
  2. Scale of not less than 1"=30' if the subject property is less than three (3) acres, and 1"=100' if three (3) acres or more.
  3. Dimensions of all lot and property lines showing the relationship of the subject property to abutting properties; buildings and access drives within one hundred (100) feet of the property.
  4. Vicinity map showing the relationship of the area of the final development plan to the entire PUD and including existing structures, property lines, easements, utilities, and street rights-of-way of the subject property and property within five hundred (500) feet of the site;
  5. Regional context map.
  6. Final subdivision plat. (If applicable.)
  7. Legal description of the property.
  8. Final development plan map prepared by a qualified professional such as a licensed architect, surveyor, engineer or landscape architect, and drawn to an appropriate scale indicating the following items, to the extent that the information is not already shown on the final subdivision plat or construction drawings for a subdivision:
    - a. A bar scale, north arrow, and total acreage of the area that is the subject of the final development plan, and accurate location of all monuments;
    - b. Radii, arcs, points of tangency, central angles for all curvilinear street, radii for all rounded corners, and length of all straight center line between curves on all public and private street;
    - c. The right-of-way lines of adjoining streets and alleys with their width and names, and indicating the edge of pavement and centerline;
    - d. All lot lines and easements with their dimensions;
    - e. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school sites and other public or private facilities; the proposed pedestrian and bike path systems; the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;
    - f. Location of existing and proposed structures including fences, walls, signs, and lighting;
    - g. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
    - h. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;

- i. Delineation and identification of areas to be dedicated or reserved for public use, provided those areas are acceptable to the city, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, listing who will maintain the acreage of such areas, or indicating if it is to be dedicated or reserved;
  - j. Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities.
9. Proposed utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions;
10. Additional plans for proposed development.
  - a. Topographic maps showing existing and proposed grading contours, water courses, wetlands and flood plains and other flood hazard boundaries and information;
  - b. Method of storm water collection; including elevations, catch basins, and direction of surface flow. A one-hundred-year (100) storm detention is required and calculations must accompany the site plan;
  - c. Ohio Professional Engineer approval/seal when the design requires calculation for storm water retention, sanitary sewer and/or pavement design.
  - d. Landscaping and screening plans.
  - e. A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian lighting, average foot-candle calculations, minimum foot-candles and maximum foot-candles;
  - f. A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs;
  - g. Architectural plans for the proposed development, showing all exterior elevations and building floor plans, colors, materials, and other details to indicate the type of architectural style proposed for the development and conformity with applicable appearance standards;
  - h. Construction plans for all public improvements, site grading, and required development practices specified by the city code.
11. Ownership. The ownership interests of the subject property, including liens and easements, and the nature of the developer's interest if not the owner.
12. Covenants, easements and restrictions.
  - a. The substance of covenants, grants of easements, or other restrictions which will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities; and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions.
  - b. For projects that include any area for common use of or to be maintained by multiple property owners, the association's bylaws or code of regulations.

## **1151.05 PLAN APPROVAL CRITERIA.**

**A. Preliminary Development Plan.** In the review of proposed planned developments, the Planning Commission and City Council shall determine whether or not the preliminary development plan complies with the following criteria:

1. The proposed development is consistent with the purpose, intent and applicable standards of the Zoning Code;
2. The proposed development and uses therein advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;
3. Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;
4. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety. The proposed development provides for a safe, convenient and non-conflicting circulation system for motorists and pedestrians;
5. The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PUD and the larger community;
6. The density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans contribute to the orderly development of land within the city;
7. Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;
8. The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Zoning Code or Subdivision Regulation;
9. The proposed building design meets or exceeds the quality of the building designs in the surrounding area and all applicable appearance standards of the city;
10. The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;
11. The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area;

**B. Final Development Plan.** In the review of proposed planned developments, the Planning Commission shall determine whether or not the proposed development, as depicted on the final development plan, complies with the following:

1. The plan conforms in all pertinent respects to the approved preliminary development plan provided, however;

2. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
3. The development has adequate public services and open spaces;
4. The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this code;
5. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
6. The proposed signs are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
7. The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material;
8. Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this code and any other design criteria established by the city or any other governmental entity which may have jurisdiction over such matters;
9. If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage;
10. The Commission believes the project to be in compliance with all other local, state and federal laws and regulations.

#### **1151.06 DEFINITIONS.**

**A. Definitions.** For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

#### **B. Plan Definitions.**

1. Final development plan. A detailed plan showing the location of all site improvements, including easements, utilities, buildings, parking areas, circulation routes, points of ingress and egress, transportation and other public improvements (both on- and off-site), landscaping, architectural drawings, loading and unloading zones, service areas, ground signage, directional signage, location of refuse containers, lighting and accessory structures, and may include a subdivision plat. Critical dimensions are shown unless otherwise indicated.
2. Planned unit development (pud). A form of a planned development that includes one or more uses permitted by right or as conditional uses and which is established according to the requirements of § 1151.06.
3. Preliminary development plan. A plan, submitted at the time of rezoning, outlining permitted and conditional land use development sites, major circulation patterns, critical natural areas to be preserved, open space areas and linkages, buffer areas, entryways, and major utilities and their relationship with surrounding uses

**CHAPTER 1153  
MOD MEDICAL OVERLAY DISTRICT**

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

**1153.01 INTENT.**

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

**1153.02 PERMITTED USE – CERTIFICATE REQUIRED.**

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

- A. Health Care Clinics
- B. Health Care Offices
- C. Hospitals
- D. Urgent Care or Emergency Care Facilities
- E. Surgery Centers
- F. Community Health Centers
- G. Assisted Living Facilities
- H. Nursing Home and/or Convalescent Homes
- I. Hospice Facilities
- J. Medical-Related Educations and Research Facilities
- K. Medical Administration Offices
- L. Medical Laboratories
- M. Parking Facilities

**1153.03 CONDITIONAL USE REQUIRING PLANNING COMMISSION APPROVAL.**

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

- A. Small Retail Trade**
  - 1. Must be ancillary or common to areas around medical facilities. Examples include but are not limited to: coffee shops, pharmacies, book stores, florists, medical supply stores, and retail banking.
  - 2. All retail facilities shall have a maximum square footage of 4,000 square feet.

3. Buildings along South Main Street must be designed to face South Main Street and circulation must be located behind the building.
4. Buildings located along South Main Street at intersections with W. Pearl Street, Wallace Street, and Highland Drive must address both streets as front yards.
5. Drive-thru operations are not permitted, with the exception of retail banking. See note (6) below.
6. Drive thru operations for retail banking shall not have more than two (2) drive thru lanes. Automated Teller Machines (ATM) may not add a third (3<sup>rd</sup>) lane or drive, but are permitted in one (1) of the other two (2) lanes. It is encouraged that ATM's be located along a sidewalk to enhance the walkable character of the Hospital Overlay District.
7. Signage shall be limited to ground and wall signs only. Low-profile signs shall not exceed six (6') feet in height and thirty six square feet (36 sq. ft.) per side with a maximum of two (2) sides. Any boundary with a residential use shall have the appropriate landscape buffer per the landscaping ordinance. Due to the campus atmosphere, wayfinding sign permitting per approval of zoning officer.

**B. Family Medical Hospitality Centers**

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

**1153.04 REQUIRED BUILDING SETBACKS.**

**A. Front Yard Setback**

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

**B. Side Yard Setback**

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

**C. Rear Yard Setback**

Ten feet (10');

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

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

**A. Minimum Request**

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

**B. Land Use Plan**

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

**1153.06 MINIMUM BUILDING SEPARATION.**

- A. One (1) & Two (2) Story Buildings** (One (1) and Two (2) Story Buildings)  
Ten feet (10')
- B. Buildings Over Two (2) Stories**  
Twenty-five feet (25')

**CHAPTER 1154  
UOD UNIVERSITY OVERLAY DISTRICT**

<b>1154.01</b>	<b>Intent.</b>
<b>1154.02</b>	<b>Permitted Uses.</b>
<b>1154.03</b>	<b>Conditional Uses.</b>
<b>1154.04</b>	<b>Development Category.</b>
<b>1154.05</b>	<b>Design Requirements.</b>

**1154.01 INTENT.**

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

**1154.02 PERMITTED USES.**

Uses permitted in the base zoning district.

**1154.03 CONDITIONAL USES.**

The conditional uses permitted in the University Overlay District are subject to Chapter 1154.04 Development Category of the site for which it is proposed. The following uses are permitted subject to the associated conditions:

**A. Universities and Colleges**

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

1. Education Halls
2. Assembly Halls
3. Concert Halls
4. Athletic Facilities and Complexes
5. Student Life Centers
6. Dormitories and Residence Halls
7. Faculty Housing
8. Administrative Buildings
9. Libraries
10. Theaters
11. Parking Lots and Garages
12. Utility Stations and Infrastructure
13. Maintenance Facilities

**B. Fraternity and Sorority Houses**

Subject to the following conditions:

1. Sanction by Parent Society
2. Approval of University
3. Compliance with Off-Street Parking Requirements per Chapter 1161.11  
Parking Standards

**C. Civic Uses**

Libraries and community centers, public or private

Conditions include:

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

**D. Passive and Active Recreational Parks**

Conditions include:

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

**E. Theaters, Athletic Facilities, and Similar Places of Assembly, for both  
Indoor and Outdoor Uses Subject to:**

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

**F. Commercial Uses**

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

1. Professional Offices
2. Restaurants
3. Day Care Centers
4. Art and Antique Shops
5. Bakery – Retail
6. Bed & Breakfasts
7. Book Stores
8. Business Services
9. Coffee Shops
10. Convenience Stores
11. Banks, Financial Institutions
12. Craft Supplies
13. Dance Studios
14. Laundromats
15. Flower Shops
16. Food Retailing

17. Hardware Stores
18. Health Services
19. Ice Cream Shops
20. Beauty Salons
21. Barber Shops
22. Boarding and Lodging Houses

**G. Parking Lots**

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

**1154.04 DEVELOPMENT CATEGORY.**

All uses permitted by the University Overlay District in addition to those expressly permitted in the base zoning district shall be reviewed and approved using criteria established in two (2) categories of development: Small Scale Development and Large Scale Development. Building setbacks are based on three (3) categories of height: Buildings one (1) or two (2) stories in height, buildings three (3) stories in height or less, and buildings in excess of three (3) stories.

**A. Buildings Less than Thirty (30) Feet Tall**

1. Front Yard Setback  
Twenty-five feet (25')
2. Side Yard Setback  
Five feet (5')  
Twenty feet (20') if adjacent to single family residential use
3. Rear Yard Setback  
Twenty feet (20')  
Thirty feet (30') if adjacent to single family residential use

**B. Buildings Thirty (30) Feet Tall or More**

1. Front Yard Setback  
Forty feet (40').
2. Side Yard Setback  
Twenty feet (20')  
Thirty (30') feet if adjacent to single family residential use
3. Rear Yard Setback  
Twenty feet (20')  
Thirty (30') feet if adjacent to single family residential use

#### **1154.05 DESIGN REQUIREMENTS.**

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

**CHAPTER 1155  
RIPARIAN CORRIDOR OVERLAY DISTRICT**

- 1155.01 Purpose.**
- 1155.02 Intent.**
- 1155.03 Riparian Areas Defined.**
- 1155.05 Prohibited Areas.**
- 1155.06 Area Yard and Height Regulations.**
- 1155.07 Riparian Setback.**
- 1155.08 Exemptions.**
- 1155.09 Standards and Regulations.**
- 1155.10 Permitted Uses.**
- 1155.11 Exceptions.**

**1155.01 PURPOSE.**

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

**A. Impact Reduction**

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

**B. Watercourse Stabilization**

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

**C. Pollutant Reduction**

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

**D. Habitat**

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

**E. Improve City Economy**

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

**1155.02 INTENT.**

It is the policy of the City of Findlay to encourage the establishment of naturally vegetated riparian setbacks along watercourses. Property owners who own land beside watercourses are encouraged to assume responsibility for helping to maintain water quality and the environmental health of riparian systems within the City of Findlay. Riparian setback requirements defined herein represent only minimal protection to water quality, and property owners are encouraged to do more to protect the ecological health of waterways.

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

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

### **1155.03 RIPARIAN AREAS DEFINED.**

#### **A. Streams**

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

#### **B. 100 YEAR FLOODPLAIN**

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

#### **C. Permitted/Conditionally Permitted**

Permitted and conditionally permitted uses in the underlying zoning district(s) are allowed except for those identified as prohibited uses in Chapter 1155.04 (Ord. 2017-039. Passed 5-16-17.)

### **1155.04 PROHIBITED ACTIVITIES.**

Additionally, the following activities are prohibited:

#### **A. Construction**

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

#### **B. Paving**

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

#### **C. Subsurface Activity**

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

#### **D. Clear-cutting**

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

### **1155.05 AREA YARD AND HEIGHT REGULATIONS.**

In addition to all area, yard and height regulations established in the underlying zoning district, the following development standards shall apply within the Riparian Corridor Overlay District and to all areas in the City of Findlay that meet the criteria per Chapter 1155.09 (Ord. 2017-039.

### **1155.06 RIPARIAN SETBACK.**

Widths of buffers are measured as horizontal map distance outward from the ordinary top of the bank on each side of a stream per Chapter 1159.09. The following shall apply to the riparian setback:

#### **A. Delineation**

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

#### **B. Construction Fencing**

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

#### **C. Conformance**

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

#### **D. Recording**

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

### **1155.07 EXEMPTIONS.**

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

### **1155.08 STANDARDS AND REGULATIONS.**

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

- A. Rivers – 75' from top of bank on each side.
- B. Creeks – 25' from top of bank on each side.

### **1155.09 PERMITTED USES.**

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

#### **A. Recreation Trails**

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

**B. Maintenance**

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

**C. Timber Cutting**

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

**D. Stream Crossings**

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

**E. Re-vegetation and/or Reforestation**

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

**F. Best Management Practices**

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

**1155.10 EXCEPTIONS.**

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

**CHAPTER 1156  
ALTERNATIVE ENERGY**

<b>1156.01</b>	<b>Intent – WECS</b>
<b>1155.02</b>	<b>Permitted Zoning Districts</b>
<b>1155.03</b>	<b>Nonconformity</b>
<b>1155.04</b>	<b>Usage</b>
<b>1155.05</b>	<b>Required Setbacks</b>
<b>1155.06</b>	<b>Height Standards</b>
<b>1155.07</b>	<b>Design Standards</b>
<b>1155.08</b>	<b>Terminal WECS</b>
<b>1155.09</b>	<b>Solar Power</b>
<b>1155.10</b>	<b>Permitted Zoning</b>
<b>1155.11</b>	<b>Plan Approval Required</b>
<b>1156.12</b>	<b>Site Design Requirements</b>

**1156.01 INTENT**

The purpose of this article is to provide regulations for the safe and effective construction and operation of Wind Energy Conversion Facilities (WECS) in the City of Findlay, subject to reasonable restrictions, which will preserve the public health and safety.

**1156.02 PERMITTED ZONING DISTRICTS**

- A. I-3 Innovation District

**1156.03 NONCONFORMITY**

It is recognized that nonconforming structures exist and shall be regulated as set forth in Chapter 1162.

**1156.04 USAGE**

- A. The power generated by the WECS shall primarily serve a single user at a single location.
- B. No wind turbine shall be constructed or continue to operate if it does not serve a single user at a single location.

**1156.05 REQUIRED SETBACKS**

- A. The minimum setback from any property line shall be the largest of: 110% of Blade Radius, 110% Blade Length, or 50% of Total System Height.
- B. The minimum setback from a residential structure that is not owned by the WECS owner or off taker shall be the greater of 175% of the total system height or 700 feet.
- C. The minimum setback from a regularly occupied structure shall be 110% of the Total System Height.
- D. The minimum setback from all other structures shall be the greater of Blade Radius or Blade Length.

### **1156.06 HEIGHT STANDARDS**

- A. The total WECS height shall not exceed 499 feet.

### **1156.07 DESIGN STANDARDS**

- A. Access: No tower shall have a climbing apparatus within fifteen feet (15') of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked. If climbing access to the turbine is less than twelve feet (12') from the ground, then fencing shall be required around the base of the WECS.
- B. Noise: A WECS shall have a Sound Power Level warranted or guaranteed by the Manufacturer of less than or equal to 107 dBa. In no event shall the WECS exceed the noise restrictions for the zoning area in which it is located.
- C. Certifications: A WECS shall be certified to meet the requirements of the American Wind Energy Association Small Wind Turbine Performance and Safety Standard (AWEA Std 9.1-2009) or IEC 61400 by an independent association including ETL, CSA, UL, Small Wind Certification Council, DNV, TUV, NORDB, or other nationally recognized testing agency.
- D. Visual Appearance: WECS towers shall be monopole and not lattice. Wind turbines and towers shall be white, off white or unpainted metal, should be corrosion resistant, and have a non-obtrusive and non-reflective finish.
- F. Electric Collection Lines: All electrical interconnection or distribution lines shall predominantly be underground.
- G. Electrical Interconnections: All electrical interconnection shall comply with Ohio Administrative Code "Chapter 4901:1-22 Interconnection Services" as amended. Lighting: WECS shall not be illuminated except as required by the Federal Aviation Administration (FAA).
- H. Signage: A sign or signs shall be posted on the tower, transformer, and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.

### **1156.08 TERMINAL WECS**

- A. The owner shall provide written notice of permanently ceasing operation of a WECS within 30 days to the Zoning Inspector.
- B. A WECS that fails to operate as originally intended for one hundred eighty (180) consecutive calendar days shall be considered terminal and shall be removed within ninety (90) days of becoming terminal. The City shall provide written notice to the owner that the WECS is considered terminal. If the owner returns the WECS to operation as originally intended within ninety (90) days of received notice from the City, the WECS shall no longer be considered terminal and may continue to operate as originally intended. If the owner fails to remove the terminal WECS, the City shall have the right to publically auction off the removal work, perform the work, and encumber the cost against the property.

## **1156.09 SOLAR POWER**

### **1156.10 Permitted Zoning Districts**

- A. Accessory Solar Energy Systems
  - 1. Building Mounted – Permitted in all zoning districts.
  - 2. Ground Mounted – Conditional Use in all zoning districts.
  - 3. Subordinate use to the primary use of the property.
- B. Principal Solar Energy Systems -
  - 1. Medium-Scale Solar Energy System (1750 – 40,000 sq. ft.) – Permitted in C2, I1, I2
  - 2. Large-Scale Energy System (greater than 40,000 sq. ft.) – Permitted in I1, I2. Conditionally permitted in C2.
  - 3. Solar energy generation is the primary use of the property and shall not be building mounted.

### **1156.11 Plan Approval Required**

All solar energy systems shall require a zoning permit. Applications for permits shall include, at a minimum, the following:

- A. A site plan showing:
  - 1. Property lines and physical features, including roads, for the project site;
  - 2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures; and
  - 3. Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, the tallest finished height of the solar collector, placement of panels on a structure.
- B. Documentation of the major system components to be used, including the panels, mounting system, and inverter.
  - 1. Proof of compliance with applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations;
  - 2. Proof of compliance with the Ohio Building Code and with all other applicable fire and life safety requirements; and
  - 3. Manufacturer Specifications.
- C. Utility Notification
  - 1. The owner of the small solar energy system shall provide written authorization that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection.
  - 2. Off-grid systems shall be exempt from this requirement.

## 1156.12 Site Design Requirements

### A. Accessory Solar Systems

1. Mounting –
  - i. Building Mounted
    - a. Whenever practical, all accessory solar energy systems shall be attached to a building.
    - b. Pitched Roofs
      - (i) Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five percent (5%) steeper than the roof pitch on which it is mounted.
    - c. Flat Roofs
      - (i) May be installed at any angle.
      - (ii) Shall be shielded from the ground level perspective.
    - d. Shall not extend the perimeter (or edge of roof) of the structure on which it is located
    - e. May be mounted to a principal or accessory structure
    - f. Combined height of solar energy system and structure to which it is mounted may not exceed the maximum building height allowed in that zoning district for the type of structure to which it is attached.
  - ii. If not designed to be attached to the building, the applicant shall demonstrate by credible evidence that such systems cannot feasibly be attached to a building due to structural limitations of the building.
  - iii. The preferred ground mounted surface is vegetated with stone/gravel splash pads under panel dripline.
2. Glare Control - Accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
3. Height Restrictions
  - i. Building Mounted - For purposes for the height measurement, solar energy systems shall be considered to be mechanical devices and subject to the restrictions of Chapter 1161.04.
  - ii. Ground Mounted – Shall not exceed the maximum accessory structure height within the underlying district.
4. Setback
  - i. Building Mounted – The accessory solar energy system shall not extend beyond the exterior perimeter of the building on which the system is mounted.
  - ii. Ground Mounted – No portion of the solar energy system shall extend past the front boundary of the primary structure and must adhere to the setback requirements of the underlying district.
5. Screening.
  - i. In all cases, the accessory solar system shall be concealed from view to the extent possible without reducing their efficiency.

- ii. Building Mounted –
  - a. Roof penetration is preferred to conceal supply/return heating/cooling water lines and/or electrical wiring from public visibility.
  - b. Exposed supply/return heating/cooling lines shall be permitted provided: the covering insulation is colored to match that of the roof and wall surfaces to which they are attached and eave penetration is used for perpendicular descent of heating/cooling lines from the roof to exterior building wall surfaces.
- iii. Ground Mounted - Fences, walls, and/or landscaping shall be utilized to screen the solar energy system from view, particularly from roadways and abutting residential properties.

**B. Principal Solar Energy Systems**

1. Height – Shall not exceed the maximum structure height within the underlying district.
2. Setback – Shall adhere to the setback requirements of the underlying district.
3. Screening
  - i. All mechanical equipment of principal solar energy systems including any structure for batteries or storage cells, shall be completely enclosed by a minimum ~~six (6)~~ six foot (6') high fence with a self-locking gate, and provided with screening in accordance with Chapter 1161.07
4. Utilities
  - i. Underground - All on-site utility and transmission lines shall be placed underground, to the extent feasible.
  - ii. Substations or similar electrical systems shall be considered an accessory use to Principal Solar Energy Systems and do not require separate review.
5. Signage
  - i. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  - ii. A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number.
  - iii. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.
6. Lighting
  - i. Lighting of Principal Solar Energy systems shall be consistent with local, state, and federal law.
  - ii. Lighting of other parts of the installation shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
  - iii. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
7. Decommissioning – The applicant agrees to the following as conditions of the land use permit:

- i. If the applicant ceases operation of the energy project or begins, but does not complete, construction of the project, the applicant shall restore the site according to a plan approved by the City Planning Commission.
- ii. The Principal Solar Energy Production Facility owner is required to notify the City of Findlay immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. The owner shall then have twelve (12) months in which to dismantle and remove the Solar Energy Production Facility from the property.
- iii. At the time of issuance of the permit for the construction of the Large Solar Energy Production Facility, the owner shall provide financial security in form and amount acceptable to the City of Findlay to secure the expense of dismantling and removing said structures.

**CHAPTER 1161  
DEVELOPMENT STANDARDS**

<b>1161.01</b>	<b>Accessory Structures.</b>
<b>1161.02</b>	<b>Architectural Standards.</b>
<b>1161.03</b>	<b>Fence and Wall Standards.</b>
<b>1161.04</b>	<b>Height Standards.</b>
<b>1161.05</b>	<b>Home Occupations Standards.</b>
<b>1161.06</b>	<b>Landscaping Standards.</b>
<b>1161.07</b>	<b>Screening Standards.</b>
<b>1161.08</b>	<b>Landscaping Standards; Interstate Screening.</b>
<b>1161.09</b>	<b>Lighting Ordinance.</b>
<b>1161.10</b>	<b>Outdoor Storage Standards.</b>
<b>1161.11</b>	<b>Parking Standards.</b>
<b>1161.12</b>	<b>Sign Standards.</b>
<b>1161.13</b>	<b>Communication Structures.</b>
<b>1161.15</b>	<b>Conditional Use Requirements.</b>
<b>1161.16</b>	<b>Common Open Space Requirements.</b>
<b>1161.99</b>	<b>Penalties.</b>

**1161.01 ACCESSORY STRUCTURES.**

**1161.01.1 Accessory Structures R-1, R-2, R-3 & R-4 Single Family and Two-Family Residential Districts**

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

**A. Permitted Accessory Structures**

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

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

**B. Permitted No Zoning Permit Required**

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

### C. General Requirements

1. Accessory structures shall comply with the following requirements:

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

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

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

- a. One (1) accessory building used for the parking of vehicles up to five hundred seventy-six square feet (576 sq. ft.) shall not count against the total allowable accessory building area. The accessory building used for the parking of vehicles that is greater than five hundred seventy-six square feet (576 sq. ft.) will have that area in excess of five hundred seventy-six square feet (576 sq. ft.) deducted from the maximum allowable accessory building area.

Example: If the property contains a seven hundred square foot (700 sq. ft.) accessory building for the parking of vehicles, one hundred twenty-four square feet (124 sq. ft.) of area of excess are deducted from any proposed accessory building, thereby limiting the size of a new accessory building to seven hundred seventy-six square feet (776 sq. ft.) in area.

- b. An existing accessory building used for the parking of vehicles that is less than five hundred seventy-six square feet (576 sq. ft.), can be increased in area so the total building area does not exceed five hundred seventy-six square feet (576 sq. ft.), even if the property contains other accessory buildings that exceed the nine hundred square foot (900 sq. ft.) limit. Maximum lot coverage requirements will still apply.

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

footprint, must be enclosed, have doorways on either side, and have a foundation.

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

5. Storage containers, box truck components, and tractor-trailers are not considered as buildings and shall not be used as accessory buildings unless otherwise provided.
6. **If an accessory structure is being used for parking/storing of any vehicle/automobile, the access must be paved with a hard surface from property line to structure.**

#### **D. Setbacks**

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

#### **E. Occupancy:**

Accessory buildings shall not be occupied as a dwelling.

#### **F. Height:**

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

### **1161.01.2 Accessory Structures CD, M-1, M-2 Multi-Family Residential Districts**

#### **A. Permitted Accessory Structures**

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

1. Buildings or structures such as detached garages
2. Gazebos, decks, porches, and hot tub enclosures
3. Carports, canopies, pool houses and greenhouses
4. Fences
5. Management offices and other facilities normally associated with tenants' convenience, such as washing machine facilities, exercise facilities, etc.

#### **B. Permitted No Zoning Permit Required**

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

#### **C. General Requirements**

Accessory structures shall comply with the following requirements:

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

**D. Setbacks**

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

**E. Occupancy**

Accessory building shall not be occupied as a dwelling.

**F. Height**

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

**G. Dumpster and Trash Enclosures**

See Chapter 1161.07.

**1161.01.3 Accessory Structures O-1 Office, C-1, C-2 & C-3 Commercial Districts**

**A. Permitted Accessory Structures**

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

**B. Permitted – No Zoning Permit Required**

1. Structures with a building footprint less than fifty square feet (50 sq. ft.)
2. Wheel chair ramps

**C. General Requirements**

Accessory structures shall comply with the following requirements:

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

**D. Setbacks**

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

**E. Enclosed Building Requirement**

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

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

**F. Maximum Floor Area**

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

**G. Occupancy**

Accessory buildings shall not be occupied as a dwelling.

**H. Height**

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

**I. Dumpster and Trash Enclosures**

See Chapter 1161.07 Screening.

**1161.01.4 Accessory Structures I-1 & I-2, Industrial Districts**

**A. Permitted Accessory Structures**

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

**B. Permitted – No Zoning Permit Required**

Structures with a building footprint of less than fifty square feet (50 sq. ft)

**C. General Requirements**

Accessory structures shall comply with the following requirements:

**1. Relationship to Primary Use:**

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

**2. Ownership:**

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

**3. Setbacks:**

- a. Front Yard Setbacks– Accessory structures shall not encroach upon the established front setback of the lot on which they are located, except fences.
- b. Side and Rear Setbacks: Accessory structures, except fences may encroach the side and rear setbacks, but may not be located closer than ten feet (10’) to the lot line.
- c. In no case shall an accessory structure encroach upon a buffer yard.

**4. Height**

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

**5. Occupancy:**

Accessory buildings shall not be occupied as a dwelling.

### **1161.01.5 Easements**

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

## **1161.02 ARCHITECTURAL STANDARDS.**

### **1161.02.1 Purpose**

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

### **1161.02.2 Terms**

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

#### **A. Articulation**

Enhancements prescribed vertically or horizontally across building façade or roof.

#### **B. Bays**

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

#### **C. Primary Facades**

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

#### **D. Visible Secondary Façades**

Visible secondary facades are visible from public rights-of-way, public areas or residential areas and shall have a clear base, middle, and top portion emphasized by the articulation to a human-scale. Visible secondary façades should incorporate a variety of architectural design features, techniques, patterns, materials and colors in a coordinated manner that relate to the overall design of the structure. (See Figure 1161.2 – 1)

#### **E. Secondary Façades**

Secondary facades face other secondary facades of nonresidential buildings and are not visible from adjacent residential or public areas. Secondary façades or portions of secondary façades completely screened from public or residential areas by dense

landscaping or other structures shall not be required to include elements of articulation.

**F. Vertical Articulation** (Figure 1161.2-1)

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

1. Exterior demarcation of the floors within, using a change in building materials, masonry patterns, or windows. (Figure 1161.2 – 1 Vertical Articulation Demarcation)
2. Shed, gabled, or hipped roof forms with dormers which have windows or vents. (Figure 1161.2 – 3 Vertical Articulation – Roofing)
3. Vertical recess of wall plane to a depth of at least three percent (3%) of the building's depth, with window openings in the recessed wall indicating the presence of an upper-story. (Figure 1161.2 – 4 Vertical Articulation – Recesses)

**G. Horizontal Articulation**

To break up wall planes on elevations measuring more than sixty feet (60') in width using bays proportionate to the building dimensions and any two (2) of the following:

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



**Figure 1161.2 - 1**

**Vertical Articulation Demarcation**

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



**Figure 1161.2 - 2 Vertical Articulation Roofing**

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



**Figure 1161.2 - 1 Vertical Articulation Demarcation**

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



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

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



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

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

### **1161.02.3 Architectural Standards R-1, R-2, R-3 & R-4 Residential Districts**

No Architectural Standards Apply. Reserved for Future.

### **1161.02.4 Architectural Standards M-1 & M-2 Multi-Family Districts (New Construction Only)**

#### **A. Facades**

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

1. Primary Facades  
Shall incorporate horizontal and vertical articulation and pronounced entry ways.
2. Visible Secondary Facades  
Applicable to primary structures, club houses, and parking structures.

#### **B. Windows**

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

### **C. Dumpster and Trash Enclosures**

See Chapter 1161.07 Screenings

(Ord. 2017-039. Passed 5-16-17)

### **D. Foundation**

No more than the lowest nine inches (9") of a foundation wall shall be exposed to view on any side of a structure.

## **1161.02.5 Architectural Standards O-1, C-1, C-2 & C-3 Commercial Districts New Construction or Major Changes per Chapter 1113.29 Administrative Review & Actions**

### **A. Facades**

The following designations are to be incorporated into the architectural design of primary structures and secondary structures, including strip development, out parcels, and Planned Mixed Use Development Projects.

1. Primary Facades  
Shall incorporate horizontal and vertical articulation and pronounced entryways.
2. Visible Secondary Facades  
May incorporate horizontal or vertical articulation.

### **B. Linear/Strip Development**

Linear strip developments shall incorporate variation in building height, building mass, roof forms and changes in wall planes. Parapet walls are encouraged to enhance the roofline and hide mechanical systems. See Figure 1161.02.1 Strip Developments.

## **1161.02.6 Additional Criteria**

### **A. Entrances**

Pedestrian or customer entryways on primary facades shall be emphasized by using two (2) of the following elements:

1. Roofing
  - a. Overhang in proportion to the entry
  - b. Change in roof pitch using a separate dormer style pronunciation
2. Vertical Articulation
3. Horizontal Articulation

### **B. Screening**

Mechanical equipment, refuse facilities, and loading docks

All mechanical equipment, trash compactors, pallets, loading docks and the like shall be screened from view. Screening can be achieved through the use of landscape mounds, masonry walls, or fences. Screening enclosures shall be architecturally compatible with the primary structure. Chain-link fences are not permitted.

### **C. Roof Mounted Mechanical Equipment**

Equipment mounted on the roof must be screened from ground-level view. The use of parapet walls or other roof structures may be used. The screening enclosures shall be architecturally compatible.

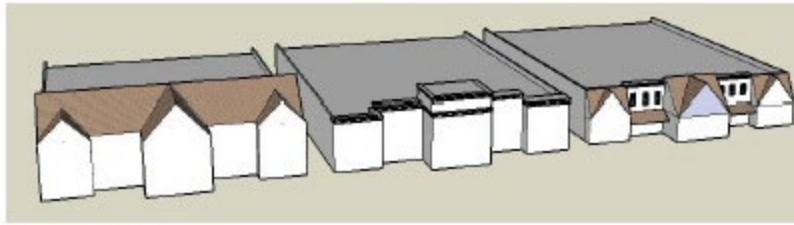


Figure 1162.03.3-1 Lineal Strip Development

The use of vertical articulation across the primary façade helps break up the bulk of the three buildings, adds variety of rooflines, yet maintains a six (6) bay approach on each façade to offer some uniformity and relationship to the buildings.

### 1161.02.7 Architectural Materials

The following table indicates materials approved by façade type (primary, secondary, etc.) or by type of project.

PP Permitted/Primary and Secondary Façades

PS Permitted/Secondary Façade

A/T Permitted as Accent

C Conditionally Permitted

EXTERIOR FINISH MATERIALS	TABLE 1161-02.5-1 ARCHITECTURAL MATERIALS							
	C-2 PMUD	C-1 PRD	M-1, M-2	Gas Station Canopies	Large-Scale Office	Small Scale-Office	Civic & Institutional	Other
Unglazed red-tone brick	PP 1, A/T	PP, A/T	PP 1, A/T	PP, A/T	PP 1, A/T	PP, A/T	PP 1, A/T	PP 1 A/T
Natural Stone	PP, A/T	PP, A/T	PP, A/T	PP, A/T	PP, A/T	PP, A/T	PP, A/T	PP, A/T
Cut Stone	PP, A/T	PP, A/T	PP, A/T	PP, A/T	PP, A/T	PP, A/T	PP, A/T	PP, A/T
Wood Clapboard		PP, A/T		PP, A/T		PP, A/T	PP, A/T	C
Fiber Cement Siding	PP, A/T	PP	PP, A/T	PP	PP, A/T	PP	PP	C
Cement Veneers							C	C
Brick Veneers	PP	PP		PP	PP	PP	PP	C
Exterior Insulate Finish Systems (EIFS)	PS, A/T	A/T	PP 2, A/T	A/T	PS, A/T	A/T	PS/AT	C
Decorative Concrete Masonry Units	PS		A/T		PS	A/T	PP/AT	C, A/T
Tilt-Up Architectural Concrete	PS		PS				PS	C
Decorative metal siding							PS	C
Steel Sheet Siding							C	C
Wood Trim, Moldings	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Fiber Cement Trim, Moldings	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T

Metallic Flashing or Trim (aluminum, steel, copper brass)	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Vinyl Trim	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
PVC Trim or Moldings	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Terra-Cotta Details or Tile	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
White-Washed Brick	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Glazed Brick	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Glazed or Unglazed Decorative Tiles	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T
Cast or Wrought Metal	A/T	A/T	A/T	A/T	A/T	A/T	A/T	A/T

## **1161.03 FENCE AND WALL STANDARDS.**

### **A. The following standards apply in all districts. Property Line**

1. Fences and walls may be located up to the property line.
2. Fences and walls shall not encroach upon the rights-of-way or the proposed rights-of-way indicated by the Thoroughfare Plan.

### **B. Height**

1. Fences located in the front yard, up to an established building line, shall not exceed forty-eight inches (48") in height and shall be fifty percent (50%) open.  
*Example: If the picket is two inches (2") wide, the gap between the pickets must be at least 2 inches (2").*
2. Fences located in the side and rear yards shall not exceed eight feet (8') in height unless they are adjacent to an interstate highway, then the maximum height is ten feet (10').
3. Fences located in the street side yard may be constructed up to an established building line, or; street side yard setback, whichever is lesser. Fence shall not exceed forty-eight inches (48") in height and shall be fifty percent (50%) open.
4. Fences located in the I-1 and I-2 Zoning Districts:
  - a. May be ten feet (10') in height.
  - b. Fences exceeding forty-eight inches (48") in height must maintain a five-foot (5') setback from rights-of-way.

### **C. Materials and Appearance**

1. Non-Structural Face Outward
  - a. Fences and walls shall present the non-structural face outward.
2. Security Fencing
  - a. Fences and walls shall not incorporate barbed wire, security wire, sharpened top spikes, or similar prevention materials (I-1 Light Industrial and I-2 General Industrial are exempt from this requirement).
  - b. Chain-link fences shall only be erected in side or rear yards.
  - c. Slats are prohibited in chain link fences.
3. Responsibility:

The property owner is responsible for the location of the fence in regards to the property line, easements, and any other issues that may result. Exceptions:  
The following fences are exempt from the height requirements:

  - a. Baseball diamonds
  - b. Tennis courts
  - c. Golf driving ranges
  - d. Playgrounds
  - e. Sports or activities requiring protective fencing

### **D. Corner Vision Clearance Standards**

Fences, walls, shall meet all requirements of Chapter 1163.11 Corner Vision Clearance Standards.

## **1161.04 HEIGHT STANDARDS.**

### **1161.04.1 All Districts**

#### **A. Measurement**

The height of a building shall be measured as the vertical distance from the ground level to the highest point of the roof.

#### **B. Exceptions**

##### **1. Fully Exempt**

The following types of structures or building features are exempt from the maximum height standard as stated, provided that they are approved by the FAA and the Findlay Airport Board:

- a. Church steeples, bell towers, and religious symbols.
- b. Parapet walls, cupolas, and other non-occupied architectural features.
- c. Silos.
- d. Bell towers.
- e. Smoke stacks where required to support the permitted use.

##### **2. Partially Exempt**

The following types of structures or building features are exempt or partially exempt from the maximum structure height standard as stated:

- a. Chimneys are allowed to extend ten feet (10') above the roof's highest point.
- b. Mechanical equipment and elevator bulkheads, when mounted on a roof, are allowed to extend ten feet (10') above the roof's highest point, but shall be:
  - i. Located such that they are not visible from adjacent private and public streets; or
  - ii. Shielded from view with a parapet or other architectural feature such that they are not visible from adjacent private or public streets; or
  - iii. Constructed with the same exterior building materials as the structure; or
  - iv. Architecturally integrated into the building's designs as to not look like mechanical equipment or an elevator bulkhead.
- c. Wind Turbines (See Chapter 1161.14.)  
(Ord. 2017-039 Passed 5-16-17)

### **1161.04.2 Height Standards by District**

Refer to Use Districts for height standard requirements.

## **1161.05 HOME OCCUPATION STANDARDS.**

### **1161.05.1 General Standards – Home Occupation**

The Home Occupation Standards apply to the R-1, R-2, R-3, M-1, M-2, M-3 zoning districts. Home Occupations are a conditional use and require planning commission approval.

## **1161.06 LANDSCAPING STANDARDS.**

### **1161.06.1 General Requirements M-1, M-2, M-3, O-1, C-1, C-2, C-3, I-1 & I-2**

#### **A. Landscape Plans**

Landscape plans shall be submitted for approval with site plans and shall meet the following requirements of site plans:

1. Property lines
2. North arrow
3. Scale
4. Existing and proposed structures
5. Existing and proposed pavement
6. Rights-of-way
7. Easements
8. Topography (If available)
9. Utilities
10. Fences and walls
11. Existing wooded areas
12. Proposed plant material with:
  - a. Identification
  - b. Caliper/size
  - c. Quantity
  - d. Planting details

#### **B. Landscape Plan Installation Extension**

Time Limit: Upon request, the City of Findlay may grant an extension of up to one hundred eighty (180) days for the complete installation of landscaping materials due to seasonal or weather conditions which preclude the quality installation of plant materials.

#### **C. Performance Guarantee**

As a condition of the extension, the Zoning Administrator shall require a performance bond, letter of credit, or other satisfactory assurance from the person requesting the extension.

### **1161.06.2 Landscaping Standards M-1, M-2, O-1, C-1 & C-2**

#### **A. Trees**

1. Lots over 15,000 square feet but less than 30,000 square feet must be planted with a minimum of one (1) canopy tree.
2. Lots 30,000 square but less than 45,000 square feet must be planted with a minimum of two (2) trees, one (1) of which must be a canopy tree.
3. Lots 45,000 square feet or more must be planted with three (3) trees plus one (1) more per every 15,000 square feet over 45,000 square feet. At least one-third (1/3) of all trees planted shall be canopy trees.
4. Deciduous trees must have 1 1/2" caliper at time of planting; or, evergreen trees shall be six feet (6') tall at the time of planting.

#### **B. Foundation Planting**

1. At least two (2) shrubs or ornamental trees shall be planted for every twelve (12) lineal feet of building circumference; or, foundation planting may be placed evenly distributed or clustered. Shrubs shall be at least 18 inches in height when planted or

be a minimum of a two-gallon container size.

### **1161.06.3 Landscaping Standards – Parking Lots M-1, M-2, O-1, C-1, C-2, I-1 & I-2**

#### **A. Perimeter Landscaping**

Parking lots with six (6) or more spaces shall have the following perimeter plantings:

1. Screening

Parking lots shall be screened from streets and adjacent lots using a combination of plant materials, decorative fences, and decorative walls.

2. Shrubs

Shrubs shall be planted at a minimum ratio of one (1) shrub per five (5) lineal feet around the perimeter. Minimum size at planting shall be twenty-four (24) inches in height. A minimum of fifty percent (50%) of the shrubs shall be evergreen.

3. Walls & Fences

A wall or decorative fence may be used in lieu of shrubs. See Chapter 1161.03 (fencing) for applicable requirements.

4. Quantity

a. One (1) deciduous tree per forty (40) feet of parking lot perimeter shall be planted within ten (10) feet of the parking lot edge.

b. The trees may be clustered or arranged in various patterns.

c. Drive aisles located along the property lines shall be required to have half of the above landscaping requirement.

5. Setback

Landscape buffers are permitted within the setback from the lot line per Chapter 1161.11.4.

#### **B. Interior Parking Lots- Landscaping Islands & Bump outs**

Parking lots with twenty (20) or more parking spaces are required to have landscape islands.

The standards for such are as follows:

1. One (1) Landscape Island or bump out shall be provided per twenty (20) spaces.
2. Islands and/or bump outs shall be distributed equally throughout the parking lot.
3. Islands and bump outs shall be at least one hundred sixty-two square feet (162 sq. ft.) in size.
4. Each island or bump out shall contain at least one (1) tree per one hundred eighty square feet (180 sq. ft.).
5. Each island or bump out shall be bordered by a four inch (4”) or higher curb above the surface of the parking lot.
6. Islands and bump outs shall not be filled with impervious surfaces. They shall be maintained with a combination of plants and mulch, grass, and or decorative landscaping stone.

### **1161.06.4 Landscaping Standards – Parking Lots C-3**

#### **A. Perimeter Landscaping**

Main Street or Main Cross parking lots with frontage on Main Street or Main Cross Street shall have the following perimeter screening. This includes:

1. Any newly constructed parking lot;
2. The expansion of an existing parking lot frontage by twenty-five percent (25%) or more within a two (2) year period;

3. The demolition and rebuilding of the site;
4. Major redevelopment of the site.
5. Buffer
  - a. Parking lots with frontage on Main Street or Main Cross Street shall have a minimum five foot (5') wide buffer area for a decorative wall or wall/fence combination for screening.
  - b. Corner clearance standards do not apply to this section.
  - c. If a parking lot has street frontage on Main Street or Main Cross Street and a secondary street, it will be required to continue a masonry wall or wall/fence combination on the secondary street until it intersects with a public right of way, such as a street or alleyway, or two hundred feet (200') whichever is less. The remainder of the frontage on a secondary street must be screened by landscaping.
  - d. For areas that are not required to have a masonry wall, they are required to have landscape screening as required in Section B Landscaping Standards.
6. Walls
  - a. A decorative wall or wall-fence combination that is a minimum of three and a half feet (3 ½') in height and no more than six feet (6') in height must be installed within the buffer area.
  - b. The wall must not be blank and monotonous in appearance and must incorporate decorative patterns or architectural elements such as piers, pilasters or breaks in the wall.
  - c. Decorative walls must not be more than fifty percent (50%) masonry above three and a half feet (3 ½'). Smooth faced blocks, wire or chain link fencing, painted or stained wood screens, unpatterned or unpainted concrete or concrete blocks, or split faced block shall not be permitted.
  - d. The decorative wall and primary structure should appear as a unified architectural statement.
  - e. Decorative name plates or lettering encompassing no more than eight square feet (8 sq. ft.) in size are permitted on wall space to identify the lot.
    - i. Name plate or lettering shall not be internally lit.
    - ii. Back lighting or external lighting is permitted.
  - f. The placement of the wall within the buffer area is left to the discretion of the owner.

g. At minimum one (1) shrub shall be installed for every five feet (5') of masonry wall. At least fifty percent (50%) of shrubs must be evergreen. The layout and design of the shrubs is left to the discretion of the owner. The shrubs may be clustered or evenly spaced and or placed on either side of the wall.

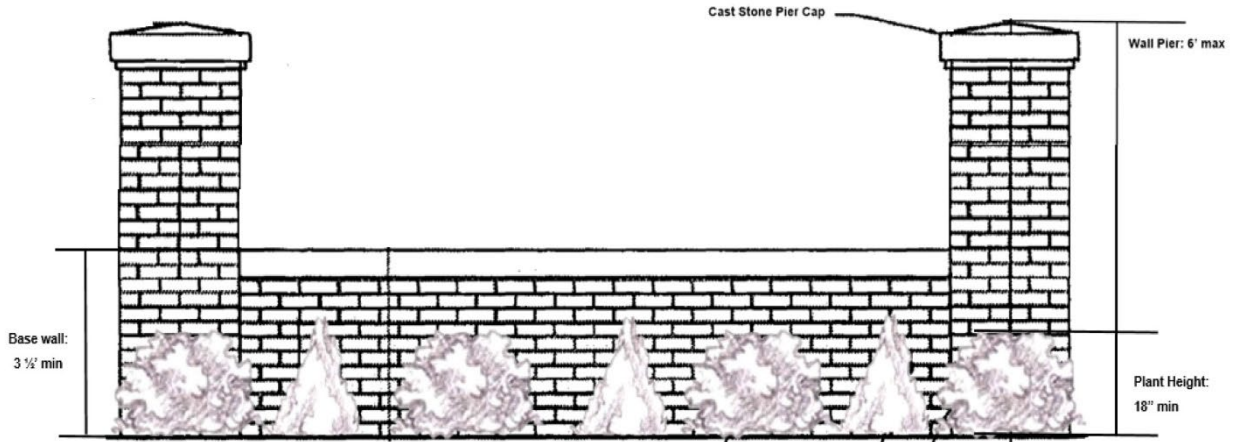


Figure A: Example of decorative wall and shrub line

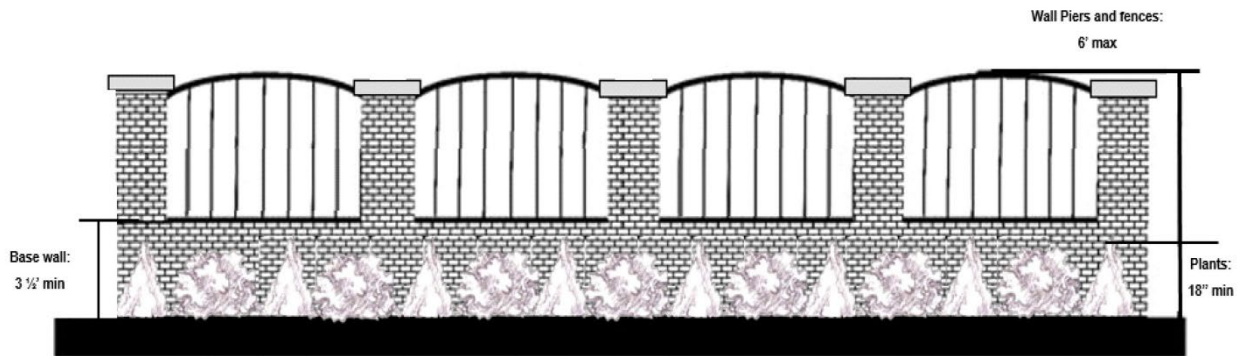


Figure B: A second example of decorative wall and shrub line

## 7. Fences

a. For parking lots that are required to construct over one hundred feet (100') of masonry wall, masonry pillars with wrought iron or wrought iron like fencing and landscaping may be substituted for a complete masonry wall. For fence runs of one hundred to one hundred fifty feet (100-150'), pillars should be placed twenty feet (20') apart. For fence runs one hundred fifty to two hundred feet (150-200'), pillars should be placed thirty feet (30') apart. Fence runs over two hundred feet (200') or more, pillars should be spaced fifty feet (50') apart. Pillars must be evenly spaced along the frontage. See Figure C.

b. Landscaping shall be placed between pillars and designed to provide 100% opacity up to three feet (3') in height within two (2) years of planting.



Figure C: An example of decorative pillar/wrought iron fence combination and shrub/tree line.

8. Exceptions
  - a. Parking lots with frontage on Main Street or Main Cross Street that are set back fifty feet (50') or more from the right of way are not required to construct a masonry wall or fence. However they are still required to meet the landscaping standards of a parking lot in C-3 that does not have frontage on Main Street or Main Cross Street. See Section B.
  - b. Car dealerships are not required to screen parking lots that are for the display of vehicles for sale. Screening is still required for any parking lots that are used for purposes other than the display of vehicles for sale.

**B. Parking lots within the C-3 District without frontage on Main Street OR Main Cross Street**

Parking lots within the C-3 District without frontage on Main Street OR Main Cross Street shall have the following perimeter screenings:

1. Buffer
 

Parking lots with frontage on all other streets in C-3 shall have a minimum three feet (3') wide buffer area for a landscaping screen.
2. Screening
 

Parking lots shall be screened from streets using either plant materials or decorative walls. Parking lots directly adjacent to residential lots shall use opaque fencing or masonry walls for screening from the abutting residential use.
3. Shrubs
 

Shrubs shall be planted at a minimum ratio of one (1) shrub per five lineal feet (5 LF) around the perimeter. Minimum size at planting shall be twenty-four inches (24") in height. A minimum of fifty percent (50%) of the shrubs shall be evergreen.
4. Walls
 

A masonry wall may be used in lieu of shrubs. See Chapter 1161.03 (fencing) for applicable requirements. Walls must be a minimum of three and a half feet (3 ½ ') in height.

## **1161.07 SCREENING STANDARDS.**

### **1161.07.1 General Screening Standards M-1, M-2, O-1, C-1, C-2, I-1 & I-2**

#### **A. Intent**

The intent of general screening standards is to soften the potential conflicts between uses in one (1) zoning district from the uses in an adjacent zoning district by using distance, plantings, fences, walls, and mounds. The applicant should meet with the Planning Commission Staff to determine the extent of the buffering required between two (2) zoning districts. It is the intent of this Chapter to screen the less intensive district from the effects of the more intensive district.

#### **B. Applicability**

Screening requirements only apply along the property lines (front, side, and rear property lines included) where incompatible zoning districts or uses meet. Buffer yard requirements supplement the required setbacks.

#### **C. Order of Responsibility for Installation**

##### **1. New Development – Higher Intensity**

New development zoned for higher intensity uses than adjacent land shall meet the screening requirements as a condition for approval.

##### **2. Expansion Re-Development – Higher Intensity**

Where a property is being expanded adjacent to another with a less intensive zoning district or use, the redevelopment must meet the current screening standards for the entire site. Any existing screening or vegetation will count towards the entire screening.

(a) Buildings less than 50,000 gross square feet when expanding by thirty percent (30%) or more in size.

(b) Buildings greater than 50,000 or greater gross square feet when expanding by fifteen (15%) or more in size.

#### **D. Existing Trees**

Existing trees within the buffer yard can be applied toward the buffer yard requirements. In order for these trees to be credited, they must have a caliper of at least two (2) inches (2"). However, the required ratio of evergreen and canopy trees must be met. Existing trees shall get a 1 for 1 credit.

### **1161.07.2 Level 1 Screening Requirements M-1, M-2, O-1, C-1, Abutting R-1, R-2, & R-3**

Level 1 screening is required where multifamily, nonresidential, institutional, office, or C-1 neighborhood commercial districts or uses abut a single-family use. Upon review of the site plan and in consideration of intensity of use and other site factors, Planning Commission will prescribe one (1) of the three (3) different screening requirements which are outlined below:

#### **A. Option 1**

Three (3) canopy trees and three (3) evergreen trees per one hundred lineal feet (100 LF) of contiguous boundary within the conflicting zoning district or use.

**B. Option 2**

Four (4) canopy trees, four (4) evergreen trees and ten (10) evergreen shrubs per one hundred lineal feet (100') (100 LF) of contiguous boundary with the conflicting zoning district or use.

**C. Option 3**

Five (5) canopy trees and five (5) evergreen trees. In addition, one (1) of the following:

1. Twenty (20) evergreen shrubs per 100 feet. (100')
2. Six foot (6') in height privacy fence made of wood.
3. Four foot (4') in height decorative masonry wall.

**1161.07.3 Level 2 Screening Requirements C-2 Abuts R-1, R-2, R-3, M-1, M-2, OR, MH; OR I-1, I-2 Abuts C-1, C-2, & C-3**

Level 2 screening is required where C-2 commercial district or use abut a single-family, multifamily, office, or institutional uses or districts. The screening is also required where industrial uses or districts abut commercial uses or districts. Upon review of the site plan and in consideration of intensity of use and other site factors, the City Planning Commission will be prescribed one (1) of the three (3) different screening requirements which are outlined below.

**A. Option 1**

Four (4) canopy trees and four (4) evergreen trees per one hundred lineal feet (100 LF) of contiguous boundary with the conflicting zoning district or use.

**B. Option 2**

Five (5) canopy trees and five (5) evergreen trees and ten (10) evergreen shrubs per one hundred lineal feet (100 LF) of contiguous boundary with the conflicting zoning district or use.

**C. Option 3**

Five (5) canopy trees and five (5) evergreen trees and twenty (20) evergreen shrubs per one hundred lineal feet (100 LF) of contiguous boundary with the conflicting zoning district or use. In addition, a six-foot (6') in-height fence, masonry wall, or landscape mound shall be installed.

**1161.07.4 Level 3 Screening Requirements I-1 & I-2 Abut any residential district.**

LEVEL 3 SCREENING



Level 3 screening is required where single-family, multifamily, or institutional uses or districts abut an industrial use or district. The following quantities are minimum requirements:

**A. Option 1**

Four (4) canopy trees and four (4) evergreen trees and either ten (10) evergreen shrubs or a six-foot (6') in-height landscaping mound, per one hundred lineal feet (100') of contiguous boundary with the conflicting zoning district or use.

**B. Option 2**

Six (6) canopy trees and six (6) evergreen trees and ten (10) evergreen shrubs per one hundred lineal feet (100') of contiguous boundary with the conflicting zoning district or use. Additionally a six (6') foot fence or a five (5') to eight (8') foot in-height landscaping mound shall be installed.

**C. Option 3**

Five (6) canopy trees and (6) evergreen trees and twenty (20) evergreen shrubs per one hundred lineal feet (100 LF) of contiguous boundary with the conflicting zoning district or use. Additionally, a six foot (6') fence or a five (5') to eight (8') foot in-height landscaping mound shall be installed.

**D. Placement**

All trees, shrubs, and screening shall be installed within the required setback.

**E. Security fencing**

Any security fencing necessary to the business or industry shall have a setback ten feet (10') from the property line.

**1161.07.5 Refuse & Dumpster Enclosures**

**A. Dumpster Enclosures**

1. Screening

Dumpsters, compactors and similar containers shall be screened on all sides by a fence or wall.

2. Height

The height of the enclosure shall be six feet (6') tall (or higher if the height does not block the view of the dumpster, compactor, or similar container).

3. Required Yards

For lots with single frontage, dumpsters, compactors or similar containers shall not be located in any required front yard and must be at least ten feet (10') from all other lot lines. For lots with multiple street frontage, dumpsters, compactors, or similar containers cannot be in the required front yard.

**1161.07.6 LANDSCAPING STANDARDS; INTERSTATE SCREENING**

**1161.08.1 R-1, R-2, R-3, M-1, M-2, O-1, C-1, C-2, I-1, & I-2**

Properties that abut an Interstate shall install a minimum of one (1) canopy deciduous or evergreen tree per sixty feet (60') of property that is contiguous to the roadway. If the abutting property has more than five feet (5') and less than seventy-five feet (75') contiguous to the roadway, then a minimum of one (1) tree shall be planted.

## **1161.09 LIGHTING ORDINANCE**

### **1161.09.1 Purpose**

The purpose of the Lighting Ordinance is to provide regulations for outdoor lighting that will:

1. Permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce.
2. Minimize adverse offsite impacts including light trespass, and obtrusive light.
3. Curtail light pollution and improve the nighttime environment for astronomy.
4. Help protect the natural environment from the adverse effects of night lighting derived from gas or electric sources.
5. Conserve energy and resources to the greatest extent possible.

### **1161.09.2 Applicability**

Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

### **1161.09.3 Exceptions**

The following are not regulated by this Ordinance:

1. Lighting within public rights-of-way or easements for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.
2. Lighting for public monuments and statuary.
3. Lighting solely for signs. Sign lighting is regulated by Chapter 1161.12 Sign Standards.
4. Temporary lighting for theatrical, television, performance areas, hazards, and construction sites.
5. Underwater lighting in swimming pools and other water features.
6. Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.
7. Lighting that is only used under emergency conditions.

### **1161.09.4 Lighting Standards, All Zoning Districts**

#### **A. Glare Reduction**

All outdoor lighting in all Use Districts used to light the general area of a specific site or for external illumination of buildings or structures, shall be shielded and arranged to reduce glare and to reflect light away from all adjacent and neighboring persons, property or public roads and highways, and so as to not interfere with the vision of such persons or adjacent property.

#### **B. Adjacent to Residential Zones**

For office, commercial, and industrial zones and any roadway adjacent to residential zones:

1. **Shielding**  
No light fixture shall be placed in such a manner that its light emitting surface is directed at any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.
2. Any luminaries on a pole, stand, or mounted on a building must have a shield, an adjustable reflector, and a non-protruding diffuser.
3. **Maximum Intensity**  
The level of lighting shall not exceed 0.5 foot candles at any residential property line or 1.0 foot candles at any non-residential property line.
4. **Recessed Diffusers Required**  
Any canopy structure used at a business location must have recessed lights with diffusers which do not extend below the surface of the canopy.
5. **Enforcement:**  
Measurements of light readings shall be taken vertically along any portion of a property line of the subject property with a light meter laid on the property line and facing the center of the property.
6. **Maximum Elevation:**  
Parking lot pole lights shall not exceed twenty-five feet (25') in height.

#### **1161.09.5 Lighting Zones – Reserved for Adoption**

This Chapter is reserved for future use. The scope of this zoning code re-write is intended to address non-residential lighting glare and glow. In review of work by the Illuminating Engineering Society, outdoor residential lighting is as pervasive a problem to the night sky as are non-residential uses. Therefore, the City of Findlay should consider establishing lighting zones per the Illuminating Engineering Society's Recommended Model Lighting Ordinance (MLO). As written, this Ordinance aims to minimize the effects of unwanted backlight, uplight, and glow in the city caused by non-residential lighting. See the Definitions Chapter for more information on each.

#### **1161.09.6 Lighting Control Requirements**

##### **A. Automatic Switching Requirements**

Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system.

#### **1161.09.7 High Intensity and Special Purpose Lighting**

The following lighting systems are prohibited from being installed or used except by special use permit:

1. Temporary lighting in which any single luminaire exceeds 20,000 lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial Lasers.
3. Searchlights.

4. Other very intense lighting defined as having a light source exceeding 200,000 lumens or an intensity in any direction of more than 2,000,000 candelas.

#### **1161.09.8 Complex and Non-Conforming Uses**

1. Upon special permit issued by the City, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

- a. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
- b. Construction lighting.
- c. Lighting for industrial sites having special requirements such as petrochemical manufacturing or storage, etc.
- d. Parking structures.
- e. Urban parks.
- f. Decorative and architectural lighting of bridges, public monuments, and public buildings.

2. To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

- a. Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the Performance Method.
- b. Employs lighting controls to reduce lighting at a Project Specific Curfew (“Curfew”) time to be established in the Permit.
- c. Complies with the Performance Method after Curfew.

3. The Zoning Administrator shall review each such application. A permit may be granted if, upon review, the Administrator determines that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

#### **1161.09.9 Existing Lighting**

Lighting installed prior to the effective date of this ordinance shall comply with the following.

##### **A. Amortization**

On or before January 1, 2016, all outdoor lighting shall comply with this Code.

##### **B. New Uses or Structures, or Change of Use**

Whenever there is a new use of a property (zoning change or variance) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

##### **C. Additions or Alterations**

1. Major Additions.

If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this Chapter, the following are considered to be major additions:

- a. Additions of 25 percent (25%) or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.
  - b. Single or cumulative additions, modification or replacement of 25 percent (25%) or more of installed outdoor lighting luminaires existing as of the effective date of this Ordinance.
2. Minor Modifications, Additions, or New Lighting Fixtures - Non-residential and Multiple Dwellings
- a. All additions, modifications, or replacement of more than 25 percent (25%) of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.
  - b. Any new lighting shall meet the requirements of this Ordinance.

**D. Resumption of Use after Abandonment**

If a property with non-conforming lighting is abandoned for a period of six (6) months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs. Furthermore, zoning shall have the determination when to remove all outdoor lighting after six (6) months of abandonment.

## **1161.010 OUTDOOR STORAGE STANDARDS**

### **1161.10.1 Outdoor Storage; M-1, M-2, R-1, R-2, & R-3 & R-4 Residential Districts**

#### **A. Recreational Vehicles and Trailers**

Storage or parking of recreational vehicles or any trailer is subject to the following conditions:

1. Fixed Connections and Utilities

Recreational equipment parked and stored shall not have fixed connections to electricity, water, or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.

2. Rear or Side Yard Storage

If camping or recreational equipment or any trailer is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot unless otherwise provided. The setback requirement on the side or rear yard shall be a minimum of three feet (3'). Parking surfaces may be permeable.

3. Terms for Appearance in District

a. Recreational Vehicles

Subject to the provisions of this Chapter, camping and recreational vehicles may be parked in the front yard not sooner than April 1 nor later than October 31 for not more than seventy-two (72) hours, but in no event shall the vehicle be parked, stored, or located on the premises for more than three (3) days out of a seven (7)-day period. For purposes of this Chapter, "day" shall mean any period of time, regardless of the duration, between 12:00 AM and 11:59 PM. For example, vehicles parked, stored, or located only three (3) hours one day, and four (4) hours the next, would constitute two (2) days. From November 1 to March 31, all recreational vehicles must be parked on a property as specified in Chapter 1161.10 Outdoor Storage Standards Recreational Vehicles.

b. Utility Trailers and Mobile Service Vehicles

- i. Utility trailers or mobile service vehicles must be parked or stored to the rear of the front building line of the lot.
- ii. Utility trailers and mobile service vehicles must be parked on a hard surface.
- iii. No utility trailers or mobile service vehicles can be parked at the property address if the vehicle is operated

by an employee or contractor that does not reside at the residence.

c. **Commercial Vehicles**

Commercial vehicles, such as box trucks and dual axle vehicles, are not permitted to be parked in the residential district.

**B. Firewood** Storage shall be prohibited from the required front yard and confined to the rear or side yard, or setback beyond the front building face.

**1161.10.2 Outdoor Storage O-1, C-1, C-2, C-3, I-1, I-2, I-3 Districts**

Outdoor storage is a conditional use and must be approved by City Planning Commission.

**1161.10.3 Outdoor Display of Merchandise O-1, C-1, C-2, C-3, I-1 & I-2 Districts**

Outdoor displays of, or merchandise for retail sale shall be limited and shall adhere to the following requirements:

**A. Sites Under Three (3) Acres**

Merchandise may not be located or displayed further than ten feet (10') beyond any front or side building elevation. Where fueling station canopies are involved, the merchandise may be displayed around the supporting elements of the canopy and between the fuel pumps. However, the outer dimensions of the canopy shall not be considered a building line for the purposes of this section.

**B. Sites Three (3) Acres and Larger**

Merchandise may not be located or displayed in any required setback. In cases such as large box retailers, the display of spring gardening supplies, for example, may be in parking lots provided such display does not reduce the required parking.

**C. Site Interference**

In no instance shall outdoor displays interfere with any required parking, circulation aisles, or fire lanes. Parking areas must be paved.

**D. Vehicle Sales**

The outdoor display, storage and parking of vehicles for sale shall be allowed provided that all preparation, repair and maintenance of the vehicles shall be enclosed. A ten-foot (10') setback must be maintained from any rights-of-way with the exception of those establishments within the C-3 District.

**E. Outdoor Storage**

Unless a site meets requirements in Chapter 1161.10.3 Outdoor Display of Merchandise, the outdoor display, storage or parking of goods, materials, or the wholesaling, warehousing or distribution operations for said goods and materials is not allowed.

**F. Display Area Requirements**

1. **Surface**

Display areas shall have hard, dust free surfaces and shall be maintained in good condition.

2. **Orderly**

Outdoor displays shall be arranged in an orderly manner. Examples include stacking, shelving, etc. A 'pile' of products is not considered an orderly manner.

### **1161.10.3 Outdoor Storage; Industrial I-1 & I-2 Districts**

#### **A. Enclosure**

All storage of raw, processed, or finished materials shall be fully enclosed by a combination of landscaping, wall, fence, or mounding.

#### **B. Distancing**

One (1) shrub shall be installed for every ten feet (10') of fence and one (1) tree shall be installed for every fifty feet (50') of fence.

## **1161.11 PARKING STANDARDS**

### **1161.11.1 Parking Standards, General – All Zoning Districts**

The intent of this Parking Standards Chapter is to establish minimal parking standards to assure public health, safety and welfare; minimize risks to the natural environment; create an aesthetic standard; minimize conflicts: and promote vehicular and pedestrian safety along roadways by minimizing on-street parking.

#### **A. Paving Required**

##### **Impervious Surface**

All parking required in this zoning ordinance shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Under no circumstances shall gravel, stone, rock, dirt, sand or grass be permitted as parking areas unless otherwise provided.

#### **B. Front Yard Residential Districts/USES**

Driveways and the parking of motor vehicles is not permitted on lawns, gravel, or other pervious type surfaces.

#### **C. Off-Alley Access**

Drives and parking areas used to access accessory buildings or detached garages are required to be paved if they are accessed from an alley. This is applicable for **all districts**.

#### **D. Expansion of Legally Nonconforming Parking Areas**

The expansion of any existing gravel, stone, or rock parking area is subject to Planning Commission review and any subsequent conditions or requirements set by the board.

#### **E. Ingress/Egress Paved**

All ingress and egress points onto a driveway or into a parking area shall be paved.

#### **F. Parking Space Dimensions**

##### **1. Minimum Area:**

Each parking space shall be a minimum of one hundred sixty-two square feet (162 sq. ft.) in area.

##### **2. Minimum Width:**

Each parking space shall be a minimum of nine feet (9') wide.

##### **3. Minimum Length:**

Standard: Each parking space shall be a minimum of eighteen feet (18') long.

#### **G. Parking Aisle Widths**

Minimum parking aisle widths shall be as follows:

##### **1. Ninety-degree (90°) angle space:**

Twenty-four-foot (24') wide parking aisle for one-or two way traffic.

##### **2. Sixty-degree (60°) angle space:**

Eighteen-foot (18') wide parking aisle for one-way traffic.

3. Forty-five-degree (45°) angle space:  
Fourteen-foot (14') wide parking aisle for one-way traffic.
4. Parallel  
Twelve-foot (12') wide parking aisle for one-way traffic.  
Twenty-four feet (24') wide parking aisle for two-way traffic.

**H. Access:**

Off-street parking spaces must be accessed from a public or private right-of-way or a platted access easement.

**I. Driving Lanes**

Driving lanes in parking lots that provide access to parking aisles shall be clearly striped and shall be curbed.

**J. Parking Lot Layout**

Where a Development Plan is required or when a re-configuration of an existing parking lot is proposed, the Planning Commission shall review the parking lot layout to ensure:

1. Vehicular Circulation  
That vehicular circulation to and within the parking lot is managed in a manner that creates conditions favorable to health, safety, convenience, and harmonious development by confirming;
2. Access Points  
That the design and location of proposed street and highway access points minimize safety hazards and congestion;
3. Capacity  
That the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development;
4. Compatibility  
That the entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments; and
5. Compliance with design and performance requirements of Zoning Code 1153 and 1161.

*Example: Existing lot with 90 degree parking proposes 45 degree parking, narrowing the aisles to increase number of available parking spaces. The new layout would be required to comply with landscaping, bump outs, etc., per the new code requirements. Cross Reference City of Findlay Standards and Specifications for the Construction of Curb Cuts and Drive Approaches.*

**K. Parking Lot Striping**

Parking spaces in parking lots shall be striped so as to clearly show each parking space. The stripes shall be maintained in clearly visible condition. Re-striping for maintenance purposes will not require a zoning permit. However, the circulation and number of spaces provided may not be changed without a site plan review and approval.

**L. Number of Parking Spaces Required**

1. Per Zoning District Requirements:  
Unless a specific use is identified in Chapter 1161.11.7, the number of required parking spaces shall be determined by the zoning district.
2. Excessive Parking:

A parking lot that exceeds the minimum parking space requirements by more than ten percent (10%) shall also:

a. Increase Bumpouts

The number of landscape bumpouts (in single-aisle parking lots) or landscape bump-outs and islands (in multiple-aisle parking lots) shall increase by the same percentage of the parking overage. Descriptions for bumpouts and islands can be found in Chapter 1161.06 Landscaping Standards (B) Interior Parking Lots- Landscaping Islands. *[Example: If the number of parking spaces is increased by thirty percent (30%), then the area of landscape islands and/or bumpouts shall be increased by thirty percent (30%)]*

b. Installation

Each additional landscape island and/or bumpout shall be installed according to the requirements of Chapter 1161.06 Landscaping Standards Interior Parking Lots – Landscaping Islands & Bumpouts.

3. Fire Department:

Any parking space that is eliminated by the Fire Department for emergency access or parking shall not be counted toward the minimum required parking spaces and shall be relocated or accommodated for somewhere else on the site.

4. Storage:

Any parking space that is used for a cart corral or similar use shall not be counted toward the minimum number of required parking spaces.

**M. Subordinate Accessory Use Area:**

Where a structure incorporates subordinate accessory use areas that will not be used simultaneous to the primary use areas, or where such accessory use areas serve those utilizing the primary use areas of the structure, the Planning Commission may determine that the parking requirement for the primary use areas of the structure is adequate.

**1161.11.2 Parking R-1, R-2, R-3 Single Family & R-4 Duplex/Triplex**

**A. Off-street Parking Spaces**

1. Two (2) per unit.

A minimum of two (2) off-street parking spaces are required per single family dwelling unit.

2. Covered

The parking spaces required may include spaces within car ports or garages.

3. Required parking is prohibited in the required front and side yards.

**B. Residential Use Included**

All residential uses located in other zoning districts shall adhere to this Chapter.

**C. Prohibited**

1. Semi-cab and/or trailer.

2. Taxi Cabs

3. Garbage hauling and/or scrapping vehicles.

### **1161.11.3 Parking, M-1 & M-2 Multi-Family**

#### **A. Off-street Parking Spaces**

A minimum of two (2) off-street parking spaces are required per dwelling unit.

#### **B. Setbacks**

Parking lots may project into the minimum setbacks, but shall not project into or interfere with any screening requirements except as permitted in 1161.06. A parking lot shall not be installed within five feet (5') of a side lot line or within ten feet (10') of a front or rear lot line.

#### **C. Visitor Parking Spaces**

Requirement

At least one (1) off-street space per five (5) units is required for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces cannot include spaces in car ports, garages, or spaces that may block a carport or garage.

#### **D. Cross District Standard - Multi-Family Use Included**

All multi-family uses located in other zoning districts shall adhere to this Chapter.

#### **E. Prohibited**

1. Semi-cab and/or trailer.
2. Taxi Cabs
3. Garbage hauling and/or scrapping vehicles.

### **1161.11.4 Parking Standards; O-1, C-1, C-2, I-1, I-2, I-3**

The standards as set forth are by zoning district. However, the standards will be applied to respective uses situated in another district as well. For example, a use grandfathered in a residential district but belonging in a C-1 Commercial District shall meet the parking requirements as set forth in the C-1 District to offset any issues that may already be affecting the surrounding properties.

#### **A. Parking Lot Encroachment**

Setbacks

1. Parking lots may project into the minimum setbacks, but shall not project into or interfere with any screening requirements except as permitted in Chapter 1161.06.
2. A parking lot shall not be installed within five feet (5') of a side lot line or within ten feet (10') of a front or rear lot line, except when the parking lot is used as a shared parking lot as outlined below in 1161.11.4 (E)(3):  
Shared Parking.

#### **B. Entrance and Exit Driveway Encroachment**

Entrance and exit driveways may transect landscape easements and buffer yards only when crossing them.

#### **C. Maneuvering**

Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way.

#### **D. Drainage**

Parking areas shall be constructed and maintained to allow proper drainage.

## **E. Parking Lot Connectivity**

It is the intent of this Chapter to reduce the number of access points adjacent to each other along major thoroughfares. The following shall be required upon review of plats and/or site plans and where it is determined there will be a need for more on-site circulation between several parcels. The Planning Commission shall require cross access easements to facilitate service connector roads to manage circulation, connect parking lots, and encourage shared parking arrangements among property owners to reduce impervious pavement.

### **1. Cross-access Easements:**

Where parking lots connect, or are laid out to be connected, a cross-access easement shall be established at the time of site plan review and/or the platting of land in accordance with procedures outlined in Chapter 1113.21 and as provided in the City of Findlay Subdivision Rules and Regulations.

The specifications for cross access easements are:

#### **a. Minimum Width:**

Cross-access easements shall not be less than twenty feet (20') in width.

#### **b. Maximum Width:**

Cross-access easements shall not exceed thirty feet (30') in width.

### **2. Service Connector Roads:**

Where there are more than two (2) parcels or anticipated growth adjacent on more than one (1) parcel.

### **3. Shared Parking:**

A group of adjacent properties may provide a shared parking area if all of the following criteria are met:

#### **a. Minimum Number of Parking Spaces Required:**

The shared lot shall provide at least eighty percent (80%) of the cumulative total of parking spaces required for each use.

### **4. Reciprocal Parking Agreement:**

A written reciprocal parking agreement signed by all property owners involved is required and shall include provisions concerning at least the following items:

#### **a. Maintenance**

#### **b. Lawn/gardening care**

#### **c. Snow removal**

#### **d. Utility payments for any lighting or landscaping/irrigation costs**

### **5. Ownership and Liability:**

The agreement shall be viewed and approved by the City Attorney. It shall be recorded in the County Recorder's office. A copy of the recorded agreement shall also be submitted to and be kept in the City Engineering Office.

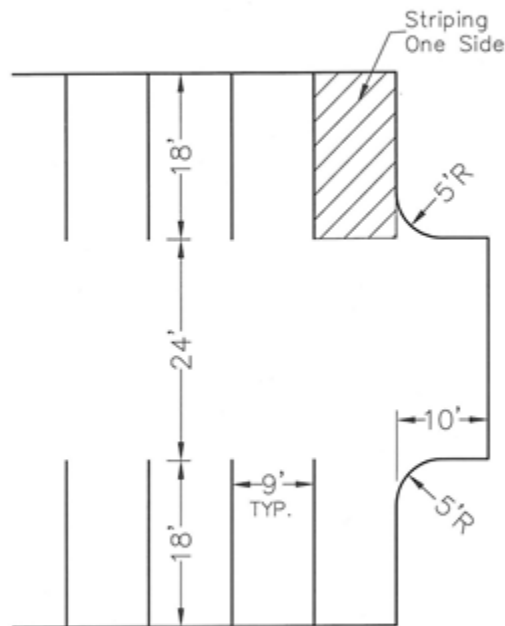
### **6. Outlet Required:**

All parking aisles shall have an outlet or turn-around. Dead-end parking aisles are prohibited. To avoid dead end parking, the final parking spot in the row is required to have a five foot (5') turn radius into an empty parking stub that is ten feet (10') deep. See sketch

7. Cart Corrals:

Cart corrals are required for all retail businesses that have more than 30,000 square feet (30,000 sq. ft.) of retail space and that provide shopping carts to their customers. Any single cart corral shall not be any larger than ten feet (10') by thirty-six feet (36') in area.

### Dead End Parking Turn Around Requirements



8. Institutional Uses:

The portion of an institutional use of a parking lot used for bus circulation and staging is not required to install the landscape bumpouts and/or islands required in Chapter 1161.07.

9. Parking Access:

Parking spaces that may be blocked by other parking spaces or other obstacles will not be counted toward the required parking. **Example: For a commercial use, parking spaces located within a garage will not be counted.**

10. Use Included:

All office, commercial, and industrial uses located in other zoning districts shall adhere to this Chapter.

**F. Utility Trailers and Enclosed Trailers**

1. Utility trailers or enclosed trailers, parked or stored, may not be closer than thirty feet (30') to any rights of way or; must be within ten feet (10') of the primary building.
2. Utility trailers or enclosed trailers must be parked on a hard surface.
3. No utility trailers or enclosed trailers can be parked at the property address if the vehicle is not registered to that property, or business.

**1161.11.5 Parking Standards; Required Number of Parking Spaces R-1, R-2, R-3, R-4, M-1, M-2, M-3, O-1, C-1, C-2, I-1, & I-2**

**A. Off-street Parking Requirement**

To reduce traffic congestion and hazards along roadways and to provide orderly and accessible parking throughout the city, off-street parking shall be required in all zoning districts. The exception is C-3 Downtown Commercial District. The spaces required in the parking tables do not guarantee the quantity needed per use; only minimums are expressed.

**B. Minimum Requirements**

The minimum number of parking spaces shall be determined by referencing Chapter 1161.11. The parking is predominantly required by zoning district rather than by use. The exceptions are listed in Chapter 1161.11.7 Parking Requirements Per Specific Use.

**C. Multiple Zoning District Developments**

In situations where a development has multiple zoning districts, such as the Planned Residential District or the Planned Mixed Use Development District, the total required spaces should be determined by adding up the spaces required for individual use for each classification.

**D. Designation of Parking**

Businesses that keep automobiles or other motor vehicles in stock on the subject property shall clearly differentiate between parking areas for such stock and parking for employees and customers. This can be accomplished through the use of either clearly posted signage or differentiation in parking lot striping. Areas for customer and employee parking shall not be used for the storage of automobiles or other motor vehicles for sale.

**1161.11.5.1 Parking Standards for the C-3 Downtown Commercial District**

**A. Screening**

Parking lots with frontage on Main Street or Main Cross Street are required to have a five foot (5') wide buffer that includes a low profile masonry wall or wall/fence combination. Surface parking lots with frontage on streets other than Main Street or Main Cross Street must include a landscape buffer. See Chapter 1161.4 Landscaping for C-3.

**B. Access**

Parking lots with frontage on Main Street are required to have ingress/egress onto secondary streets or alleyways. Curb cuts onto Main Street are discouraged.

### 1161.11.6 General Parking Requirements Table

<b>Zoning District</b>
<b>Minimum Requirement</b>
SINGLE FAMILY DISTRICTS - R-1, R-2, R-3
2 SPACES PER UNIT
MULTI-FAMILY DISTRICTS - R-4, M-1, M-2
2 SPACES PER UNIT
O-1 INSTITUTIONS AND OFFICES DISTRICT
1 SPACE PER 300 SQ. FT.
C-1 LOCAL COMMERCIAL
1 SPACE PER 325 SQ. FT.
C-2 GENERAL COMMERCIAL
1 SPACE PER 375 SQ. FT.
C-3 DOWNTOWN COMMERCIAL
NO REQUIREMENT
I-1, I-2 INDUSTRIAL DISTRICTS
1.1 SPACES PER EMPLOYEE ON LARGEST SHIFT

### 1161.11.7 Parking Requirements Per Specific Use

RESIDENTIAL USES	PARKING REQUIREMENT	OTHER REQUIREMENTS/ NOTES
amenity area	1 space per employee on the largest shift	1 space per 300 sq. ft. of enclosed space; 1 space per 75 sq. ft. of water surface of competition pools; 1 space per 250 sq. ft. of water surface for non-competition pools.
assisted living facility	1 space per employee on the largest shift	1 space per 3 rooms
assisted living home	1 space per employee on the largest shift	1 space per 3 rooms

RESIDENTIAL USES	PARKING REQUIREMENT	OTHER REQUIREMENTS/ NOTES
bed and breakfast facility	as per single-family standard	1 space per rented room
child care institution/orphanage	1 space per employee on the largest shift	1 visitor space per 15 children
transitional housing facility	as per single-family standard	1 space per 4 persons living in facility

group home	1 space per employee on the largest shift.	1 space per 6 persons living in facility
manufactured home park	2 spaces per unit	1 visitor space per 2 units
nursing and convalescent home	1 space per employee on the largest shift	1 space per 3 occupancy rooms
recreational facility	1 space per employee on the largest shift	1 space per 300 sq. ft. of enclosed space; 1 space per 75 sq. ft. of water surface of competition pools; 1 space per 250 sq. ft. of water surface for non-competition pools.
retirement community	1 space per employee on the largest shift	1 space per non-assisted live-in room; 1 space per 3 assisted live-in rooms and/or nursing home rooms; and 1 visitor space per 8 rooms
<b>RECREATIONAL USES</b>	<b>PARKING REQUIREMENT</b>	<b>OTHER REQUIREMENTS/NOTES</b>
skate park	1 space per 1000 sq. ft. of skating surface	
skating rink	1.5 spaces per 1000 sq. ft. GFA	
sports fields	20 spaces per field or court	
swimming pool, public	1 space per 200 sq. ft. of pool surface	
nature center	1 space per 350 square feet	
nature preserve	1 space per mile of trail or 1 space per 3 acres	
park, active	1 space per acre; 10 spaces per sport court or field; and 1 space per 200 sq. ft. of water surface of pools	
park, passive	1 space per 1 acre of land	

<b>RECREATIONAL USES</b>	<b>PARKING REQUIREMENT</b>	<b>OTHER REQUIREMENTS/NOTES</b>
hotel/motel	1.1 spaces for each room plus 1 per employee at the peak shift	15 spaces for the first 1,000 square feet plus 1 per 100 square feet over 1,000 square feet of area used for a restaurant, bar, nightclub or reception or banquet hall area
recreation center, public	1 space per 1,000 gross sq. ft. 1 space per 3,000 gross sq. ft.	For first 50,000 sq. ft. For area over 50,000 sq. ft.
<b>UTILITIES &amp; SERVICES</b>	<b>PARKING REQUIREMENT</b>	<b>OTHER REQUIREMENTS/NOTES</b>
community facility, wireless	1 space per tower	
water treatment plant	1 space per employee on the largest shift	2 spaces
above-ground utility facility		1 space per facility

airport, municipal	-	1 space per 2 explaining passengers
bus station	-	8 spaces per bus bay
water treatment plant	1 space per employee on the	2 spaces
above-ground utility facility		1 space per facility
airport, municipal	-	1 space per 2 explaining passengers
bus station	-	8 spaces per bus bay
<b>INSTITUTIONAL USES</b>	<b>PARKING REQUIREMENT</b>	<b>OTHER REQUIREMENTS/NOTES</b>
school (P-12)	1 space per teacher, staff, Zoning Administrator	3 spaces per elementary or junior high classroom; 1 space per 10 high school student enrollment capacity; and 1 space per 4 seats in the largest assembly space in the school (based on occupancy capacity)
school, trade or business	1 space per teacher, staff	1 space per 3 students
school, university or college	-	1 space per 3 students

<b>INSTITUTIONAL USES</b>	<b>PARKING REQUIREMENT</b>	<b>OTHER REQUIREMENTS/NOTES</b>
community center	-	1 space per 3 persons
crematory	1 space per employee on the largest shift	5 visitor spaces
drug or alcohol rehabilitation clinic	1 space per employee on the largest shift	2 spaces per 3 client capacity
electrical generation plant	1 space per employee on the largest shift	2 spaces
facility for developmentally disabled	1 space per employee on the largest shift	1 space per 3 client capacity
facility for mentally ill	1 space per employee on the largest shift	1 space per 3 client capacity
government office	-	1 space per 500 gross sq. ft. or 1 per 2 seats in the largest assembly space capacity, whichever results in the largest number
heliport, municipal	-	1 space per 2 explaining passengers
hospital	-	2 spaces per 1 bed
jail	1 space per employee on the largest shift	1 visitor space per 8 cells
juvenile detention facility	1 space per employee on the largest shift	1 visitor space per 8 cells
library	-	1 space per 3 persons
light rail station	-	1.5 spaces per capacity of largest train
museum	-	1 space per 2.5 persons
place of worship	-	3 spaces per 7 seats
police, fire or rescue station	1 space per employee	-

post office	1 space per employee on the largest shift	1 space per 150 sq. ft. accessible to the public
prison (minimum security)	1 space per employee on the largest shift	1 visitor space per 15 cells

<b>INSTITUTIONAL USES</b>	<b>PARKING REQUIREMENT</b>	<b>OTHER REQUIREMENTS/NOTES</b>
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prison (maximum security)	1 space per employee on the largest shift	1 visitor space per 15 cells
recycling collection point	1 space per employee on the largest shift	1 space per collection bin
recycling sorting/distribution	1 space per employee on the largest shift	-
<b>OTHER USES</b>	<b>PARKING REQUIREMENT</b>	<b>OTHER REQUIREMENTS/NOTES</b>
sexually oriented business, entertainment	1 space per 300 sq. ft.	1 space per booth

## **1161.12 SIGN STANDARDS**

### **1161.12.1 Purpose**

The purpose of this chapter is to encourage the effective use of signs as a means of communication in the city; to maintain the city's aesthetic environment by ensuring compatibility of signs with the area surrounding them; to encourage the use of signs appropriate to residential and commercial activities; to ensure the safety of vehicular and pedestrian traffic; and to encourage economic development within the city.

### **1161.12.2 Exempt Signage:**

The following types of signs are exempted from the permit requirements of this chapter; however, they are still subject to the General Requirements set forth in Chapter 1161.12.4 unless otherwise provided.

#### **A. Public Signs**

Signs of a noncommercial nature and in the public interest, erected by or on the order of an official of the city, county or state acting in the performance of his duty, such as safety signs, danger signs, trespassing signs, traffic signs, and memorial plaques.

#### **B. Residential Nameplate**

A nameplate or wall sign which shall not exceed two square feet (2 sq. ft.) on any dwelling.

#### **C. Wall Signs – O-1, C-1, C-2, I-1, I-2, I-3**

#### **D. Sandwich Boards**

1. Permitted zoning districts  
C-1, C-2, C-3, O-1
2. Sandwich boards can be eight square feet (8 sq. ft.) maximum
3. Sandwich boards and "A" frames must be located within fifteen feet (15') of the primary building entranceway.
4. All sandwich boards and "A" frames must be removed at the end of the business day.

### **1161.12.3 Prohibited Signs**

#### **A. General**

All signs are prohibited unless they are expressly permitted.

#### **B. Rights-of Way & Utilities**

Unless with Council approval, no sign shall be placed within the public right-of-way of any public street. Within the C-3 district, temporary signs are permitted in the right of way. Permanent signs within the C-3 district must be approved by City Council.

#### **C. Obstruction of Structural Openings**

No sign shall obstruct any window, door, fire escape, stairway, or any opening intended to provide air, egress or ingress for any building or structure.

#### **D. Digital signage except those permitted under Electronic Message Boards and Billboards.**

#### **1161.12.4 General Requirements and Restrictions: All Zoning Districts**

##### **COMPLIANCE WITH CODE REGULATIONS**

**A.** All signs shall comply with the general rules, regulations, and requirements governing their placement, type, number, and size as outlined and contained in the provisions of this chapter.

**1.** Obstruction of traffic signs; misleading or confusing signs

No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency lights shall be used in connection with any sign display, nor shall any sign make use of the words “Stop,” “Look,” “Danger” or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic. No sign shall emit any form of sound or sounds.

**2.** Obstruction of visibility

No sign or sign structure shall be located or constructed within ten feet (10’) of any street right-of-way unless provided for otherwise in another Chapter of this Ordinance. No sign shall be located or constructed in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing. No sign shall be designed and placed so as to confuse traffic information for pedestrians or drivers of motor vehicles. The determination of the reasonableness of the location of a sign or sign structure taking into account the above shall be made by the Zoning Administrator whose decision shall be subject to appeal as provided herein to the Board of Zoning Appeals. See also Chapter 1163.11 Corner Vision Clearance Standards.

(Ord. 2017-039. Passed 5-16-17)

#### **1161.12.5 Illuminated Signs**

**A. Shielding**

The light from an illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be reasonably objectionable as determined by the Zoning Administrator considering those affected nearby.

**B. Exposure**

No exposed bulbs or fluorescent tubes, with the exception of neon lighting, shall be used on the exterior surface of any sign so as to directly expose the face of the bulb, light or tube to any public street or adjacent property.

#### **1161.12.6 Permits, Applications and Fees:**

**A. Permit Required**

**1.** All Sign Work

No sign shall be erected, altered or relocated without a permit issued by the Zoning Administrator except as otherwise provided herein.

2. Breach of Permit

When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said permit without prior approval of the Zoning Administrator.

**B. Permit Applications:**

To obtain a permit for the purpose of erecting, constructing, altering or relocating a sign under the provisions of this chapter, an application shall be submitted to the Zoning Administrator which shall set forth in writing a complete description of the proposed sign including:

1. General Information

The name and address of the contractor or person responsible for the placement of the sign.

2. Site Plan

Two (2) detailed site plan drawings indicating the placement, location, landscaping, and address of the sign.

3. Elevation

Two (2) scaled elevation drawings indicating the size of the sign and sign structure.

4. Signature

Signature of the owner/tenant/sign company securing permit attesting to awareness and intent to comply with permit specifications.

5. Permit Duration

Sign permit shall become null and void if the sign for which the permit was issued has not been completed and erected within a period of one (1) year after the date of issuance of the permit.

**C. Fees**

Fees for sign permits shall be fixed by ordinance by the City Council and amended from time to time as necessary.

**D. Exceptions:**

The following operations shall not be considered as creating a sign, and, therefore, shall not require a sign permit:

1. Replacing copy

The changing of the advertising copy or message on approved billboards, sandwich boards, theater marquees and similar approved signs which are specifically designed for the use of replaceable copy.

2. Maintenance

Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a change is made to the supporting structure, cabinet, frame, or footing.

### **1161.12.7 Sign Standards; A-1, R-1, R-2, R-3, R-4, M-1, M-2 Residential Districts:**

No signs are permitted other than those specified as being exempt in Chapter 1161.12.2 or as temporary in 161.12.14 or as permanent as provided herein. Any non-residential use, as listed below, permitted in their residential districts shall be permitted one (1) sign not to exceed 50 square feet (50 sq. ft.) in area with a maximum height of six feet (6') and a setback of ten feet (10') from all property lines. Exempt and temporary signage may not exceed fifty square feet (50 sq. ft.) in area per sign face and may have a maximum of two (2) sign faces.

- A. Schools (Public & Private)
- B. Places of Worship
- C. Museums
- D. Community Centers
- E. Apartment Complexes
- F. Government
- G. Emergency Services
- H. Funeral Homes
- I. Park and Recreational Areas
- J. Golf Courses

### **1161.12.8 Low Profile Signs: O-1, C-1, C-2, C-3, I-1, I-2, I-3 & PO Districts**

#### **A. Quantity**

One (1) low-profile sign with two (2) sign faces is permitted for business identification purposes for each site not to exceed two hundred square feet (200 sq. ft.) in area. Sites with less than five hundred feet (500') of frontage and two (2) or more frontages on public or private through streets may be permitted one (1) additional low-profile sign not exceeding thirty two square feet (32 sq. ft.). Sites with more than five hundred feet (500') of frontage on the same public or private through street may have two (2) low-profile signs on one (1) frontage not exceeding thirty-two square feet (32 sq. ft.) each, provided that there is two hundred fifty feet (250') of separation between signs. In no instance shall any one (1) site contain more than three (3) low-profile signs.

(1) Outlots are limited to one (1) low profile sign.

(2) The PO District shall be limited to one (1) low-profile sign not exceeding one hundred square feet (100 sq. ft.) in area.

#### **B. Dimensions**

A low-profile sign shall not exceed the following dimensions unless otherwise noted:

##### **1. Height**

The maximum height shall be eight feet (8') including the sign's base. The height shall be measured from the highest point of the closest roadway.

##### **2. Sign area**

One-half square foot (1/2 sq. ft.) per lineal foot of frontage, not exceed two hundred square feet (200 sq. ft.).

#### **C. Location**

##### **1. Rights-of-Way**

Signs shall be located not closer than ten feet (10') from the street right-of-way and all property lines.

**D. Corner Vision Clearance**

Permanent commercial and industrial low-profile signs shall not be placed so as to interfere with the corner vision clearance. (See Corner Vision Clearance Standards, Chapter 1163.11.)

**E. Landscaping**

1. Footprint

A landscaping area shall be provided around the low-profile sign equal to the square footage of one (1) sign face.

2. Type

The landscaping shall be at least fifty percent (50%) evergreen.

3. Plans

Landscaping plans shall be included with the permit application.

**F. Directional**

1. Private Traffic Directional

Signs directing traffic movement onto a property zoned M-1, M-2, C-1, C-2, C-3, O-I, I-1, I-2 or within a premise shall not exceed four square feet (4 sq. ft.) in area for each sign, with a maximum height of three feet (3'). Illumination of these signs shall be permitted in accordance with the provisions contained herein. Such signs placed within ten feet (10') of any rights-of-way shall be limited to two square feet (2 sq. ft.) and a maximum height of two feet (2').

2. Industrial Directional

Signs directing traffic movement onto and within Industrial Zoning districts may measure five feet (5') in height, fifteen square feet (15 sq. ft.) in area, and at least twenty-five feet (25') off the right-of-way.

3. Institutional Directional/Way Finding

Signs setting forth the name or any simple announcement/information for any medical facility, nursing home, financial institution, or public or private educational or religious institutions located entirely within the premises of that institution, up to an area of twenty-four square feet (24 sq. ft.) and not illuminated. If ground mounted, the top shall be no more than six feet (6') above ground level and no closer than ten feet (10') to any right-of-way.

### 1161.12.09 Signs in Downtown District (C-3)

The downtown is of unique character apart from the rest of the city. The buildings are taller and closer to each other; building fronts are typically on the front lot line, with business doors opening into the right of way; vehicular traffic volumes are higher than in other areas of the city, and drivers of all ability and ages are offered parking that is parallel between a curb line and moving traffic; and the numerous signalized intersections, parking options, pedestrians, and businesses create significantly more vehicular obstacles and turning movements per lineal foot than anywhere else in the community. As such, the placement of signage to support a thriving downtown is just as important to the community's safety as it is to identify business locations.

Downtown poses inherent constraints on signage design. The signs are: closer to the street; offer shorter viewing distance/duration; more difficult to notice due to the proximity to the street and short building width, and the traffic speed relative to the more minimal street frontages mean that business owners will seek more unique signage than the typical pylon/box or monument style. The signage cannot impede the flow of pedestrian traffic, nor can it be placed at the curb line and impede driver visibility and maneuverability. Therefore, the following types of signage are permitted in C-3 Downtown Business District.

#### A. Wall signs:

Wall Width (in feet)	Maximum Sign Area (square feet)
Under 15	25
15 - 19	30
20 - 24	35
25 - 29	35
30 - 34	35
35 - 39	40
40 - 44	40
45 - 49	40
50 - 54	50
55 - 59	50
60 - 64	60
65 - 69	60
70 and over	70 + 5 for each additional ten feet of frontage or fraction thereof

#### B. Projecting signs

1. Six feet (6') from curb face from the leading edge of the sign.

2. Ten foot (10') clearance shall be provided between the baseline of any sign and the sidewalk.  
No sign shall flash or blink. External illumination is preferred.

### **C. Low Profile**

1. When buildings are set back on a lot in the downtown, a ground sign may be appropriate (although not preferred) when all of the following conditions are met:
  - a. Other alternative types of signs do not provide adequate identification.
  - b. Scale and location of ground sign complements buildings in adjacent properties.
  - c. Integration into site landscaping so as not to create a site or visual obstruction.

### **D. Sandwich Board Signs**

The following rules and regulations pertain to sandwich boards and "A" Frames:

1. Size  
The maximum allowable size of the sandwich board sign is eight square feet. (8 sq ft.). ~~when close together for storage.~~
2. Location  
~~The sandwich boards must be located in front of the business that it is advertising.~~ It may not impede in the required four foot (4') pathway between the curb and the Allowable Business Area, if such exists. It is preferred that the sandwich board either be placed in line with the permanent street furniture (benches, light poles, trash receptacles) or adjacent to the business entryway.
3. Duration  
Sandwich board signs must be taken inside at the close of business.
4. Number  
One sandwich board is allowed per store front.

### **1161.12.11 Interstate High-Rise Signs (C-1, C-2, I-1, I-2)**

One Interstate High-Rise Sign is permitted per site. The sign must be within one thousand five hundred feet (1,500') of Interstate 75 (I-75) rights-of-way. Interstate High Rise Signs are limited to ninety foot (90') height and setbacks that measure at least one-half (1/2) the height of the sign. The sign shall not exceed 300' three hundred square feet (300 sq. ft.) in area and not have more than four (4) additional panels not exceeding seventy-five square feet (75 sq. ft.) each. To advertise additional tenants within the center, see Chapter 1161.12.12 for Electronic Message Center requirements pertaining to Interstate High-Rise Signs.

### **1161.12.12 Electronic Message Board C-1, C-2, I-1, I-2, I-3, UOD**

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

1. Shall only be placed on conforming ground signs, or on Interstate High-Rise Signs, where permitted and as defined.
2. Shall not be permitted on any wall or fence.
3. Interstate High Rise Signs are permitted to have an electronic message board.
4. Electronic Message Boards shall be at least three hundred feet (300') from any residential district.
5. Electronic Message Boards shall only be permitted in the C1, C2, UOD, I-1, I-2, and I-3 Districts and shall not be permitted in any other zoning district, or overlay district.
6. Electronic Message Boards shall not exceed twenty-five percent (25%) of the total ~~approved~~ constructed sign area.
7. Electronic message boards shall remain constant for a period of not less than eight (8) seconds per message.

### **1161.12.13 Roof Signs – C-1, C-2, I-1, I-2**

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

1. Height  
Roof signs cannot exceed the maximum building height allowable per district.
2. Erection  
Requirements for erection of a roof sign are as follows:
  - a. No roof sign greater than twenty square feet (20 sq. ft.) shall be placed within five feet (5') of the roof edge; however, if the sign is less than twenty square feet (20 sq. ft.), it shall not be erected with the face thereof nearer than one foot (1') to the outside wall toward which the sign faces.
  - b. Roof signs can be maximum of 100 one hundred square feet (100 sq. ft.) in size.

### **1161.12.14 Subdivision Entryway Signage**

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

### **1161.12.15 Temporary Signs – No Permit Required; All Zoning Districts**

Unless otherwise specified in this Ordinance, temporary signs identified herein shall be permitted anywhere within the city and are not required to have a permit. Temporary signs for

commercial uses and in commercial zoning districts shall not be permitted within ten feet (10') of any street right-of-way. No temporary sign shall be placed so as to interfere with the corner vision clearance and must be placed on private property. All signs are subject to two (2) conditions set forth in 'A' below.

**A. Conditions for Temporary Signs Not Requiring Sign Permits**

1. **Corner Clearance**  
Temporary signs shall not be placed so as to interfere with the corner vision clearance and may not be located within center medians.
2. **Private Property**  
Signs shall not be displayed in rights of ways, on utility poles, bridges, or other publicly owned and maintained land unless approved by City Council or otherwise provided.

**B. Construction Signs**

One (1) construction sign shall be permitted which may include the future tenant, architect, engineer, contractor, lending institution and other individuals or firms involved with the construction of a specific building or project. Sign must be on the active construction site. The following guidelines shall apply:

1. **Permitted Zoning Districts**  
Construction signs are permitted in all districts.
2. **Maximum Size**  
Maximum size of sixty-four square feet (64 sq. ft.) per sign face.
3. **Maximum Height**  
Not to exceed ten feet (10') in height from grade.
4. **Location**
  - a. **Setback**  
The minimum setback shall be no less than five feet (5') from the property line.
  - b. **On-premise**  
Construction signs shall be located on the site of the construction activity which it identifies.
5. **Removal**  
Construction signs shall be promptly removed within ten (10) days of the conclusion of the construction activity.

**C. Yard Sale Signs**

1. **Quantity**  
One (1) yard or garage sale sign will be permitted for each property having a garage sale.
2. **Size**  
Signs shall not exceed eight square feet (8 sq. ft.) in size.
3. **Location**
  - a. **Prohibited**
    1. Signs shall not be displayed in rights of way, on utility poles, or other publicly owned and maintained land.

2. Private property of others.
3. Signs shall be on-premise unless owners of other private parcels agree to sign placement on their property.

*Example: corner lot owners*

4. Duration

Signs must be removed after one (1) week of placement, or immediately after the sale ends, whichever is earlier.

**D. Real Estate Signs in Residential Districts**

On-premise real estate signs advertising the sale, rental or lease of property shall be permitted without a sign permit as follows:

1. Quantity

One (1) sign per street frontage

2. Size

a. Area shall not exceed eight square feet (8 sq. ft.) in size.

b. Height shall not exceed four feet (4') in height.

3. Location

Real estate signs shall only be located on the property which is to be sold, leased or rented.

4. Duration

Signs shall be removed within fourteen (14) days after the sale, lease or rental of the property.

**E. Sail sign banners & Inflatable signs**

Sail sign banners and inflatable signs are permitted subject to the following:

1. Permitted Zoning Districts

a. M-2 Multi-Family Residential

b. O-1 Offices & Institutions

c. C-1 Local Commercial

d. C-2 General Commercial

~~e. C-3 Downtown Commercial~~

f. I-1 Light Industrial

g. I-2 General Industrial

2. Location

- a. Setback

The minimum setback shall be no less than five feet (5') from the property line.

- b. On-premise

Shall be located on the site where the activity or items for purchase are located.

### 1161.12.16 TEMPORARY SIGNS - PERMIT REQUIRED.

The following temporary signs may be permitted within the city and are required to have a permit.

#### A. Temporary subdivision signs.

Temporary subdivision signs are allowed by permit after a subdivision has received preliminary plat approval from the Planning Commission. The signs may only be used for subdivision identification and marketing purposes.

##### 1. Quantity.

Subdivisions with more than one (1) entrance from a public street may erect one (1) temporary subdivision sign at each major entrance thereto.

##### 2. Size.

###### a. Height

The maximum height of a temporary subdivision sign shall be ten feet (10').

###### b. Area

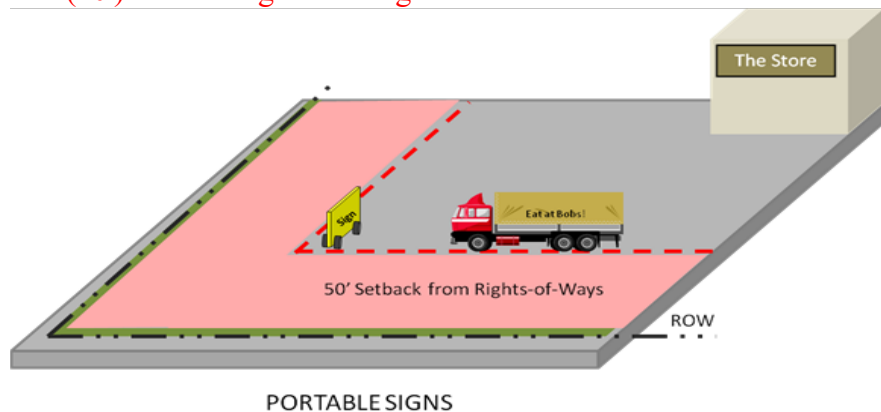
The maximum size of a temporary subdivision sign shall be sixty four square feet (64 sq. ft.).

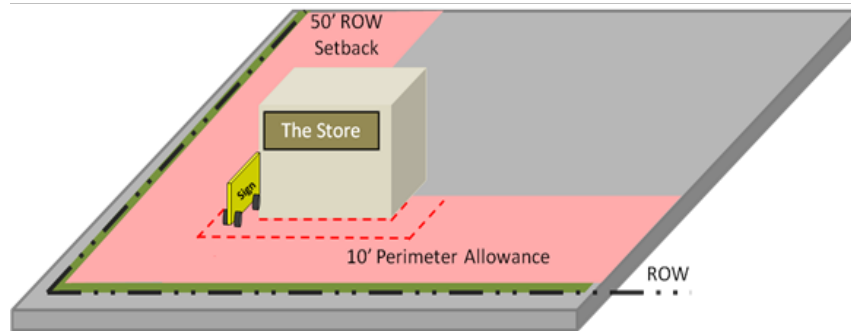
##### 3. Duration.

Permits are valid for two (2) years. Extensions may be granted at one-year (1) intervals.

**B. Portable signs.** Portable signs with message boards advertising special products or prizes or otherwise promoting business, industry or individuals are not permitted, except as follows:

1. Must not be closer than fifty feet (50') to any rights of way or within ten feet (10') of building if existing encroachment.





#### PORTABLE SIGNS

Within 10' of building if existing  
encroachment

2. Must be within ten feet (10') of the primary building for which the advertisement is associated.
3. Must have only a fixed message.

#### C. Banners

1. May be displayed for a period of not more than thirty (30) days.
2. No more than three (3) permits shall be issued for any one (1) parcel in a calendar year.

### **1161.12.17 Off Premise Signs – Permit Required**

This section identifies two (2) types of Off Premise Signs. Static signs, typically papered with a single image and rented over a period of time, shall be referred to as ‘Billboards.’ The other type is referred to as Digital Boards, which are Light Emitting Diodes able to display multiple images. Both types are freestanding non-accessory signs offered as advertisements rather than used for site identification. In no instance shall an Off Premise Sign be permitted for use as any other type of sign, including on-premise identification. Off-premise signs are permitted in the following districts: C-1 Local Business District; C-2 General Business District; I-1 Light Industrial District, and; I-2 General Industrial District.

#### **A. Non-Digital Billboards**

1. **Maximum Size and Faces**  
Shall not exceed three hundred square feet (300 sq. ft.) per sign face nor contain more than four (4) sign faces on any single structure.
2. **Setbacks**
  - a. Front Yard – Twenty-five feet (25’)
  - b. Side Yard – Ten feet (10’)
  - c. Rear Yard – Thirty feet (30’)
3. **Required Distance between Billboard Signs**  
Off premise signs shall be spaced no closer than two thousand, five hundred feet (2500’) apart on either side of a street right of way for static, non-digital, and digital billboards.
4. **Distance from Residential Districts**  
Off-premise signs shall not be placed within three hundred feet (300’) of a residential zoning district; provided, however, that distance may be reduced to one hundred twenty-five feet (125’) for off-premise signs that are non-illuminated and do not exceed thirty feet (30’) in height.
5. **Thoroughfare Exemption**  
The distance from residential district standard shall not apply to a residential district on the opposite site of a major thoroughfare.
6. **Maximum Height**  
The maximum height shall be forty feet (40’).
7. **Maintenance**  
Off-premise signs must be maintained properly.
8. **Conversion to Digital Billboard**
  - a. If converting one (1) non-digital billboard into one digital billboard, the distance between that billboard and another digital billboard must be two thousand, five hundred feet (2500’) on the same side of the roadway and two thousand five hundred feet (2500’) from another non-digital billboard on the same side of the roadway.

## **B. Digital Billboards**

### **1. Animation**

May not display images that include animated, flashing, scrolling, intermittent or full-motion video elements.

### **2. Fixed Message**

Each message or copy shall remain fixed for at least eight (8) seconds and the transition between images must be accomplished in no more than two (2) seconds.

### **3. Maximum Height**

The maximum height shall be forty feet (40') subject to the following exception in Chapter 1161.12.18 (B) (5) Proximity to Residential Areas.

### **4. Setbacks**

a. Front Yard – Twenty-five feet (25')

b. Side Yard – Ten feet (10')

c. Rear Yard – Thirty feet (30')

### **5. Proximity to Residential Districts and Uses**

Digital Billboards shall not be placed within three hundred feet (300') of a residential zoning district with the following exception; Digital Billboards may be as close as one hundred twenty-five feet (125') so long as the direction angle for a Digital Billboard sign face must be three hundred feet (300') from a residential district. Digital Billboards may be illuminated to a maximum level of 0.3 foot-candles as measured at vertical distance of two hundred fifty feet (250') or to the Residential District or use during nighttime hours, or 0.24 foot candles as measured at a vertical distance of two hundred fifty feet (250') or to the Residential district or use during day time hours.

Dual Digital Billboards may exist where they share the same structure and are placed back-to-back or at an angle that is away from residential districts. In no instance shall a dual Digital Billboard be designed with a back-to-back placement that measures greater than ninety (90) degrees from the back and facing a roadway.

### **6. Size**

Digital Billboards shall be no larger than one (1) three hundred square foot (300 sq. ft.) single faced panel. A single Billboard can be affixed to the back side of a Digital Billboard provided it does not exceed the dimensions of the Digital Billboard, Dual Digital Billboard.

### **7. Distance between Digital Billboards**

a. Digital Billboard shall not be placed within two thousand five hundred feet (2500') of another Digital Billboard or non-digital billboard on either side of a roadway.

b. Digital billboards shall not be placed within two thousand five hundred feet (2500') of another non-digital billboard on either side of a roadway.

8. Sign Default Message  
Such advertising devices shall contain a default design that will freeze the device in one (1) position if a malfunction occurs.
9. Conforming Signs  
Digital Billboards may only be utilized on new signs or existing signs that are able to conform to the requirements as set forth in this Chapter for off-premise signs.
9. Interference with Public Safety  
Digital Billboards giving public information such as, but not limited to, time, date, temperature, weather, or other similar information, and commercial Digital Billboards which function in the same manner as multiple message signs are permitted, provided such signs do not interfere with traffic safety and do not resemble or simulate traffic control or safety devices or signs.
10. Public Safety  
No off-premise sign shall be located within forty feet (40') of a traffic signal so that when illuminated it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
11. Maintenance  
Digital Billboards must be maintained properly.

## **1161.12.18 Awnings and Banners**

### **A. Awnings**

#### **1. Height of Awnings**

No person shall suspend or maintain over any public street, alley, sidewalk or public way within the corporate limits of the City any awning or any attachments or appendages at a height of less than six feet eight inches (6'8") above the sidewalk or ground level, except that any rigid, permanently attached awning shall not be suspended or maintained less than seven feet six inches (7'6") above the sidewalk or ground level. No awning projecting from a building or structure shall project beyond a point within three feet (3') of a line drawn perpendicularly upward from the curb line.

#### **2. Maintenance of Canopies, Marquees, and Awnings**

Canopies, marquees and awnings shall be maintained and kept in good order.

### **B. Temporary Banners over Public Right-of-Way**

The Service-Safety Director is authorized to grant permission to religious, charitable and nonprofit organizations to hang banners across Main Street within the City subject to the following terms, conditions and requirements (see 909.03 City General Offenses Code):

#### **1. Location**

Banners must be placed beyond ten feet (10') of the setback. The placement of banners shall be at a location approved by the Department of Engineering.

#### **2. Duration**

Banners may be hung for a duration of a thirty (30) day limit. Prior permission shall be secured from the public utility owning the poles to which the banner is to be attached. Banners that need to hang for greater than thirty (30) days must seek re-approval.

#### **3. Examples**

The following are all examples of banners:

- a. Stick signs
- b. Signs on private light poles and posts
- c. Signs on fences

## **1161.12.19 Other Signs**

### **A. Non-Conforming Signs**

Any sign lawfully existing on the effective date of this Chapter which does not conform to all the standards and regulations of the current Ordinance shall be deemed to be nonconforming. It is the intent of this Ordinance to amortize nonconforming signs as they are replaced for any reason. Only the replacement of sign face panels shall be permitted. The following rules govern non-conforming signs during the period in which they exist prior to their replacement;

#### **1. Irreplaceable**

A nonconforming sign shall not be replaced by another nonconforming sign for any reason, including but not limited to fire, accidents, or weather related incidents.

#### **2. Re-facing Permitted**

The substitution or interchanging of faces on nonconforming signs shall be permitted.

#### **3. Structural Modification Prohibited**

No change is permitted in the basic structural supports or members, footing, cabinetry or anchoring of a nonconforming sign.

#### **4. Loss of Nonconforming Designation.**

The following shall cause a sign to lose its nonconforming status:

- a. After the date of December 31, 2033 any change is made to the sign face, its message, or structure.
- b. The sign structure is replaced.
- c. The sign is relocated to a position making it less in compliance with the zoning requirements.
- d. Billboards are exempt from this sections.
- e. On the occurrence of any one of (a),(b), or (c) the sign shall be immediately brought into compliance with this Zoning Code with a new permit secured therefore, or the sign shall be removed.

### **B. Illegal Signs**

Any sign which is contrary to the requirements of this chapter, and which is not a nonconforming sign, shall be deemed to be an illegal sign. Signs which were illegally erected, established, or maintained with respect to applicable requirements of this chapter shall be removed or brought into compliance with these regulations.

#### **1. Identification**

The Zoning Administrator shall determine whether an illegal sign constitutes a public nuisance or not. Those determined to be a public nuisance and/or endanger the public safety, such as a sign which has been abandoned, is illegal, is dangerous, or is materially, electrically, or structurally defective shall be cause for immediate removal without prior notification to the property-owner. For all other illegal signs, see step 2.

#### **2. Issue Violation**

To cause removal of any illegal sign on private property, the Zoning Administrator shall first prepare and serve upon the owner of the sign or property a notice which describes the sign and specifies the violation involved.

3. Period for Removal

The period for removal of illegal signs shall be determined by the Zoning Administrator, but generally shall be:

a. Temporary signs

One (1) day

b. Permanent signs

Thirty (30) days or less if the situation is deemed warranted by the Zoning Administrator due to the situation or urgency.

4. Encroachment

Upon finding a sign or any portion thereof in the public right-of-way, the Zoning Administrator shall immediately cause for removal of the sign unless otherwise permitted in this Ordinance.

5. Fees

City Council may establish a fee to store all seized signage. The sign may be stored for a period of up to two (2) months from the date in which it was confiscated. After a period of two (2) months, the sign will be discarded.

**C. Abandoned Signs & Removal**

1. Cause for Removal

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.

2. Removal Period

Thirty (30) Days - Owners of abandoned signs have thirty (30) days to remove the violation after the Zoning Administrator issues a written citation indicating a sign has been abandoned.

3. Citation

If the owner or lessee fails to remove the violation, the Zoning Administrator shall give notice to remove it.

4. Removal at Owner's Cost

Upon failure to comply with this notice, the Zoning Administrator or his duly authorized representative may remove the sign at the cost of the owner.

5. Exception

Where a successor to a defunct business agrees to maintain the sign structure as provided in this chapter, this removal requirement shall not apply.

**1161.12.20 Interpretation**

Where there is any ambiguity or dispute concerning the interpretation of this chapter, the decision of the Zoning Administrator shall prevail subject to appeal as provided herein.

**1161.12.23 Right of Appeal**

Any person aggrieved by any decision or order of the Zoning Administrator may appeal to the Board of Zoning Appeals. The Zoning Administrator shall take no further action on the matter pending the Board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this chapter.

## **1161.13 COMMUNICATION STRUCTURES**

### **1161.13.1 Communication Structures – Purpose**

The purpose of this Chapter is to provide for sensible and reasonable land use standards to allow for the provision of adequate and reliable public and private communication service; to maximize the use of any communication transmission towers in order to reduce the total number of towers needed to serve the communications needs of the area; and whereas; to minimize the adverse, undesirable visual effects of such communication towers; and to provide for the reasonable location of such towers in the City of Findlay.

### **1161.13.2 Communication Structures – Prohibited; R-1, R-2, R-3, R-4, M-1, M-2**

With the exception of HAM radio antenna, television antenna, and satellite dish, all other communication facilities are restricted from residential zoning districts. Television antennas and HAM radio antenna must be in the side and rear yard with a property line setback equal to one half (1/2) the height of the antenna. The maximum height of HAM radio antenna and television antenna is forty feet (40’).

### **1161.13.3 Communication Structures – Setbacks; O-1, C-1, C-2, C-3, I-1 & I-2**

#### **A. Property Lines**

All communication structures shall be set back from any property line a distance equal to at least eighty percent (80%) of the height of the tower; and

#### **B. Residential Structures**

A communication tower may not be placed closer than five hundred feet (500’) to any residential structure.

### **1161.13.4 Communication Structures – Required Front Yard Prohibition**

Communication structures are generally not permitted in required front yards except where evidence provided by the petitioner demonstrates that placement in a required front yard would provide the best camouflage for the tower.

### **1161.13.5 Communication Structures – Minimum Number of Co-Location Sites:**

Minimum number of additional antenna sites to be provided on an eighty-foot (80’) tower is two (2).

### **1161.13.6 Communication Structures – Design Requirement:**

All communication towers shall be a monopole design.

### **1161.13.7 Communication Structures – Buffer Requirements:**

The location of the tower and equipment buildings shall comply with all local, State and Federal natural resource protection standards. The following buffer planting shall be located around the outermost perimeter or security fence of a communication facility:

#### **A. Fence or Wall**

An eight-foot (8') high wood fence or brick masonry wall shall completely surround the entire communications facility, excluding guy wires.

**B. Evergreen Screen**

A live evergreen screen consisting of a hedge, planted five feet (5') on center maximum, or a row of evergreen trees planted a maximum of ten feet (10') on center shall be planted outside the fence around the entire communication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting shall be no less than five feet (5').

**C. Existing Vegetation**

Trees and shrubs shall be preserved to the maximum extent possible on the entire site. Evergreen vegetation outside the fence or wall may be counted toward the evergreen screen.

**1161.13.8 Communication Structures – Access to Site/Structure**

Proposed communication towers and antennas shall meet the following access requirements:

**A. Vehicular access**

Vehicular access to the tower and equipment building shall be provided along any existing driveways, whenever feasible, and;

**B. Automation**

The communication structure shall be fully automated and unattended on a daily basis and may be visited only for periodic maintenance, emergencies, installations or equipment removal.

**1161.13.9 Communication Structures – Design Requirements**

Proposed communication structures, towers, and antennas shall meet the following design requirements:

**A. Obscurity**

Communication towers and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration (FAA).

**B. Compatibility**

The entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment such as wood, brick, or stucco is required for associated support structures which shall be designed to match the architectural exterior of residential or commercial structures within the neighborhood or area. Only if the facility will be one hundred percent (100%) screened during all seasons with an eight-foot (8') tall wood privacy fence and evergreen screen will other materials be approved.

**C. Lighting**

Only lighting that is for safety or security reasons, or required by the FAA or other federal or state authority is permitted. All required lighting shall be oriented inward so as

not to project onto surrounding residential properties.

#### **1161.13.10 Communication Structures – Co-Location Requirements**

It is required that communication towers and their telecommunication companies mutually cooperate with respect to siting communication towers in Findlay. It is not desirable to have more towers than necessary to serve the city’s single market area. Therefore, the following standards are to be agreed upon at the time of permit issuance:

##### **A. Construction for Multiple Users**

Any proposed communication tower shall be designed, and engineered structurally, electrically and in all other respects, to accommodate the number of additional users as required in this Zoning Ordinance.

##### **B. Anticipating Future Needs**

1. Additional Infrastructure - The site of the initial communication tower and communication facility shall be of sufficient area to allow for the location of one (1) additional communication tower and associated communication facility.
2. Future Rearrangement - Communication towers shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the tower and to accept cellular communication equipment and antennas mounted at varying heights.

#### **1161.13.11 Communication Structures – Siting Requirements**

A proposal for a new communication tower shall not be approved unless the petitioner submits verification that the communication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower, building, or other structure due to two (2) or more of the following reasons:

##### **A. Structural Capacity**

The planned communication equipment would exceed the structural capacity of the existing or approved towers, buildings, or structures as documented by a qualified and licensed professional engineer; and the existing or approved towers, buildings or structures cannot be reinforced, modified, or replaced to accommodate the planned communication equipment at a reasonable cost.

##### **B. Communication Interference**

The planned communication equipment would cause interference impacting the usability of other existing communication equipment at the site if placed on existing structures. Supporting documentation, prepared by a qualified and licensed professional engineer, must be provided that indicates that the interference cannot be prevented at a reasonable cost.

##### **C. Design Requirements**

The existing or approved towers, buildings, or structures within the search radius cannot accommodate the planned communication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

##### **D. Reason(s) Unforeseen In This Ordinance**

Other unforeseen reasons that make it unfeasible or impossible to locate the planned

communication equipment upon an existing or approved tower, building, or structure.

**E. Impasse**

The petitioner has been unable to enter a commonly reasonable lease term with the owners of existing towers, buildings, or structures. Evidence of such must be presented to the Zoning Administrator.

**F. No Accommodation**

Additional land area is not available at the base of existing towers, buildings, or structures to accommodate the proposed communication facility.

**1161.13.12 Communication Structures – Construction Requirements**

All antennas, communication towers, accessory structures and any other wiring constructed within the City of Findlay’s jurisdiction shall comply with the following requirements and all applicable provisions of this Zoning Ordinance and the Building Code of the State of Ohio, Federal Communications Commission (FCC) and the Federal Aviation Administration when applicable.

**1161.13.13 Communication Structures – Existing Structures**

Existing antennas, communication towers and communication equipment may continue in use for the purpose now used and as now existing, but may not be replaced or significantly structurally altered without complying in all respects to the requirements set out in this Zoning Ordinance.

**1161.13.14 Communication Structures – Removal of Abandoned Towers**

**C. Cause for Removal**

A tower shall be removed by the owner(s) of the tower and/or land, their lessee’s and/or assigns of the land upon which the tower is located when unused or left abandoned for six (6) months.

**A. Removal Period - 30 Days**

Owners of abandoned towers and/or owners of the land upon which the towers are placed shall have thirty days for removal after the Zoning Administrator has cited in writing determining a sign has been abandoned.

**B. Citation**

If the land owner and/or tower owner fails to remove it, the Zoning Administrator shall give notice to remove it.

**C. Removal at Owner’s Cost**

Any communication tower shall be removed by the owner at his/her expense. Should the owner fail to remove the communication tower after thirty (30) days from the date a Notice of Violation is issued, the City may remove the communication tower and bill the land owner and/or tower owner for the costs of removal and cleanup of the site. Upon failure to comply with this notice, the Zoning Administrator or his duly authorized representative may remove the tower at the cost of the land owner.

## **1161.15 CONDITIONAL USE REQUIREMENTS**

The City Planning Commission shall have the duty to hear and decide applications for conditional use permits. The City Planning Commission shall determine that the general standards pertinent to each conditional use identified in the Findlay Zoning Code shall be satisfied by the establishment and operation of the proposed conditional use. The City Planning Commission may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of the Findlay Zoning Code will be observed, including specified limitations as to future expansion.

The City Planning Commission has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed as Conditional Uses are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety or general welfare of the City or the neighborhood in which it is proposed. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, side access and potential impact upon public facilities will be adequately addressed.

### **1161.15.1 General Standards**

The Planning Commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use of the proposed location:

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Findlay Zoning code of current adoption;
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
5. Will be served adequately by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, and school; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

#### **A. Approval, Expiration & Revocation.**

1. An approved conditional use will be for a period of one year provided substantial progress and completion is made, unless an extension has been granted by the Planning Commission. A maximum of two (2), six (6) month extensions are allowed if the scope of the approval has not changed and the proposed use and site plan still satisfy the decision standards. A Conditional Use permit shall be valid and run with

- the land, provided substantial progress and completion is made, only for the specific use and location approved and in accordance with any conditions approved.
2. Failure to complete or make substantial progress on the approved use shall result in the expiration of its authorization and require a new application.
  3. Zoning permits shall not be issued unless the plans substantially conform to those approved by the City Planning Commission, including conditions.
  4. A Conditional Use Permit shall automatically expire if the Conditional Use ceases operation for more than one year.
  5. A Conditional Use Permit may be revoked by the City Planning Commission if the existing Conditional Use Permit fails to meet one of the following requirements:
    - a. The conditions of approval are not met or maintained.
    - b. The continuance of the conditional use would pose a substantial risk to the public health, safety and welfare. Notification will be provided to all who are entitled to such notice.
  7. Modifications to a Conditional Use.
  8. Modifications shall be classified as a minor or major modification based on the following:
  9. Minor Modification:
    - a. Does not change the use or density to a more intense use or density than permitted by the approved plan; and
    - b. Does not change the location or amount of land designated for a specific land use; and
    - c. Are of a magnitude that will not substantially alter the appearance of the use from off of the site; and
    - d. Will not substantially or detrimentally affect the provision of public services to the site or general vicinity; and
    - e. Will not substantially or detrimentally increase potential demand on public or private utilities; and
    - f. Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood; and
    - g. Are not contrary to and in no way diminish the intent of the originally approved permit.
  10. Major Modification:
    - a. An increase in density or intensity; or
    - b. Changes to the property or project boundaries; or
    - c. Anything not classified as a minor modification above.
    - d. A major modification requires an entirely new Conditional Use application (including the fee), according to the provisions of this section.
  11. Review of Modifications. If an applicant proposes to modify an approved Conditional Use, the applicant shall submit the proposed modifications to the Zoning Inspector, supplemented with a written statement describing the modifications. A Minor Modification may be reviewed administratively and

approved by both the Zoning Inspector. Administrative approvals shall be clearly documented and made part of the original Conditional Use permit on file and placed on the City Planning Commission's agenda. Any changes to a Conditional Use that are not approved by the Zoning Inspector or City Planning Commission shall constitute a violation of the City Zoning Code.

**CHAPTER 1162  
NONCONFORMITY**

- 1162.01 Intent.**
- 1162.02 Pre-Existing Conditions.**
- 1162.03 Nonconforming Lots.**
- 1162.04 Nonconforming Uses of Land.**
- 1162.05 Nonconforming Structures.**
- 1162.06 Nonconforming Uses of Structures.**
- 1162.08 Change in Tenancy.**
- 1162.09 Re-establishment of a Nonconforming Use.**

**1162.01 INTENT**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed.

**1162.02 PRE-EXISTING CONDITIONS**

**A. Nonconformities**

It is recognized that there exist within the Districts established by this Ordinance and its amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

**B. Non-Precedent**

Such uses are declared by this Ordinance to be incompatible with permitted uses in the Districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District and shall be brought into conformity with this Ordinance as soon as practicable.

**C. Containment**

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment of a building or premises or additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the District involved.

**D. Projects at Time of Code Adoption**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building for which a zoning permit was lawfully acquired prior to the effective date of adoption or amendment of this Ordinance. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastening each in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work (demolition and construction) shall be diligently carried on until completion of the

building involved.

### **1162.03 NONCONFORMING LOTS**

In any District, notwithstanding limitations imposed by other provisions of this Ordinance, principal and accessory buildings may be erected on any lot of record which exists at the effective date of this Ordinance's adoption or subsequent. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in this District. However, the yard dimensions and other requirements not involving area or width (or both) of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.

### **1162.04 NONCONFORMING USES OF LAND**

Where a lawful use of land exists at the effective date of adoption or amendment of this Ordinance that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

**a. Proportion of Nonconformity**

No such nonconforming use shall be enlarged or increased after the effective date of adoption or amendment of this Ordinance except that the Planning Commission, after written notice to abutting and adjacent property owners, may conditionally approve or deny an extension, or enlargement of a nonconformity as a recommendation to City Council.

**B. Location of Nonconformity**

No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance except that the Planning Commission, after written notice to abutting and adjacent property owners, may conditionally approve or deny the relocation of a nonconforming use as a recommendation to City Council.

**C. Extinction of Nonconformity**

If such nonconforming use of land ceases for any reason for a period of more than two (2) years, the nonconformity is thereafter considered extinct and any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located.

### **1162.05 NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

**A. Proportion of Nonconformity**

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

*Example: New work may not increase the nonconformity, such as encroachment into the setbacks.*

**B. Non-Placement of Nonconformity**

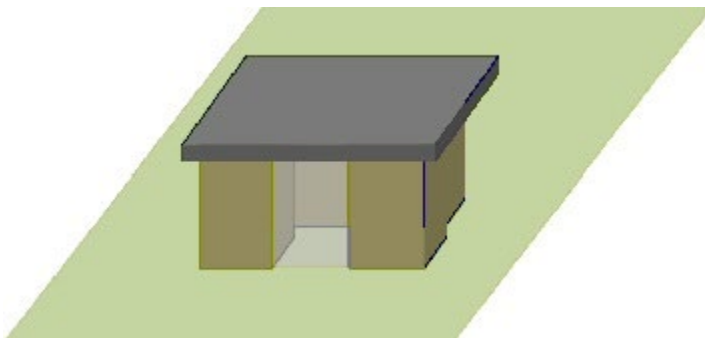
Should such structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its actual cash value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance. Cash value may be determined by an appraisal or the Hancock County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

**C. Location of Nonconformity**

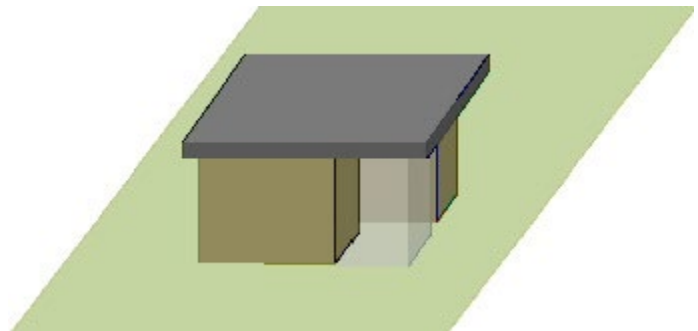
Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved. This does not preclude the elevation of structures to comply with the flood damage reduction ordinance. Portions of nonconforming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

Additions to nonconforming structures must meet the applicable setbacks with the following exception: Infill construction as noted below will be permitted.



YES



NO

**D. Historically Significant Structures**

Residential or commercial structures dating prior to 1955 that are considered contributing to the historic character of the surrounding area may be re-established or continued. The owners must document the eligibility of the structure using the U.S. Department of Interior Standards and Guidelines and receive a Certificate of Appropriateness from the appropriate body in order to be eligible for this exclusion.

**1162.06 NONCONFORMING USES OF STRUCTURES**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be permitted in the District under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

**A. Proportion of Nonconformity**

The City Planning Commission may conditionally approve or deny the expansion, enlargement, or relocation of any nonconforming use of any structure or land, or

combination thereof as a recommendation to City Council, after giving written notice to abutting and adjacent property owners. One (1), two (2), or three (3) family uses, devoted to a use not permitted by this Ordinance in the District in which it is located, may be enlarged, extended, constructed, reconstructed, moved, or structurally altered by approval of the Zoning Administrator.

**B. Confinement**

Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building except that the Planning Commission, after written notice to abutting and adjacent property owners, may conditionally approve or deny such an extension as a recommendation to City Council.

**C. Development Standards**

R-1, R-2, R-3, or R-4 district shall prevail as applicable for any expansion or deconstruction of nonconforming single family dwelling.

**D. Equal or Lesser Nonconformity**

Any nonconforming use of a structure may be changed to another nonconforming use of the same or a more restricted classification.

**E. Extinction of Nonconforming Use**

**A. Replaced by Conforming Use**

Once a nonconforming structure is used for a permitted use, it shall thereafter conform to the regulations for the District in which the structure is located, and the nonconforming use may not thereafter be resumed.

**B. Discontinued Use**

When a nonconforming use of a structure is discontinued or ceases to exist for any reason for two (2) years, the structure shall not thereafter be used except in conformance with the regulations of the District in which it is located. Structures occupied by seasonal uses, such as Christmas tree and produce stands, shall be exempt from this provision.

**C. Demolition/Destruction**

Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land except when the use is re-established within two (2) years of the removal and demolition and can be built to applicable zoning standards.

**1162.07 USES UNDER EXCEPTION PROVISIONS, NOT NONCONFORMING USES**

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use in such District.

**1162.08 CHANGE IN TENANCY**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures or of structures and land in combination without the loss of non-conforming status.

### **1162.09 RE-ESTABLISHMENT OF A NONCONFORMING USE**

There may exist a need to reestablish a nonconforming use for a particular structure, lot, or both for some unforeseen reason. This may be done by petition to Findlay City Council. The request shall be in the form of an application and shall be reviewed by the City Planning Commission, City Council's Planning and Zoning Committee, and subsequently approved or denied by action of Findlay City Council.

**CHAPTER 1163  
PERFORMANCE REQUIREMENTS**

<b>1163.01</b>	<b>Nuisance.</b>
<b>1163.02</b>	<b>Drainage.</b>
<b>1163.03</b>	<b>Storm Water Discharge Control Plan.</b>
<b>1163.04</b>	<b>Wetlands Determination.</b>
<b>1163.05</b>	<b>Traffic Impact Study.</b>
<b>1163.06</b>	<b>Gas and Oil Wells.</b>
<b>1163.07</b>	<b>Temporary Use of Building, Structure or Land.</b>
<b>1163.08</b>	<b>Temporary Uses - Constructions.</b>
<b>1163.09</b>	<b>Entranceway Enhancements.</b>
<b>1163.10</b>	<b>Subdivision Rules and Requirements.</b>
<b>1163.11</b>	<b>Corner Visions Clearance Standards.</b>
<b>1163.12</b>	<b>Swimming Pools.</b>
<b>1163.13</b>	<b>Demolition Requirements.</b>
<b>1163.14</b>	<b>Junkyards.</b>
<b>1163.15</b>	<b>Enforcement Provisions.</b>
<b>1163.99</b>	<b>Penalties.</b>

The following performance requirements and/or exceptions shall govern all uses in all Districts created by this Ordinance.

**1163.01 NUISANCE.**

**A. Prohibition**

No land, building, or structure in any District shall be used or occupied in any manner in violation of the use district within which they are located, or create any dangerous, injurious, unsightly, hazardous, noxious, unhealthy, noisy, malodorous, or otherwise objectionable element or condition which is detrimental to the health, safety, comfort, or welfare of the neighboring area or the inhabitants of the City.

**B. Abatement**

Such uses of lands, buildings, or structures in the manner aforesaid are hereby declared to be a public nuisance per se, and may be abated by order of any Court of competent jurisdiction.

**1163.02 DRAINAGE**

**A. City Planning Commission Review and Approval**

**1. Topographical Plan**

Applications for development requiring City Planning Commission review and approval shall include for review and approval a topographical plan indicating proposed control practices that will reduce pollutants from storm water runoff, both during development activity and upon completion. See Section 1113.28.

The topographical plan may be reviewed by the City Engineer concurrently with review and approval of the application for site plan approval, or may be a condition of approval prior to the issuance of permits.

**B. Approved Plans**

When a topographical plan has been approved for a site or parcel, no further submittal or approval of a topographical plan for the same development activity on the same site or parcel shall be required.

**C. Enforcement**

The City of Findlay Engineering Department has the authority to ensure erosion, sedimentation, and storm water management controls which have been installed and maintained according to the approved plan.

**1163.03 STORM WATER DISCHARGE CONTROL PLAN**

The objectives and requirements of storm water discharge control are found in Chapter 931 of the Streets, Utilities and Public Services Code.

**1163.04 WETLANDS DETERMINATION**

**A. Delineation**

The presence of a wetland, and delineation of its boundaries, shall ordinarily be determined by the applicant through the performance of a field survey in accordance with the procedures set forth in the currently used 1987 Wetland Delineation Manual of the U.S. Army Corps of Engineers. Actual site conditions may demonstrate the presence of a wetland, not shown on the maps, which may require the applicant to comply with Chapter 404 of the Federal Clean Water Act.

**B. Applicant Assumes Compliance**

The City shall assume no liability for the failure of an applicant to comply with Chapter 404 of the Federal Clean Water Act or other applicable laws.

**1163.05 TRAFFIC IMPACT STUDY**

This Chapter reserved for future use.

**1163.06 GAS AND OIL WELLS**

Gas and oil wells and attendant storage areas permitted by this Ordinance shall be located a minimum of two hundred feet (200') from any property or right-of-way line. The site shall be maintained in good condition, and structures shall harmonize, insofar as possible, with the character of the structures in the District in which they are located.

**1163.07 TEMPORARY USE OF BUILDING, STRUCTURE OR LAND**

**A. Uses**

An existing structure, building, job trailer, or land may be used for a purpose which does not conform to this Ordinance such as tent meetings, circuses, tent sales, temporary storage, etc.

**B. Duration**

A period not to exceed two (2) weeks in any calendar year.

**C. Permit Required**

Permits for such temporary uses may be issued for a one (1) week period, and must be renewed for their continued uses.

**D. Conditions for Issuing Permit**

Such permits shall be issued only if the Zoning Administrator determines:

**E. Non-Injurious**

That such use will not injure or annoy neighboring property owners or users.

1. Temporary

That such uses will be discontinued and all equipment or property in connection therewith removed immediately upon the expiration of the permit.

**1163.08 TEMPORARY USES – CONSTRUCTION**

Soil shredding, batch plants, logging, and other resource preparation or harvesting shall be permitted per the following:

**A. Site**

1. On Site

Processing must occur on the construction site.

2. Original to Site

Only materials original to the site may be processed.

**C. Duration**

The length of processing time shall be the duration of the project unless the City Planning Commission sets a shorter time period. In no instance shall the processing continue for more than two (2) years without approval from the City Planning Commission.

**1163.09 ENTRANCEWAY ENHANCEMENTS**

In all Districts, entranceway structures including, but not limited to: walls, columns and gates marking entrance to single-family subdivisions or multiple family housing projects may be permitted and may be located in a required yard, except as provided in Chapter 1163.11. Upon receiving an application for constructing an entranceway structure, the Zoning Administrator shall issue a permit if the proposed structure complies with all applicable standards and regulations. New accesses require City Planning Commission review and approval. Accesses proposed onto county or township roads must also adhere to the Hancock County Access Management Regulations.

**1163.10 SUBDIVISION RULES AND REQUIREMENTS**

No lot of record shall be created for use by this Ordinance unless it expressly provided for and in conformance with the requirements set forth in the City of Findlay’s Subdivision Rules and Procedures.

**1163.11 CORNER VISION CLEARANCE STANDARDS**

**A. Triangular Clear Area:**

A triangular clear area shall be maintained at every corner of an intersection free from any kind of obstruction to vision above the heights of two feet (2)’ above

the established street grade. This includes fencing and landscaping.

**B. Sight Triangle Leg Lengths:**

1. Street-Street Intersections:

Sight triangle leg lengths shall be twenty-five feet (25') measured from the projected intersection of the right-of-way lines.

**C. Structures:**

No primary or accessory structures, fences or signs are allowed to be placed or to project into the vision clearance triangle.

**D. Landscaping**

Ground cover, annuals, perennials, and similar vegetation may be planted within the vision clearance triangle when the plants do not exceed three feet (3') in height at maturity. Maintaining these heights of vegetation shall be the responsibility of the owner.

### 1163.12 SWIMMING POOLS

Private pools shall be permitted as an Accessory Use in the rear yard only, in all Districts except Commercial or Industrial Districts.

**A. General**

1. Front Yard Prohibition

No swimming pool shall be located less than the required front yard setback from any front lot line.

2. Setbacks

There shall be a minimum distance of not less than five feet (5') between the adjoining property line or alley right-of-way and the outside of the pool wall.

3. Temporary Pools

Inflatable/standing side pools are considered temporary. As such, these pools are exempt from the zoning ordinance. A removable ladder is required.

**B. In-ground Swimming Pools**

1. Fencing

Access to all in-ground pools shall be restricted on all sides by an approved fence. The minimum height requirements for fences vary by type of pool and are as follows:

a. Family Pool

Four feet tall (48")

b. Private/Public Pools

No less than six feet tall (6')

2. Access

Access to all swimming pools shall be through a controlled gate or other structure. The height of the gate shall match the requirement for the fencing. All gates shall be of a self-close type with a latch not readily available to children which is able to be securely locked.

3. Pool Covers

Swimming pools with a power safety cover complying with ASTM F 1346 shall be exempted from the fence requirement.

**D. Above Ground Pools with Permanent/Rigid Walls**

Above ground pools are exempt from fencing requirements **when sides of pool are forty-two inches (42”) or higher**, but not the access requirement. See Chapter 1163.12 (B) (2).

*Example 1: An above ground pool has a deck next to it with stairs leading up to the top. The stairs must be secured via a gate that is self-closing and latching.*

*Example 2: An above ground pool has a ladder to get into the pool. Remove the ladder when not in use.*

**E. Approved Fence Required**

An approved fence shall be constructed so that horizontal members are on the pool side of the enclosure and vertical members are not more than three and one half inches (3 1/2”) apart. A building or existing wall may be used as part of such enclosure; however, all gates or door openings shall meet the requirements set forth in 1163.12 Swimming Pools. (See City of Findlay Codified Ordinances 1365.04).

**F. Applicability of Requirements**

**These fencing requirements shall apply to both new and existing outdoor swimming pools, and the requirements shall apply to each person in possession of land within the City, either owner, purchaser, lessee, tenant, or licensee, on which is situated a swimming pool.**

**1163.13 DEMOLITION REQUIREMENTS**

**A. Permit Required for:**

1. Demolition of a primary or secondary structure.
2. Demolition of any structure with a foundation.

**B. Conditions for Permit Issuance:**

1. Occupancy permit is revoked for the property.
2. No remaining accessory structure is permitted to be used for any purpose if the primary structure has been demolished or lost due to a natural catastrophe. A demolition permit must be obtained within one (1) year unless a zoning permit is issued for a new primary structure in that same time period.
3. Shut off of all utilities shall be coordinated with appropriate agency.

**1163.14 JUNKYARDS**

**A. Junkyards in Operation; Fence Required.**

No junkyard shall be operated or maintained adjacent to any improved public street or avenue of the City, or adjacent to any dwelling house occupied as such, until there is constructed and maintained a building or a tight board fence not less than eight feet (8’) in height, or other approved fence, between such street or avenue or such dwelling house, and that portion of the yard on which junk and refuse is stored or kept.

**B. Requirements for New Junkyards**

1. No junkyard shall be created or erected within 100 feet (100’) of any street or avenue in the City or within 200 feet (200’) of any dwelling occupied as

such without obtaining the written consent of the owner of such neighboring dwelling. In the event such written consent is obtained, there shall be constructed and maintained a building or a tight board fence not less than eight feet (8') high between the property line of such consenting owner and the space in the open area of which junk and refuse is stored or proposed to be stored.

2. The building or fence as provided in this Chapter and in Chapter 753.02 shall be kept in good repair, and (if wood) shall be painted and kept painted in accordance with regulations of the Service-Safety Director of the City.

**C. Junkyard License; Application; Fee.**

1. No junkyard shall be erected, created, maintained or operated in the City without having obtained a license from the Mayor.
2. Each applicant for such license shall file with the Mayor a statement, verified by oath, giving the location of his place of business, the area in square feet to be occupied by the business, and the nature of the business, including a statement that he intends to comply with all the requirements of Chapters of the Ohio Revised code (O.R.C.) 753.01 to 753.05 and shall annually thereafter, thirty (30) days preceding the expiration of his license, file a like statement verified by oath.
3. The fee to be paid annually for such license shall be set by City Council based on the following:
  - a. An amount for the first ten thousand square feet (10,000 sq. ft.).
  - b. Incremental amount for each additional ten thousand square feet (10,000 sq. ft.), or fraction thereof.
4. All licenses shall be valid for one (1) year from the date of issuance, and shall not be renewed until the annual statement required herein has been made, and it has been shown to the satisfaction of the Mayor that the applicant has complied with all of the regulations and stipulations contained in Chapter 1163.14.

**D. Clean and Sanitary Condition.**

All junkyards operated and maintained in the City shall be kept in a clean and sanitary condition, and shall be subject at all times to the supervision and orders of the Service-Safety Director and Board of Health; and smoke or offensive odors shall not be permitted or allowed to escape in such manner or in such quantities as to cause or have a natural tendency to cause injury, detriment or annoyance to any person or to the public, or to endanger the comfort, repose, health or safety of any person or the public, or in such manner as to cause or have the natural tendency to cause injury or detriment to business or property.

**E. Penalties.**

Whoever violates any provision of Sec. 1163.14 is guilty of a misdemeanor of the third degree. Each day's violation shall constitute a separate offense. See Chapter 1199 Violations, Enforcement, Penalties and Other Remedies.

**1163.15 ENFORCEMENT PROVISIONS.**

The Zoning Administrator shall refer any proposed use which is likely to violate performance requirements to the City Planning Commission for review. The City Planning Commission, prior to the issuance of a Zoning Certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements, including drainage, are to be controlled so as to conform with performance requirements herein set forth. See Chapter 1199 Violations, Enforcement, Penalties and Other Remedies.

**CHAPTER 1164**  
**ADULT ENTERTAINMENT ESTABLISHMENTS/ADULT**

<b>1164.01</b>	<b>Purpose.</b>
<b>1164.02</b>	<b>Mitigating Secondary Effects.</b>
<b>1164.03</b>	<b>Permitted Districts/Conditional Use.</b>
<b>1164.04</b>	<b>Location Requirements.</b>
<b>1164.05</b>	<b>Measure of Distance.</b>
<b>1164.06</b>	<b>No Variance.</b>
<b>1164.07</b>	<b>Subsequent Development within Location Standards.</b>
<b>1164.08</b>	<b>Nonconformity.</b>
<b>1164.09</b>	<b>Adult Entertainment Definitions.</b>
<b>1164.10</b>	<b>Operating Provisions.</b>
<b>1164.11</b>	<b>Enforcement.</b>
<b>1164.12</b>	<b>Appeals.</b>
<b>1164.13</b>	<b>Regulation of Obscenity Subject to State Law.</b>
<b>1164.14</b>	<b>Regulation of Massage Establishments Subject to State Law.</b>
<b>1164.15</b>	<b>Severance Clause.</b>
<b>1164.99</b>	<b>Penalties.</b>

**1164.01 PURPOSE.**

Based upon various studies done on the effects of adult entertainment establishments on the quality of community life, the recognition of The United States Supreme Court and the courts of Ohio that a local government's regulation of the location of adult entertainment establishments in order to preserve the quality of urban and rural life constitutes a substantial government interest, and based upon the successful enactment and enforcement of similar ordinances throughout this state and other states, the Findlay City Council hereby finds that the enactment of a zoning provision to regulate the location of adult entertainment establishments is a substantial government interest for the City of Findlay in preserving the quality of urban and rural life and that it is in the interest of the health, safety, morals, and general welfare of the citizens of Findlay, Ohio, that adult entertainment uses are regulated pursuant to the standards herein.

**1164.02 MITIGATING SECONDARY EFFECTS.**

This Chapter is intended to provide for the proper location of adult entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks and other commercial uses, and the quality of urban and rural life. Proper separation of adult entertainment uses prevents the creation of "skid-row" areas in the City of Findlay that results from the concentration of these uses and their patrons. It is the intent of this Chapter to limit the secondary effects of adult entertainment uses. The standards in this Chapter are intended to ensure that residential and agricultural districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of adult entertainment uses. The location of residential and agricultural districts, religious uses, educational uses, parks and other commercial uses within viable, unblighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public.

### **1164.03 PERMITTED DISTRICTS/CONDITIONAL USE.**

Adult Entertainment Establishments and Adult Entertainment Uses possess unique characteristics requiring particular consideration as to their proper location in relation to proximately established or intended uses, or to the planned development of the community. Therefore, after verification by the Zoning Inspector that they have met the requirements listed herein, they may be permitted as conditional uses in I-1 Light Industrial Districts and I-2 General Industrial Districts upon a majority vote of the City Council, after public hearing, and after recommendations have been received from the City Plan Commission pursuant to Chapter 1113.16 and Chapter 1113.20 of the City of Findlay Zoning Ordinance and from the Hancock Regional Planning Commission.

### **1164.04 LOCATION REQUIREMENTS.**

Adult entertainment establishments, where otherwise permitted in a use district, are subject to the following location restrictions:

#### **1164.04.1 Location Requirements; Residential Uses**

No adult entertainment establishment shall be located within one thousand feet (1000') of a residential district (including R-1, R-2, R-3) or districts and all areas which are designated "residential," "residence," "family," or "multiple-family" by any local comprehensive plan or zoning ordinance or ordinance). However, an adult entertainment establishment may be permitted to locate within one thousand feet (1000') of a residentially zoned district or use upon presentation to the Planning Commission of a validated petition requesting such waiver, signed by in excess of fifty percent (50%) of those persons owning residential land or business establishments within one thousand feet (1000') of the proposed location. The Planning Commission shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this Chapter as well as reasonable fees necessary for administratively processing the petition. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Planning Commission, that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon. The Planning Commission shall not consider the waiver of location requirements set forth in this Chapter until the above described petition shall have been filed and verified.

#### **1164.04.2 Location Requirements – Other Adult Uses**

No adult entertainment establishment shall be located within two thousand feet (2000') of another existing adult entertainment establishment, unless the Planning Commission makes the following findings:

1. Public Interest/Injury  
That the proposed use / establishment will not be contrary to the public interest or injurious to nearby properties.
2. Blighting

That the proposed use / establishment will not enlarge or encourage the development of a blighting influence.

3. Neighborhood Conservation

That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.

D. Adherence to Ordinance

That all applicable regulations of this Chapter will be observed.

**1164.04.3 Location Requirements – Churches/Cemeteries**

No adult entertainment establishment shall be located within one thousand feet (1000') of a church, place of worship, or public cemetery.

**1164.04.4 Location Requirements – Schools**

No adult entertainment establishment shall be located within one thousand feet (1000') of an educational institution.

**1164.04.5 Location Requirements – Recreation Areas**

No adult entertainment use shall be established within one thousand feet (1000') of a public park, playground or other use established for the activities of minors.

**1164.05 MEASURE OF DISTANCE.**

The distances set forth in this Chapter shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed adult entertainment establishment to the nearest point on the property line of the relevant church or place of worship, public cemetery, educational institution, agricultural or residential district, public park, playground or other use established specifically for the activities of minors. For the purpose of measuring the distance between adult entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing adult entertainment establishment and the nearest point on the exterior wall or bay of another adult entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects. No adult entertainment use may be physically altered or expanded when such alteration, addition, or subsequent structure would violate the location restrictions of this ordinance as measured above.

**1164.06 NO VARIANCE.**

Notwithstanding the provisions of Chapter 1115.04, as to adult entertainment uses, there shall be no variance to the location standards except as specifically provided for in Chapter 1164.08 Nonconformity of this Chapter.

**1164.07 SUBSEQUENT DEVELOPMENT WITHIN LOCATION STANDARDS.**

The subsequent approval of a development order for a church or place of worship, educational institution, public park or residential district within the distances outlined in this Chapter shall not change the status of the existing conforming adult entertainment establishment to that of a nonconforming use.

## **1164.08 NONCONFORMITY.**

### **1164.08.1 Establishment of Nonconformity**

Any adult entertainment establishment/adult entertainment use shall be deemed a nonconforming use and the standards of this Chapter shall not apply if the adult entertainment establishment / adult entertainment use, on the effective date of August 31, 1998, was in operation as an adult entertainment establishment/adult entertainment use and held out in the neighborhood and community as an adult entertainment establishment/adult entertainment use. Any establishment seeking to establish nonconforming status as an adult entertainment establishment under the terms of this Code, shall submit an application to be declared a nonconforming use to the Planning Commission no later than six (6) months from the adoption of this Ordinance. Failure to so submit an application for nonconforming use shall result in the denial of nonconforming status.

### **1164.08.2 Standards for Nonconformance**

A nonconforming adult establishment/adult entertainment use located within the distances set forth in this Chapter shall be subject to the following supplementary standard, in addition to CHAPTER 1162 NONCONFORMITY, and including Chapter 1162.03 Nonconforming Lots, Chapter 1162.04 Nonconforming Uses of Land, Chapter 1162.05 Nonconforming Structures, Chapter 1162.06 Nonconforming Uses of Structures and shall not increase the gross floor area or square footage of the structure by more than ten percent (10%) over a fifteen (15) year period, beginning on the effective date of this ordinance.

## **1164.09 ADULT ENTERTAINMENT DEFINITIONS.**

For the purpose of this article, certain terms and words are hereby defined.

“**Adult Arcade**” means any place or establishment operated for commercial gain which invites or permits the public to view adult material. For purposes of this Code, Adult Arcade is included within the definition of Adult Theater.

“**Adult Bookstore/Adult Video Store**” means an establishment which sells or offers adult material for sale, rent for commercial gain; unless the establishment demonstrates either:

4. The adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than forty percent (40%) of the gross income from the sale or rental of goods or services at the establishment; or
5. The individual items of adult material offered for sale or rental comprise less than ten percent (10%) of the individual items, as stock-in-trade, publicly displayed in the establishment and which is not accessible to minors.

“**Adult Booth**” means a small enclosed or partitioned area inside an adult entertainment establishment which is:

1. Designed or used for the viewing of adult material by one (1) or more persons; and
2. Is accessible to any person, regardless of whether a fee is charged for access. The term “adult booth” includes but is not limited to a “peep show” booth, or other booth used to view “adult material.”

“**Adult Dancing Establishment**” means an establishment, where employees display or expose specified anatomical areas to others, regardless of whether the employees actually engage in dancing.

“**Adult Entertainment Establishment / Adult Entertainment Use**” means any adult arcade, adult theater, adult bookstore / video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical areas for viewing by patrons, including but not limited to: massage establishments, tanning salons, sexually oriented escort services, modeling studios, or lingerie studios, whether or not licensed pursuant to Chapters 503, 715, or 4713 of the Ohio Revised Code. Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.

“**Adult Material**” means any one or more of the following, regardless of whether it is new or used:

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; including but not limited to or
1. Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

“**Adult Motel**” means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.

“**Adult Theater**” means an establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof, or an open-air area used for viewing of adult material. “Adult motels,” “adult arcade,” “adult booth,” and “adult motion picture theater” are included within the definition of “adult theater.” An establishment which has “adult booths” is considered to be an “adult theater.”

“**Adult Video Store**” - see “Adult Bookstore.”

**“Commercial Gain”** means operated for pecuniary gain. For the purpose of this Chapter, operation for commercial or pecuniary gain shall not depend on actual profit or loss.

**“Commercial Establishment”** means any business, location, or place which conducts or allows to be conducted on its premises any activity for commercial gain.

**“Educational Institution”** means a premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and/or courses of study required for accreditation. The term “educational institution” includes a premises or site upon which there may be a day care center, nursery school; kindergarten, elementary school, junior high school, senior high school; professional institution or an institution of higher education including a community college, junior college, or four (4) year college or university; libraries, art galleries and museums open to the public; or any special institution of learning. However, the term “educational institution” does not include a premises or site upon which there is a vocational institution operated for commercial gain.

**“Establishment”** means the site or premises on which the Adult Entertainment Establishment is located, including the interior of the establishment, or portion thereof, upon which certain activities or operations are being conducted for commercial gain.

**“Operator”** means any person who engages or participates in any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bouncer, bartender, dancer, disc jockey, sales clerk, ticket taker, movie projectionist, or supervisor.

**“Residential”** means all areas which are residential by nature or designated “residential,” “residence,” “family,” or “multiple-family” by any local comprehensive plan or zoning ordinance or ordinance.

**“Specified Anatomical Areas”** means:

2. Less than completely and opaquely covered:
  - a. Human genitals or pubic region
  - b. Buttock
  - c. Female breast below a point immediately above the top of the areola
    1. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**“Specified Sexual Activities”** means:

2. Human genitals in a state of sexual stimulation, arousal or tumescence; or,
  1. Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
  2. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
  3. Excretory functions as part of or in connection with any of the activities

set forth in subsection (a) and (b).

**1164.10 OPERATING PROVISIONS.**

No adult entertainment establishment shall be permitted to operate without first having obtained the approvals required herein.

**1164.11 ENFORCEMENT.**

As provided in Ohio Revised Code §713.13, the City Council, as well as any other appropriate parties, shall have the right to seek injunction for the violation of, or the imminent threat of the violation of the provisions of this Zoning Ordinance. This action shall be in addition to any fines or criminal prosecutions pursuant to Chapter 1199 of this Zoning Ordinance, and applicable state statute. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**1164.12 APPEALS.**

Any aggrieved party which, after complete application/request and exhaustion of all administrative remedies has been made hereunder, is denied permission to operate an adult entertainment establishment, may appeal said denial to the Hancock County Court of Common Pleas. An appeal to the Common Pleas Court must be filed within thirty (30) days of the mailing of the City's written notice of denial to the address accompanying the application/request hereunder. All appeals shall follow the procedures outlined in this Zoning Ordinance and the Ohio Revised Code.

**1164.13 REGULATION OF OBSCENITY SUBJECT TO STATE LAW.**

It is not the intent of this Chapter to legislate with respect to matters of obscenity. These matters are regulated and preempted by state law.

**1164.14 REGULATION OF MESSAGE ESTABLISHMENTS SUBJECT TO STATE LAW.**

It is not the intent of this Chapter to legislate, limit or conflict with respect to matters of licensed message establishments which are regulated by state agency and by state law.

**1164.15 SEVERANCE CLAUSE.**

Pursuant to the provisions of Chapter 1171 of this City of Findlay Zoning Ordinance all Chapters and/or any amendments to this code are severable.

**1164.99 PENALTIES.**

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

**CHAPTER 1165  
ADMINISTRATION**

<b>1165.01</b>	<b>Enforcement.</b>
<b>1165.02</b>	<b>Zoning Permits.</b>
<b>1165.03</b>	<b>Permit Require Prior to Performing Work.</b>
<b>1165.04</b>	<b>Maintaining Records.</b>
<b>1165.05</b>	<b>Conditions Under Which Zoning Permits are Required.</b>
<b>1165.06</b>	<b>Zoning Permits and Certificates.</b>
<b>1165.07</b>	<b>Certificate of Zoning Compliance.</b>
<b>1165.08</b>	<b>Falsification.</b>
<b>1165.09</b>	<b>Accessory Structures.</b>
<b>1165.10</b>	<b>Zoning Administrator.</b>
<b>1165.11</b>	<b>Duties of Zoning Administrator.</b>
<b>1165.12</b>	<b>False Statements.</b>

**1165.01 ENFORCEMENT.**

**A. Zoning Administrator**

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or a duly authorized agent of the Department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

**B. Community-wide Enforcement**

It shall also be the duty of all officials and employees of the City to assist the Zoning Administrator by reporting new construction, reconstruction, land uses, or possible violations.

**1165.02 ZONING PERMITS.**

No Zoning Permit shall be issued for the erection, alteration, repair or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.

**1165.03 PERMIT REQUIRED PRIOR TO PERFORMING WORK.**

No building, structure, or land or part thereof, shall be hereafter erected, altered, moved, replaced, repaired, or have any changes of use unless a Zoning Permit shall have been first issued for such work.

**1165.04 MAINTAINING RECORDS.**

A record of all Zoning Permits, Certificates of Zoning Compliance, Site Plans, Variances and any/all other records referred to under this ordinance shall be kept on file in the Zoning Office. Copies shall be provided per the public records policy/procedures of the Zoning Office.

### **1165.05 CONDITIONS UNDER WHICH ZONING PERMITS ARE REQUIRED.**

A Zoning Permit shall be required for any of the following prior to the start of construction as defined:

1. Start of Construction

For the purposes of this Ordinance, start of construction shall be defined as the introduction of any new building materials on site and placed in a position of support, either permanent or temporary, secured or unsecured.

*Example 1: A property owner starts a fencing project in his rear yard. He digs the hole for the posts and has the posts delivered in the back yard. The start of construction begins when the first post is set into a hole. At this time a zoning permit is required. The rationale is that the position of the hole can be changed easily, but the posts cannot. The permitting process requires a plot plan so that the site can be reviewed by the Zoning Administrator for placement.*

2. Construction or Alteration

Construction or alteration of any building or structure, including accessory buildings or structures and temporary or permanent signs.

3. Occupancy & Usage

Occupancy and use of vacant land involving alteration, excavation and construction, the platting and/or subdividing of land involving private or public roadways, and/or the installation of public utilities and drainage improvement thereon except agricultural field drainage.

4. Any change in use.

### **1165.06 ZONING PERMITS AND CERTIFICATES.**

#### **A. Zoning & Compliance Certificates**

Application for Zoning and Compliance Certificates shall be made in writing to the Zoning Administrator. Such Certificates shall be issued provided it is found that the buildings, structures, land and use thereof, comply with all provisions of this Ordinance.

#### **B. Zoning Permits**

Applications for Zoning Permits shall be made to the Zoning Administrator in writing. Such Permits shall be issued within ten (10) working days after receipt of all required application materials, and provided it is found that the buildings, structures, land or parts thereof, or the use thereof, comply with all provisions of this Ordinance.

#### **C. Expiration**

All Zoning and Compliance Permits shall expire at the end of one (1) year after issuance. Permits may be extended at the discretion of the Zoning Administrator due to seasonal constraints or unforeseen delays.

#### **D. Immunity**

In no instance shall the Zoning Administrator or City of Findlay be liable or responsible for the placement of any building or structure contrary to the provisions of this ordinance. The City of Findlay is not subject to the provisions of this ordinance.

### **1165.07 CERTIFICATE OF ZONING COMPLIANCE.**

No building, structure, land or part thereof, which is hereafter erected, altered, or changed in use, shall be occupied or used unless and until a Certificate of Zoning Compliance shall have been issued for such building, structure or land. An Occupancy Certificate shall be required for any of the following:

**A. Construction/Alteration**

Construction or alteration of any buildings or structures, including accessory buildings or structures.

**B. Change in Use**

Change in the use of existing buildings, structures, or accessory buildings or structures, to a use or uses, of a different classification.

**C. Occupancy**

Occupancy and use of vacant land.

**D. Land Use Change**

Change in the use of land to a use of a different classification.

**E. Nonconformity**

Any change in a nonconforming use.

**1165.08 FALSIFICATION.**

No person shall knowingly make a false statement with regard to any matter in this Zoning Ordinance. Various applications, review requirements, and information made necessary are instruments of this Zoning Ordinance. As such, they are also covered by the Falsification policies located in Findlay Municipal Code Chapter 525.02 Falsification.

**1165.09 ACCESSORY STRUCTURES.**

Buildings or structures accessory to any primary structure shall require separate Zoning Permits except when they are required as a condition for approving another request or review.

*Example- Fence required in rear yard for approval with pool.*

**1165.10 ZONING ADMINISTRATOR.**

A Zoning Administrator shall be appointed by the Mayor to enforce this Ordinance.

**1165.11 DUTIES OF ZONING ADMINISTRATOR.**

**i. Powers & Duties**

The Zoning Administrator shall have the power to grant Zoning Permits and issue Certificates of Zoning Compliance and to make inspections of buildings or premises necessary to carry out the duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to deny or approve any plans or issue any Certificates for any excavation, construction or use, buildings, structures, or land, until such plans and uses have been inspected. For approval, they shall conform with this Ordinance.

**ii. Deviation from Ordinance**

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance, nor to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.

**iii. Field Inspection**

It shall be the duty of the Zoning Administrator to issue a permit, provided he/she is

satisfied that the structure, building, or premises, and the use thereof, conforms with all requirements of this Ordinance.

**iv. Extraneous Conditions**

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant, despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said Permit.

**E. Good Standing Clause**

Applications for any permit, review or other action as provided for in this Zoning Ordinance may be denied due to the parcel's lack of good standing with the City of Findlay. Good standing means there are no pending citations, violations, delinquencies, or matters pending before the municipal court against the applicant. All city services and agencies are within the scope of the Good Standing Clause, including but not limited to Zoning, Engineering, Water & Utility Billing, Police Department, Neighborhood Enhancement & Abatement Team (NEAT), etc. **The good standing clause only pertains to a single parcel and citations, violations, or delinquencies tied to it.** The Zoning Administrator shall not refuse to issue a permit when issues are not related to the public, such as disputes stemming from interpretations of covenants or private agreements between land owners. **Aggrieved parties may appeal to the Common Pleas Court. Appeals must be filed within thirty (30) days of the mailing of the City's written notice of denial to the address accompanying the application/request hereunder. All appeals shall follow the procedures outlined in this Zoning Ordinance and the Ohio Revised Code.**

**F. Violation of a Stop Work Order**

Any person who continues work after a stop work order has been issued shall be subject to the penalties specified in Chapter 1199.

**1165.12 False Statements.**

No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement, previously made, when any of the following applies:

1. Statement is made in any official proceeding.
2. Statement is made with purpose to incriminate another.
3. Statement is made with purpose to mislead a public official in performing the official's public duties.
4. The statement is in writing on or in connection with a report or return that is required or authorized by law.

**CHAPTER 1166**  
**PROPERTY SKETCH PLAN REQUIREMENTS**

The Zoning Administrator shall require that all applications for Zoning Permits shall be accompanied by plans and specifications, including a Property Sketch Plan, drawn to scale, showing the following:

**A. Lot**

The actual shape, location, and dimensions of the lot.

**A. Physical Improvements**

The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.

**B. Uses**

The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

**B. Other**

Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

**C. Survey**

Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey, the location of survey pin markers, a mortgage location certificate; or other official document indicating the physical location of the property line.

**CHAPTER 1167**  
**FOOTER LOCATION INSPECTIONS**

So that property owners may be protected from potential errors in the location of buildings, the Zoning Administrator, or representative, shall inspect the excavation for structural footers before any concrete is installed. It shall be the responsibility of the property owner to notify the Zoning Administrator at least twenty-four (24) hours prior to pouring concrete and to provide appropriate evidence of the location of lot lines. If an inspection has not been made within twenty-four (24) hours of the Zoning Administrator's notice from the property owner, pouring of concrete may commence.

**CHAPTER 1168**  
**FINAL INSPECTIONS**

The holders of every Zoning Permit and Compliance Certificate for the construction, erection, alteration, repair or moving of any building, structure, land or part thereof, shall notify the Zoning Administrator for final inspection immediately upon the completion of the work authorized by such Permit.

**CHAPTER 1169  
FEES**

**1169.01      Schedule of Fees.**

**1169.02      Triple Fee.**

**1169.01 SCHEDULE OF FEES.**

The City Council may from time to time prescribe and amend by ordinance, a reasonable Schedule of Fees to be charged applicants for inspection, issuance of Zoning Permits, Flood Development Permits, etc., and other matters pertaining to the administration and enforcement of this Code. No fee shall be required for any Compliance Certificate.

**1169.02 TRIPLE FEE.**

When any work requiring a zoning permit is begun on any building, structure or premises or part thereof, fails to apply for an appropriate Zoning Permit, the fee for such Zoning Permit shall be triple that as established by Findlay City Council. This fee is not in lieu of any other fine or penalty, set forth in Chapter 1199, which may result in not obtaining the permit prior to commencing work.

**CHAPTER 1171**  
**INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Ordinance or any amendment thereto, they shall be held to be minimum requirements for the promotion of public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and is not to conflict with any of the provisions of this Ordinance, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other ordinances or agreements, the provisions of this Ordinance shall control.

**CHAPTER 1172  
AMENDMENTS AND CHANGES**

- 1172.01 General.**
- 1172.02 Applications for Amendments and Changes.**
- 1172.03 Application Fees**

**1172.01 GENERAL.**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to the procedures provided by law, may amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof. Amendments initiated by the Planning Commission shall be accompanied by its motion pertaining to such proposed amendment.

**1172.02 APPLICATIONS FOR AMENDMENTS AND CHANGES.**

Applications by owners or lessees for amendments or changes to the regulations, district boundaries or classifications of property shall be submitted to the Commission, at its public office, upon such forms and accompanied by such data and information as may be prescribed for that purpose by the Commission. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be re-classified, attesting to the truth and correctness of all facts and information presented with the application.

Any person or persons desiring a change in the zoning classification of property shall file, with the application for such change, a statement giving the names and addresses of the owners of all properties contiguous to and directly across the street from any part of the property for which a change in zoning classification is requested.

**1172.03 APPLICATION FEES.**

At the time that an application for a change of Zoning Districts is filed with the Commission, as provided herein, there shall be deposited with the Engineering Department, a fee to cover investigation, legal notices, and other expenses incidental to the determination of such matter. The City Council may from time to time prescribe and amend by ordinance a reasonable Schedule of Fees to be charged to Applicant for Zoning District changes.

**CHAPTER 1173**  
**SEVERANCE CLAUSE**

Chapters of this Ordinance or any amendment thereto shall be deemed to be severable and should any Chapter, paragraph, or provision be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

## **CHAPTER 1174 DEFINITIONS**

For the purpose of this Ordinance certain terms and words are hereby defined.

**ACCESS MANAGEMENT REGULATIONS** – Hancock County Access Management Regulations adopted in 2006 and any subsequent amendments exist for the purposes of promoting traffic safety and efficiency, maintaining proper traffic capacity and traffic flow, reducing vehicular collision frequency, and improving the design and location of access connections to county and township roads.

**ACCESSORY USE, OR ACCESSORY:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. The following are typical accessory uses permitted in associated districts:

- A. Swimming pools, tennis courts or other recreational facilities for the use of the occupants of a residence or their guests.
- B. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- C. Storage of merchandise normally carried in stock in connection with a business or industrial use unless such storage is excluded in the applicable District regulations.
- D. Storage of goods used in or produced by industrial uses or related activities unless such a storage is excluded in the applicable District regulations.
- E. Accessory off-street parking spaces, open or enclosed.
- F. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- G. Accessory off-street loading.
- H. Accessory signs, subject to the sign regulations for the District in which the zoning lot is located.

**ADJACENT:** Lying near or close to; neighboring. Adjacent means that objects or parcels of land are not widely separated, though perhaps they are not actually touching. For public notification purposes, parcels separated by streets, alleys, rivers, streams, ditches, railways or similar features shall be considered as adjacent to any subject parcel under review for planning and zoning purposes.

**ADULT ENTERTAINMENT ESTABLISHMENT/ADULT ENTERTAINMENT USES:**

Whether or not licensed pursuant to Ohio Revised Code Chapters 503 (Massage Establishments), 715 (715.61 Regulating and Licensing of Certain Operations, including massage and therapy), or 4713 (Cosmetology Licensing). Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with an educational curriculum or program. Means any adult arcade, adult theater, adult bookstore/video store, adult motel, adult novelty store, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments or parlors, sexually oriented escort services, modeling studios, or lingerie studios.

**AGRICULTURE:** Includes farming; ranching; aquaculture; algaculture meaning the farming of algae; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, winemaking, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; and any additions or modifications to the foregoing made by the director of agriculture by rule adopted in accordance with Chapter 119. Of the Ohio Revised Code.

**AGRICULTURAL ACTIVITY, or FARM.** The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, the care and/or husbandry of agricultural animals, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**ALCOHOL ESTABLISHMENT:** Businesses primarily dealing with sales of controlled liquors and licensed by the State of Ohio.

**ALLEY:** A service roadway not exceeding twenty feet (20') right of way width and providing a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS:** Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building or structure, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered," or "reconstructed," including the re-facing or repainting of signs.

**AMUSEMENT/ENTERTAINMENT USES:** Commercial recreation such as community centers, youth centers, athletic clubs, bowling alleys, etc., and identified by the NAICS with as 624110, 713940, or 713990. Also included are theaters as defined in NAICS as 711110.

**ANIMAL CARE FACILITIES:** Structures, buildings, or enclosures used for medical treatment, care and temporary housing of animals, receiving treatment with temporary housing being limited to 48 hours. Uses include, but are not limited to, veterinary clinics and animal hospitals.

**APARTMENT:** See Dwelling Unit

**APARTMENT HOTEL:** A building or portion thereof designed for or containing both individual guest rooms and suites of rooms, and dwelling units.

**APARTMENT HOUSE:** See Dwelling Unit, Multiple.

**APPLICANT:** The land owner or his authorized representative who submits a request for any development, variance, change, review, or other procedure as authorized in this Ordinance.

**APPLICATION:** Written request required by this Ordinance, either provided by the City or as described otherwise, for any development, variance, change, review, or other procedure as required in this Ordinance.

**ARTIFICIAL POND OR LAKE:** Any excavation or construction upon land resulting in the open retention and/or storage of a body of water and/or other liquids either above or below ground level, but not including common watering troughs, cisterns, and other small related structures, or swimming pools.

**ASSISTED LIVING FACILITY:** Residences for persons incapable of or in need of supervision for medical care, personal care, or self-administered medication. Such facilities may provide other services such as recreational activities, financial services, transportation and property maintenance.

**AUCTION MARKET:** A building, structure, or site whose primary use is for selling of goods, merchandise, and land etc., by a bidding process.

**AUTOMOBILE REPAIR, MAJOR:** The general repair, rebuilding or reconditioning of motor vehicles; engine rebuilding; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

**AUTOMOBILE REPAIR, MINOR:** The general repair of motor vehicles including minor tune-up, change of oil and filter, repair of flat tire, brake part replacement, lubrication or other similar operations.

**AUTOMOBILE SERVICE STATION:** Any building, structure, or land used for the disbursing, sale, or offer for sale, at retail, minor accessories, including the lubrication of automobiles and the replacement, or installation of minor parts and accessories, but not including major repair work, such as motor replacement, and body and fender repair, or both.

**AUTOMOTIVE SALES AND SERVICE:** The sale or rental of new or used motor vehicles;

the furnishing of minor services incidental thereto.

**AVERAGE FRONT YARD SETBACK:** The average depth of the front yards of abutting primary. Structures on both sides may be used to determine the front yard setback.

**BALCONY:** A horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

**BAR:** A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor.

**BED AND BREAKFAST:** Means any dwelling, which may or may not be owner-occupied, and which (1) contains rooms furnished for the purposes of providing lodging to transient guests; (2) is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation by transient guests; and (3) has no more than five bedrooms furnished for the accommodation of such guests. (4) Is rented for a period less than 28 days.

**BORROW PIT:** An area excavated or to be excavated from which soil and unconsolidated materials are removed or extracted below the grade level of the property, which existed before any overbuilding of the site occurred, for any purpose including but not limited to: for sale, exchange, or for use, as fill for any activities, including but not limited to landscaping, building construction, levees, dams, highway construction or maintenance, or low-lying areas, whether on-site or off-site.

**BASE FLOOD ELEVATION:** (See City of Findlay Flood Damage Reduction Ordinance Chapter 1351)

**BASEMENT:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

**BILLBOARD OR POSTER PANELS:** Any sign or advertising structure used to advertise goods, products, services or facilities which are located off-site from where the sign is installed and maintained.

**BLADE LENGTH:** The longest linear dimension of an individual blade of the WECS. For a horizontal axis wind turbine, the Blade Radius is the same as the Blade Length.

**BLADE RADIUS:** The length of the radius of rotation (around the center of rotation) that the WECS's blade system travels

**BOARDING HOUSE:** A building other than a motel or hotel with three (3) or more guest rooms used as permanent (more than four (4) weeks) lodging for compensation.

**BOARDING OF LIVESTOCK AND DOMESTICATED ANIMALS:** Stabling, housing and feeding of animals for compensation or for use in a commercial activity, exhibit or for other commercial purposes. Boarding uses or activities include, but are not limited to, kennels, riding stables, or animal exhibits which are used for commercial purposes.

**BOARD OF ZONING APPEALS:** A five (5) member body responsible for hearing appeals from individuals who are requesting exceptions or variances for City Ordinances in regard to land use and building requirements or from individuals who are questioning the appropriateness of orders made by City Officials.

**BODY CLINIC:** Any business that offers tattoo services, body piercing, or similar decorative alterations to the human body. Ear piercing is not included in this definition.

**BREW PUB:** A restaurant-brewery that sells twenty-five percent (25%) or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brew pubs often sell beer "to go" and/or distribute to off-site accounts. If a brewpub sells more than seventy-five percent (75%) of its beer off-site, see "Microbrewery."

**BROWNFIELD:** Abandoned, idled, or underutilized industrial and commercial facilities or sites where expansion or redevelopment is complicated by real or perceived environmental contamination.

**BUILDING:** Any structure, either temporary or permanent, that has a roof supported by columns or walls, and is intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. For the purpose of this Ordinance, a mobile home shall be considered a building. Storage containers, box truck components, semitrailers, or anything once used to transport goods are not classified as buildings.

**BUILDING FOOTPRINT:** The area encompassed by a building's outer wall or support at grade level.

**BUILDING HEIGHT:** For Primary Buildings and Accessory Buildings, the height shall be measured from the established grade to the highest point of the building.

**BUILDING LINE, FRONT OF BUILDING:** The line where the face of the building meets the ground, including sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps or structures protected by the Americans with Disabilities Act.

**BUILDING, PRINCIPAL:** A building in which the primary use is conducted.

**CAMPER:** Any vehicle so designed, constructed, reconstructed, or added to by means of accessories, in such manner as will permit the use and occupancy thereof, when stationary for human habitation as a temporary shelter, including but not limited to tent-type fold-out camping trailers, travel trailers, motor homes and truck campers.

**CEMETERY/MEMORIAL GARDENS:** Land used or intended to be used for the burial of the human or animal dead, including associated buildings such as chapels, mausoleums, crematories, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**CERTIFICATE OF ELEVATION:** The actual elevation in relation to mean sea level of the lowest floor elevation, including basement, of all new or substantially improved structures.

**CERTIFICATE OF ZONING COMPLIANCE:** A document issued by the Zoning Administrator authorizing the use and/or occupation of new residential buildings where found consistent with the zoning district where it is located and as provided in this Ordinance.

**CERTIFICATE, CHANGE OF USE:** When the use of any land, building or structure is to be changed, a permit shall be issued by the Zoning Administrator authorizing such use and /or occupation of buildings, structures or land.

**CHILD DAY CARE CENTER:** An establishment providing for the care, supervision, and protection of children as defined in the O.R.C. Type A day-care allows seven to twelve (7 – 12) children to be supervised in the home. Type B is six (6) children or fewer.

**CHURCH:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

**CLUB:** A building or portion thereof or premises owned or operated by a corporation, association, membership, person or persons for a social, educational or recreational purpose, but not primarily for profit or for rendering a service which is carried on as a business.

**COMMISSION:** The City of Findlay Planning Commission.

**COMMERCIAL ENTERTAINMENT FACILITIES:** Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, night clubs, and similar entertainment activities.

**COMMERCIAL VEHICLE:** For the purpose of this zoning ordinance, commercial vehicles include those defined by the Ohio Revised Code as “Commercial car” or “truck”, when either means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor (O.R.C. 4501.01 (j)). This definition does not include trailers which are defined separately herein.

**COMMUNICATION STRUCTURES:** Establishments furnishing point-to-point communication services, whether by wire or wireless means, either aurally, visually, or by radio frequency, including radio and television broadcasting stations and the exchange or recording of messages.

**COMMUNITY CENTER:** A building to be used as a place of meeting, recreation, or social activity and not operated for profit.

**CONDITIONAL USE:** A use which is subject to conditional approval by the City Planning Commission. A conditional use may be granted by the Commission only when there is a specific provision for such special exception made in this ordinance. A conditional use is not considered to be a nonconforming use. Conditions for approval may include but are not limited to: traffic circulation, access, lighting, service hours of operation, noise limitations, and building placements, etc.

**COVENANT:** A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

**CONVALESCENT OR NURSING HOME:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.

**COUNTY:** Hancock County, Ohio.

**CUL-DE-SAC:** A short street having one (1) end open to traffic and being terminated by a vehicle turn-around and measuring no longer than 600' (See City Subdivision Regulations).

**DECK:** An unroofed platform greater than **six inches (6")** in height and is either freestanding or attached to a building that is supported by pillars or posts.

**DENSITY:** A unit of measurement representing the number of dwelling units per acre of land.

**DENSITY, GROSS** - The number of dwelling units per acre of total land to be developed including rights-of-way.

**DENSITY, NET** - The number of dwelling units per acre excluding rights-of-way.

**DETENTION POND:** A facility for the temporary storage of storm water runoff. *See 'Retention Pond' for definition and for the difference between 'detention' and 'retention' ponds.*

**DETRIMENTAL EFFECT:** Harm or damage caused as a result of a use, or uses related to the operation and or location of such use, on the adjacent property or greater area, depending on the intensity of the use.

**DISPLAY:** An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

**DISTRICT:** A portion of the City of Findlay within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**DOMESTICATED ANIMAL:** Any member of a species of animal that has been bred to a

degree resulting in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that make them different from non-domesticated animals of their kind. This definition does not include wildlife or an exotic animal.

**DORMITORY:** A building or structure containing a series of sleeping rooms and containing many beds used for the housing of students or similar persons; generally connected with a college, school, training facilities or similar organization or institution. Some may have related cooking facilities.

**DRIVE-IN COMMERCIAL USES:** Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

**DRIVE THRU:** Typically, a commercial use that has a lane dedicated for vehicles to approach up to the side of a building where they can access services via a window. The lane may have amenities such as menu boards, speakers, screens, advertisements, and lighting. The lanes are typically circular and external of the building, aside from a portico (such as a bank drive thru). Drive thru's are reviewed by the City Planning Commission.

**DWELLING:** Any building or portion thereof which is designed for or used exclusively for residential purposes containing one (1) or more dwelling units.

**DWELLING UNIT:** A group of rooms located within a building and forming a single unit for occupancy with facilities intended to be used for living, sleeping, cooking, bathroom, and eating purposes.

**DWELLING, SINGLE-FAMILY:** A detached building containing one (1) dwelling unit and designed for or occupied by one (1) family.

**DWELLING, TWO-FAMILY:** A detached or semi-detached building containing two (2) dwelling units and designed for or occupied by two (2) families living independently of each other.

**DWELLING, MULTIPLE-FAMILY:** A building or portion thereof containing three (3) or more dwelling units and designed for or occupied by three (3) or more families living independently of each other.

**EASEMENT:** A grant by the property owner of the use of a part of the property by the public, a corporation or persons for specific purposes.

**ELECTRONIC MESSAGE CENTER:** A sign that displays multiple messages with lighting, including LED, that flashes, blinks, scrolls, or animates. This definition does not include digital billboards.

**EMERGENCY SERVICES:** An organization that responds to and deals with emergencies (i.e., ambulance, EMTs, etc.)

**ERECTED:** Built, constructed, altered, reconstructed, moved, moved upon and/or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution, collection, and communication systems.

**EXCEPTION:** A use permitted only after review of an application by the Board of Zoning Appeals, City of Findlay City Council, or a modification in the standards of this Ordinance specifically permitted after review by the Board of Zoning Appeals, such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this Ordinance. An exception is not a variance.

**EXOTIC ANIMAL:** Any member of a species of animal, reptile, or bird, warm or cold blooded, that is not indigenous to the environment and/or is not classified or considered as wildlife, livestock, or a domesticated animal.

**FACILITY:** A business or institution under a roof structure.

**FAMILY:** One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or foster children, and any domestic employees thereof together with not more than three (3) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit where each “family” member will be expected to join the others in a common duty of operating and maintaining the home and their persons, as distinguished from persons occupying a boarding house, lodging house, or hotel herein defined.

**FAMILY MEDICAL HOSPITALITY CENTER:** A non-profit facility where families and patients may lodge overnight while receiving treatment at a medical facility. The facility exists for the sole use by and service to the needs of the patient and his/her family.

**FAST FOOD RESTAURANT:** Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises or able to be taken to a table or counter to be consumed.

**FENCE:** A structure made of any material or combination thereof and constructed to be a barrier and erected in order to enclose, screen, or separate areas.

**FINAL PLAT:** A map or drawing of a tract or parcel of land that has been approved by the City Planning Commission. A plat is an instrument used for recording parcels with the County Recorder’s office per Findlay’s Subdivision Rules and Regulations.

**FINANCIAL INSTITUTION:** A building or structure, or part thereof devoted to the institution of lending, borrowing, issuing, or safeguarding money.

**FITNESS CENTER:** A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

**FIXED MESSAGE SIGN:** As an element of an accessory sign that displays a fixed message for a minimum fifteen (15) minutes at a time.

**FLOODWAY:** (See City of Findlay Flood Damage Reduction Ordinance Chapter 1351)

**FLOOR AREA, GENERAL:** Building footprint of the building or structure, but not including any area within the building utilized for the required off-street parking spaces.

**FLOOR AREA, GROSS:** The sum of the square footage of all of the floors of a structure or building above grade.

**FLOOR AREA, USABLE** (For the purposes of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

**FOOT-CANDLE:** A unit of illumination produced on a surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

**FRONTAGE:** All the property on one (1) side of a street measured along the line of the street.

**FRONT YARD SETBACKS:** See SETBACKS.

**FUELING STATION:** A facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories.

**FUNERAL SERVICES:** Services customarily provided by a funeral service practitioner including, but not limited to, care and preparation of human remains for final disposition, professional services relating to a funeral or an alternative to a funeral, transportation of human remains, limousine services, use of facilities or equipment for viewing human remains, visitation, memorial services or services that are used in connection with a funeral or alternative to a funeral, coordinating or conducting funeral rites or ceremonies, and other services provided in connection with a funeral, alternative to a funeral or final disposition of human remains.

**GARAGE:** A structure or portion thereof which is used for the storage of motor vehicles.

1. **GARAGE, PRIVATE:** A building, either attached or detached, designed to store motor vehicles and other household appurtenances used solely for the purposes of providing transportation to and maintenance of the building and grounds.

- 2. GARAGE, PARKING:** Also known as a parking structure, is a building or structure consisting of more than one level and used to store motor vehicles typically for short term, daily periods of time. The garage may be public or private, free or for a fee measured hourly, daily, weekly, etc.

**GOLF COURSE:** A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop and practice facilities.

**GOVERNMENT USE:** Federal/State owned property not subject to this Ordinance. Government uses include land.

**GRADE, ESTABLISHED:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings or structures. The building grade shall be the level of the ground adjacent to the exterior foundation walls of the building or structure if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building. For fences, if the grade adjacent to panel.

**HALFWAY HOUSE:** See Transitional Housing

**HANCOCK COUNTY MAJOR THOROUGHFARE PLAN:** A plan adopted by the Hancock County Commissioners that includes a functional classification system of roadways that designates the roles and hierarchy of each route within the Hancock County transportation network combined with recommendations for future development in the right-of-way for transportation needs.

**HAZARDOUS WASTE:** Any waste or combination of waste in solid, liquid, or semi-solid or contained gaseous form which falls within the definition of Hazardous Waste under O.R.C. 3734.01 (j).

**HEALTH CARE CLINICS:** A health care facility which provides for diagnosis and treatment services on an emergency or outpatient basis with no provisions for residential care.

**HEALTH CARE OFFICES:** A facility in which health care services are provided. For this definition, health care services include, but are not limited to, general medical, dentistry, optometry, and chiropractic services.

**HEALTH CLUB:** An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms and lockers.

**HIGHWAY: LIMITED ACCESS, ARTERIAL, MAJOR, SECONDARY, COUNTY AND TOWNSHIP:** An officially designated federal, state, county (or) township road designated as such on the official Thoroughfare Plan of Hancock County.

**HOME BUSINESS:** Any occupational activity carried on exclusively by a member of an immediate family residing on the premises and conducted entirely on the premises. No commodity shall be sold on the premises nor mechanical equipment used in the fabrication or alteration of products, tools, gear, etc., from which external effects of which may adversely affect adjacent property. Home businesses shall be clearly incidental and secondary to the use of the premises for dwelling purposes and shall not change the structural character thereof.

**HOME OCCUPATION:** Any use conducted entirely within a dwelling and participated in solely by members of the family residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided.

**HOSPICE FACILITY:** A facility that provides palliative care and attends to the emotional, spiritual, social, and financial needs of terminally ill patients at a residential facility.

**HOSPITAL:** An institution that provides medical, surgical, or psychiatric care and treatment for the sick or injured in both an outpatient and inpatient capacity. This definition, as used in the Ordinance, does not include the care or treatment of animals.

**HOTEL:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made through an inside lobby, hall or office.

**INCOMPATIBLE ZONING DISTRICT:** A condition where one (1) zoning district abutting another of a different classification and allowing uses whereas to create conditions adverse to the less intensive use category. An example would be a residential district adjacent to an industrial district.

**INDIVIDUALIZED TEXTILES:** Services provided by a resident homeowner such as dressmaking, tailoring, or alterations to clothing brought to the location.

**INDUSTRIALIZED UNIT:** A building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site of intended use. “Industrialized unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. “Industrialized unit” does not include a manufactured or mobile home as defined in this ordinance. For the purpose of this ordinance, an industrialized unit is a dwelling. See State Bill 142.

**INDUSTRIAL MANUFACTURING:** The processing, fabricating, assembling, wholesaling, cleaning, testing, packaging, repairing of goods when totally enclosed within a building.

**INDUSTRIAL, LIGHT:** Industrial uses that meet the performance standards, bulk controls, and other requirements contained in this ordinance.

**INFILL:** The process of utilizing or redeveloping vacant or underutilized land in a developed area under the same or similar development standards that define a subdivision or locality.

**INOPERABLE VEHICLE:** (see General Offenses Code) Inoperable vehicle means any motor vehicles which meets one of the following requirements:

1. It does not display a valid license plate, or;
2. Is either wrecked, partially wrecked, dismantled, partially dismantled, discarded condition, or is incapable of being driven, or;
3. It is wrecked, partially wrecked, dismantled, partially dismantled, discarded, or is incapable of being driven and has remained in such condition for a continuous period of at least fourteen (14) days.

**INSTITUTION:** Buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.

**JUNKYARD:** An area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, sorted or handled including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes automobile wrecking yards and includes any open area of more than two hundred square feet (200 sq. ft.) for storage, keeping or abandonment of junk.

**KENNEL:** An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

**KENNEL, PRIVATE:** The keeping, breeding, raising, showing, or training of four (4) or more dogs over six (6) months of age for the personal enjoyment of the owner or occupant of the property.

**KIOSK:** A free standing structure upon which information and/or posters, notices, and announcements are posted.

**LABORATORY, MEDICAL:** A building, structure or part thereof used for conducting scientific experiments, analysis of tissue, and blood examinations, or similar activities.

**LANDFILL:** A site for the disposal of solid wastes (as defined in Ohio Revised Code Chapter 3734.01) in a manner that minimizes environmental hazards by compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.

**LANDSCAPE:** (1) An expanse of scenery; (2) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

**LAND USE PLAN:** The long-range plan for the desirable use of land in the City of Findlay as adopted by the City Planning Commission. The purpose of such Plan, being among other purposes, is to serve as a guide for zoning designations and the progressive change of the community. The City of Findlay's Comprehensive Land Use Plan was adopted in 2007.

**LARGE-SCALE RETAIL PROJECT:** Development of one (1) or more retail establishments on a single site with common parking facilities with an aggregate floor area of fifty thousand square feet (50,000 sq. ft) or greater.

**LAND BANK:** Government acquired land held for future use.

**LAND USE:** A description of how land is occupied or used.

**LAUNDROMAT:** An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

**LESS NONCONFORMING:** Describes an improvement to a property that is nonconforming, but the improvement somehow reduces the degree of nonconformity, or it describes a use that is still nonconforming, however is less intensive per the North American Industry Classification System (NAICS).

**LETTER OF SUBMITTAL:** Transmittal from applicant or representative that accompanies an application with a brief explanation about the project.

**LINGERIE STUDIO:** Place of business for the purpose of selling lingerie products and where the customer views the apparel on live models.

**LIVESTOCK:** Any animal generally used for food or in the production of food or other agricultural purposes, including but not limited to cattle, sheep, goats, rabbits, poultry, and swine.

**LIVING AREA:** The area of a residential unit excluding garage, basement, or other areas that is typically unimproved with plumbing and ventilation.

**LOADING SPACE:** A space within the main building or on the same lot therewith, providing for the temporary standing, for loading or unloading of trucks, and having a minimum dimension of twelve by forty feet (12 by 40') and a vertical clearance of at least fourteen feet (14').

**LODGING HOUSE:** A dwelling containing not more than one (1) living unit where lodging with or without meals is provided for compensation to one (1) or more persons but not more than thirty (30) persons at one time.

**LOT:** A parcel of land occupied, or intended to be occupied, by a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

**LOT AREA:** The total horizontal area within the boundary lines of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

**LOT, COVERAGE:** The part or percent of the lot dimensions occupied by roofed structures.

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

**LOT, DEVELOPABLE:** Parcels or sites free of constraints to development such as, but not limited to, wetlands, steep slopes, water bodies, unstable soils, easements, floodplain, and legal impediments and that have frontage on or access to an improved roadway and can be served by public or private utilities and facilities such as sewer, water, electricity, and gas.

**LOT FRONTAGE:**

1. Triple Frontage Lot: A lot abutting street right-of-way along three (3) sides. This lot shall be permitted a fifteen foot (15') street side yard setback along the right-of-way having the greatest length.
2. Reverse Frontage Lot: A lot abutting a major/secondary thoroughfare and a minor street. The property must be accessed from the minor street as prescribed by the City of Findlay Subdivision Regulations.

**LOT, INTERIOR:** Any lot, other than a corner or through lot. Lot lines abut one another rather than street frontage or rights-of-ways.

**LOT LINES:** The lines bounding a lot as defined herein:

1. Front Lot Line: In the case of an interior lot, a front lot line is that line separating said lot from the street right-of-way. In the case of a through lot, or reverse frontage lot, if the property has triple access from the right-of-way, then the front lot line setback must be maintained.
2. Rear Lot Line: That lot line which is opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line.

**LOT OF RECORD:** Any lot which individually or as a part of a subdivision has been recorded in the Office of the Hancock County Recorder.

**LOT, THROUGH:** Any lot of which two (2) nonadjacent sides abut upon two (2) streets regardless of whether the streets are parallel. In the case of a row of such lots, all yards of said lots adjacent to the streets shall be considered frontage, and front yard setbacks shall be provided for each street.

**LOT WIDTH:** The width of a lot at the right-of-way line measured at right angles to its depth.

**MAJOR AUTOMOBILE REPAIR:** (see AUTOMOBILE REPAIR, MAJOR)

**MANUFACTURED HOME:** A building unit or assembly of closed construction fabricated in an off-site facility that conforms with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” and that has a label or tag permanently affixed to it certifying compliance with all applicable Federal construction and safety standards.

**MANUFACTURED HOME PARK:** Any lot, parcel or tract of land designed exclusively for manufactured homes or mobile homes used for human habitation where such homes are parked, either free of charge or for revenue purposes, which include any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such Manufactured Home Park; and falling within the definition of a “Manufactured Home Park” in O.R.C. 3733.01.

**MANUFACTURING, HEAVY:** The manufacturing of products from raw or unprocessed materials where the finished product may be combustible or explosive. This category shall also include any establishment or facility using large, unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment which cannot be integrated into the building design or engaging in large-scale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. This use shall include any packaging of the product being manufactured on-site. Examples include, but are not limited to, the production of the following: large-scale food and beverage operations, lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical blending, mixing, or production, and plastic processing and production.

**MANUFACTURING, INDUSTRIAL GENERAL:** Any manufacturing or industrial process including food processing which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter, or water-carried waste.

**MANUFACTURING, LIGHT:** The manufacture, predominately from prepared materials of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

**MANUFACTURING, OTHER ANIMAL FOOD:** NAICS Classification Code 311119, this U.S. industry comprises establishments primarily engaged in manufacturing animal food (except dog and cat) from ingredients such as grains, oilseed mill products, and meat products.

**MASSAGE THERAPY:** The business of providing massage services operated by a duly licensed medical doctor, osteopath, chiropractor, nurse, physical therapist or licensed massage therapist treating patients in a duly licensed facility and/or location.

**MEZZANINE:** A low-ceilinged story between two main stories in a building, sometimes in the form of a balcony projecting partly over the main floor.

**MICROBREWERY:** A brewery that produces less than two thousand (2,000) barrels of beer per year with seventy-five percent (75%) or more of its beer sold off site. Microbreweries sell to the public by one (1) or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer).

**MINING:** All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

**MINIMUM REQUIREMENTS:** The threshold establishing the least number or amount of factors, elements, etc., via measurable or designed criteria. More requirements can exist but not less than the minimum.

**MINI-WAREHOUSE:** A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

**MINOR AUTOMOBILE REPAIR** (See “AUTOMOBILE REPAIR, MINOR)

**MINOR STREET:** Refer to the City of Findlay Subdivision Regulations, Chapter 1111.02 (b) Type of Streets wherein the following types of streets are considered ‘Minor’ for this Zoning Ordinance: Industrial service streets; multiple-family residential streets (where platted); minor (single-family residential) streets; and residential and industrial cul-de-sac streets.

**MIXED-USE DEVELOPMENT:** The development of a neighborhood, tract of land, building, or structure with a variety of complimentary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public space, and recreation, in a compact urban form. This ordinance allows for mixed uses in structures in the downtown commercial district; it allows for mixed zoning classifications and uses with the PRD (Planned Residential District) and the PMUD (Planned Mixed Use District).

**MOBILE HOME:** A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three-hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one (1) or more Chapters, is not titled as real estate, and does not qualify as a manufactured home or as an industrialized unit as defined in O.R.C. 3781.06.

**MOBILE HOME PARK:** A site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured houses.

**MOBILE SERVICE VEHICLES:** Is either a motorized vehicle or a trailer pulled by a motorized vehicle that is typically licensed and registered as a commercial vehicle and is used to provide a service or product from site to site. This includes, but is not limited to a food truck/trailer, repair vehicle, construction/equipment vehicle, landscape service vehicle/equipment, and other vehicles or trailers providing similar services and/or products.

**MOBILE SERVICES:** Any business that provides services off premise using a vehicle licensed by the Ohio Bureau of Motor Vehicles or another states equivalent. Examples include windshield repair, dog grooming, oil change, vehicle maintenance, carpet cleaning, etc. Trailers used in connection with mobile services are subject to regulations for trailers. (See trailer definition.)

**MODULAR HOME:** See Industrialized Unit.

**MORTUARY:** A building, or structure, or part thereof designed for the temporary reception, care, and preparation of the bodies of the dead before burial.

**MOTEL:** A building in which lodging, or boarding and lodging, is provided and offered to the public for compensation, and in which ingress and egress to and from all rooms is made from outside the building, directly into each room, without having to go thru a lobby or office.

**MOTOR VEHICLE SALES AND RENTAL:** The sale or rental of new and used motor vehicles, motorcycles, recreational vehicles, trailers, or travel trailers, including accessory services.

**NAICS CODE:** See “North American Industry Classification System”

**NIGHT CLUB:** A facility which is open to the general public for entertainment and socializing. Alcohol is typically sold on the premises; however, it is not required in order to be considered a night club.

**NONCONFORMING USES:** The use of land, or a building, or a portion thereof, which does not conform with the use regulations of the District in which it is situated at the effective date of this Ordinance, or amendment thereof.

**NONCONFORMING STRUCTURE:** A building or structure, or portion thereof, lawfully existing at the effective date of this Ordinance or amendments thereto, and that does not conform to the provisions of the Ordinance in the District in which it is located.

**NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS):** The standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. It can be found on-line at <http://www.census.gov/eos/www/naics/>

**NUISANCE:** Anything that annoys or disturbs the use or enjoyment of property; or the use of one's own property in a way that annoys or disturbs others' use or enjoyment of property.

**NUISANCE PER SE:** A nuisance existing regardless of location or circumstances of use.

**NURSERY, RETAIL:** The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.

**NURSERY, WHOLESALE:** The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers to landscapers, developers, builders, and retail nurseries.

**NURSERY SCHOOL:** The use of land, building, structure, or part thereof, where children of pre-school age (two (2) to five (5) years old), regularly meet for training and supervised play.

**NURSING HOME:** A residential care facility providing nursing care on a 24-hour basis, physical and/or social rehabilitation services and room and board and meets O.R.C. 3750 (F) (1).

**OFF-SITE IMPROVEMENT:** An improvement required to be made off-site as a result of an application for development and including but not limited to, road widening and upgrading, storm water facilities, and traffic improvements.

**OFF-STREET PARKING LOT:** A facility providing parking spaces for more than three (3) vehicles along with adequate ingress/egress drives and maneuvering aisles.

**OFFICE:** A building, structure, or part thereof, including any rooms therein, in which the business of an industrial corporation or government bureau, or of a professional nature is carried out.

**OHIO REVISED CODE:** (O.R.C. or R.C.) contains the laws of Ohio, which the legislature enacts.

**OPEN SPACE:** An area that is intended to provide light and air. Open space may include, but is not limited to, meadows, wooded areas, and water bodies.

**OPEN SPACE, RESTRICTED:** Open space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements and that is restricted from further development according to the provisions of this Zoning Ordinance.

**OTHER ANIMAL FOOD MANUFACTURING:** See MANUFACTURING, OTHER ANIMAL FOOD

**OUTDOOR DISPLAYS:** The display and sale of products and services outside of a building or structure, including but not limited to garden supplies, flowers, shrubs, mulch, fertilizer, and other plant materials; gas, tires, windshield wiper solution, and motor oil; food and beverages; firewood; grilling supplies, including charcoal, propane gas tanks, vehicles, and ice machines.

**OUTDOOR STORAGE:** The keeping of personal or business property or motor vehicles in a required open parking space or any other area outside of a building for a period of time.

**OUTPARCEL, SHOPPING CENTER:** An area of no less than ten thousand, five hundred square feet (10,500 sq. ft.) and a minimum width of 100 feet (100') at the property line located within a shopping center as defined in this code that shares a common parking lot with the other buildings and establishments within said shopping center but which is separated from the principal building and establishment by a parking area of at least 75 feet (75').

**OVERLAY DISTRICT:** An additional zoning classification that is applicable to an existing area with an underlying zoning classification. Overlay districts add and establish regulations, flexibility, uses of land, buildings or structures (example, the Riparian Overlay District), or zoning elements that otherwise are typically excluded from a particular district.

**PARKING SPACE:** An area of definite length and width, fully accessible for the parking of permitted vehicles, said area shall be exclusive of drives, aisles or entrances giving access thereto.

**PERMITTED USE:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSON:** An individual, corporation, governmental agency, business trust, estate, trust, partnership, associations, two or more persons having a joint or common interest, or any other legal entity.

**PERSONAL SERVICES:** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, dry cleaning service, watch repairing, barber shop, beauty parlors and similar activities.

**PICKUP WINDOW:** A window where a patron picks up a pre-ordered product or conducts banking services.

**PLACE OF WORSHIP:** A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

**PLANNED SHOPPING CENTER:** A single use or mixed use of three (3) or more retail, restaurant, and other allowed business uses on a lot or lots that share parking, or access, or allow the movement from one (1) entity to another without the use of a public right-of-way.

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

**PLANNED MIXED USE DEVELOPMENT (PMUD):** The Planned Mixed Use Development Overlay (PMUD) is a voluntary procedure that provides an overlay district that is intended to encourage innovative design, conservation of significant natural features, consolidation of open space, and a mixture of residential, commercial, and industrial uses with an integrated design. The PMUD allows greater design flexibility so that natural features and open space may be preserved and enhanced through the location and configuration of development while an array of uses may be integrated in a coordinated, efficient and compatible manner.

**PLANNING COMMISSION STAFF:** The Findlay City Planning Commission exists without a department and staff of its own. Instead, the “staff” consists of several public entities to assist with the review and procedures set forth on its behalf in this Zoning Ordinance. The entities include the Findlay Engineering Department, Findlay Fire Department, and the Hancock Regional Planning Commission.

**PORCH:** A roofed entryway, enclosed or unenclosed, that is not used as living space.

**PRINCIPAL USE:** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PROFESSIONAL SERVICES:** Establishments primarily engaged in providing assistance, as opposed to products, from licensed professionals such as doctors, dentists, lawyers, architects, engineers, realtors, and others of like category.

**PROSECUTOR, CITY:** The Prosecutor of the City of Findlay.

**PUBLIC NUISANCE:** A nuisance that interferes with a communal right and that may lead to civil injunction or criminal prosecution.

**PUBLIC USES:** Uses which provide or maintain public services. These include, but are not limited to: public parks; schools; administrative, cultural and service buildings; libraries; hospitals; and museums.

**QUASI-PUBLIC USES:** Uses which provide or maintain public services and are open to the public without a commercial use. These include, but are not limited to: public parks; schools; administrative, cultural and service buildings; churches; libraries; hospitals; museums; fraternal organizations; private clubs; lodge halls; and other similar uses servicing the needs of the region and Central Business District users.

**PUBLIC UTILITY:** Any person, firm, corporation, local department, or board duly authorized to provide services to the public under state or local regulations: electricity, gas, communication, transportation, water, and other similar services. For purposes of this Ordinance and in the application of O.R.C. § 519.211.1 to the communication provisions herein, the following considerations shall be applied:

1. Municipality and state agency use of township land for utility purposes shall be considered use by a public utility;
2. An individual person or corporation may qualify as a public utility based on three (3) factors: the provision of a good or service to the general public is provided in a reasonable and indiscriminate manner; the utility rates and methods of operation are a matter of public concern requiring a license from the PUCO; and, although a lesser factor due to deregulation, there is lack of competition in the local marketplace;
3. A private utility operating pursuant to a state contract and lease in furtherance of state purposes shall be considered a public utility.

**QUARRYING:** The process of removing or extracting stone, rock, or similar materials from an open excavation for financial gain.

**RADIO TOWER:** Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure and is not owned or principally used by a public utility.

**RECREATIONAL FACILITIES:**

1. Non-Commercial Recreational Facilities: Private and semi-private recreational facilities which are not operated for commercial gain, including private country clubs, riding stables, golf courses, game preserves, and other private non-commercial recreational areas and facilities or recreational centers including private community swimming pools, and marinas.
2. Commercial Recreational Facilities: Recreational facilities established and operated for profit such as commercial golf courses, swimming pools, race tracks, amusement parks, carnivals, and similar commercial enterprises.

**RECREATIONAL VEHICLE:** Any vehicle or a vehicular portable structure designed and constructed to be primarily used for recreational or camping purposes or for the purpose of a temporary dwelling used for travel, recreation or vacation. Recreational vehicles shall include, but are not limited to travel trailers, pickup campers, motorized homes, folding tent trailers, boat and boat trailers, wave runners and trailers, jet skis and trailers, other personal watercraft, and any other related camping and recreational equipment.

**RECYCLING CENTER:** A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

**REHABILITATION:** To restore to condition for constructive activity in keeping with the style of architecture of the structure. Interior or exterior remodeling of a structure, other than ordinary repair.

**RESTAURANT:** A building, structure, or part thereof, where refreshments, snacks, or meals are provided to the public for compensation primarily on the premises; not drive-ins or not for carry-out.

**RETAIL BUSINESS:** A business devoted exclusively to the sale of goods, generally in small quantities, to the public and ultimate consumer, as distinguished from wholesale businesses, defined herein.

**RETENTION POND:** A pond, pool, or basin used for the permanent storage of water runoff. Retention ponds differ from Detention Ponds in that the latter are temporary storage areas. Retention ponds have the potential for water recreation and water oriented landscaping since the water remains. Both types of basins provide for the controlled release of the stored water, and they may permit ground water recharge. Retention ponds are usually not considered an impervious surface unless the bottom has a plastic or other impervious membrane.

**RIGHT-OF-WAY LINE:** A dividing line between a lot, tract or parcel of land and contiguous street.

**ROOM:** A room is a living room, dining room, or bedroom, equal to at least eighty square feet (80 sq. ft.) in area. A room shall not include the area in the kitchen, sanitary facilities, utility, provisions, corridors, hallways and storage.

**SANITARY LANDFILL:** An operation where refuse is compacted thoroughly and then covered with earth.

**SCHOOL:** A place or institution for teaching and learning, whether public or private, that is accredited by the Ohio Department of Education.

**SCREENING:** The provision of a physical barrier intended to obscure view from one (1) property to another. The screening typically runs parallel to a property line(s) and consists of opaque materials, both natural and manufactured. Natural landscaping involves using tall bushes such as arborvitae, hedges, or fir trees and other coniferous vegetation. It may also involve the use of mounding and shorter growth vegetation. Manufactured screening is typically in the form of fencing, wood or vinyl, or in walls made of stone or brick. Screening height typically measures six feet (6') but may be as high as eight feet (8') depending on the uses adjacent to the site subject to the review. The screening may be combined with buffering to offset different uses and their affects.

**SECURITY FENCING:** Fencing with barbed wire. The wire is included in the height measurement restrictions.

**SEMITRAILER:** Any vehicle of the trailer type that does not have motive power and is so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

**SERVICE-SAFETY DIRECTOR:** Shall be the person or persons holding the position of Service Director, Safety Director, or the combination thereof, appointed by the Mayor and having the responsibility for overseeing the Zoning Department.

**SETBACK (REQUIRED YARD):** For the purpose of this Ordinance, the distance required to obtain conformity with the yard open-space requirements hereof shall be measured from property lines. The following setback types are utilized in this code: (add current code definitions)

1. Front Yard Setback: means an open space extending the full width of the lot, the depth of which is the minimum required horizontal distance between the front lot line and the nearest point of the main building or structure.
2. Rear Yard Setback: means the minimum required horizontal distance between the extreme rear line of a building or structure and the rear lot line.
3. Side Yard Setback: means the minimum required distance between a main building and the side lot line, extending from the front yard setback line to the rear lot line.

**SEWAGE DISPOSAL SYSTEM, GROUP:** A package system approved by the governmental authorities having jurisdiction which provides for the collection and disposal of sewage from a group of dwellings or buildings or a public utility sewage disposal system.

**SHED:** An accessory structure or building used primarily for storage purposes for items such as lawn equipment, tools and firewood. Sheds are not intended to provide access and storage of motorized vehicles.

**SHOPPING CENTER:** See Large-scale retail project.

**SHORT TERM:** 180 days.

**SHORT TERM RESIDENTIAL RENTAL:** See [Bed and Breakfast](#)

**SIDEWALK:** A leveled, paved, linear surface area separated from but usually running parallel to the traveled way and used as a pedestrian walkway.

**SIGN:** A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, or organization or business.

**SIGN, ACCESSORY:** A sign which is related to the principal use of the premises upon which it

is located.

**SIGN AREA:** “Sign area” means the entire display area host to the advertising. This includes text and images. The area calculation is set forth in the definition of each sign type or as provided in each zoning district.

**SIGN, COMMERCIAL ART:** An artistic representation of a company such as a mascot or logo typically via statuary. (i.e. Ronald McDonald, Frisch’s Big Boy, etc.). Such signs shall not exceed ten feet (10’) in height and a five feet (5’) diameter. The signs do not require a permit nor contribute to the allowable sign area.

**SIGN EMBELLISHMENT:** Any portion of a sign structure intended to improve the physical appearance of a sign, including roofs, moldings, railroad ties, lattice, or other decorative features.

**SIGN, INFLATABLE:** Inflatable advertising such as “Fly Guys” and inflated images that are operated by a fan, air pump, etc. which may appear to move around with the wind or may be affixed to the ground with rope and stakes (i.e. beer bottle at a festival).

**SIGN, INTERSTATE HIGH RISE:** A sign that exceeds forty feet (40’) but no greater than ninety feet (90’) in height, and is located within one thousand five hundred feet (1,500’) of the right-of-way of I-75 or State Route 15 and is located in a commercially zoned district. This sign shall not exceed three hundred square feet (300 sq. ft.) in area and shall not have more than four (4) additional panels exceeding seventy-five square feet (75 sq. ft.) in area. The setback from all lot lines shall be one half the height of the sign.

**SIGN, PORTABLE:** Any sign designed and manufactured, or constructed to be self-supporting, or self-contained, or transported, and not permanently attached to the ground or other permanent structure, including signs designed to be transported, but not limited to, signs designed to be transported by means of wheels; signs converted to “A” or “T” frames; menu and sandwich board signs; balloons used as signs.

**SIGN, LOW PROFILE:** Low profile sign means a sign that does not exceed eight feet (8’) in height and does not exceed the allowable sign area.

**SIGN, NON-ACCESSORY:** A sign which is not related to the principal use of the premises upon which it is located.

**SIGN, PYLON:** An accessory sign greater than eight feet (8’) in height but does not exceed 40 feet (40’).

**SIGN, ROOF:** As regulated by this Ordinance, any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal means of support on the roof structure.

**SIGN, SAIL:** Banners using a horizontal arm to create a large graphic area for maximum visibility and that can have the ability to rotate with the wind to ensure the graphic will be visible from any direction.

**SIGN, SUBDIVISION IDENTIFICATION:** A sign at an entry to a platted subdivision which identifies the name of the subdivision.

**SIGN, SUPPORTING STRUCTURE OF:** The wall, post, column, cabinet, framework, ropes, chains, wires or similar devices that maintain the sign location.

**SIGN, TEMPORARY:** A sign or object that advertises land or buildings for sale, rent or lease, garage sales, banners, streamers, balloon or similar devices that are used to advertise a function, event or assist in gaining attention to the site for the specified period of time. Temporary signs may not exceed twelve square feet (12 sq. f.t) in area.

**SIGN, WALL (SUBDIVISION IDENTIFICATION):** Letters on a landscaping wall that are done for identification of a subdivision, office park, etc. The primary purpose of the wall is to provide an aesthetic feature to the site, wherein the sign area does not constitute more than fifteen percent (15%) of the wall area on which the text and images are affixed. The sign area shall be measured by calculating the area of the smallest single rectangle which would completely enclose all of the text and images.

**SIGN, WALL BUILDING:** A sign affixed to the wall of a building that is parallel to the lot line.

**SITE:** Parcel or group of parcels combined together for the purpose of containing a business or businesses, such as a strip commercial center, or entity or multiple entities such as a consortium of doctors' offices, but sharing common elements such as parking, vehicular access and or circulation ways, roofing, HVAC systems, addresses, loading bays, etc. Site may or may not have been reviewed and approved by the City Planning Commission but operates as a common land mass wherein there is a relationship involving one or more of the aforementioned elements.

**SLAUGHTERHOUSE:** A facility for the slaughtering and processing of animals and the refining of their byproducts.

**SMALL WIND TURBINE:** A wind turbine with swept areas of two hundred (200) square meters or less (Radius less than 7.978 meters).

**SOLAR ENERGY SYSTEMS, ACCESSORY** are systems that are found as a subordinate use to a residential, commercial, industrial, or office use. Their purpose is mainly to add electricity to the site, but often generate extra for re-sale to the electric grid.

**SOLAR ENERGY SYSTEMS, PRINCIPAL** are typically larger, more commercialized industry of Photovoltaic installations. These large solar energy production facilities exist primarily for the production of electricity for the resale onto the electric grid.

**SOLAR ENERGY SYSTEMS, LARGE SCALE:** An Active Solar Energy System that occupies more than 40,000 square feet of surface area.

**SOLAR ENERGY SYSTEMS, MEDIUM SCALE:** An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area

**SOUND POWER LEVEL:** - The noise emission of a WECS that is calculated by the WECS manufacturer as defined in IEC 61400-11, as amended.

**SPECIALIZED NON-CUSTOMARY ANIMAL RAISING AND CARE:** The use of land and buildings for the non-agricultural care or raising of animals such as mink, horses, dogs, cats, birds or fish. The maintenance of animal kennels and similar activities.

**SPORTS AND RECREATIONAL FACILITY:** Typically a multi-use facility that can offer a range of indoor and outdoor space, or just one or the other, but is designed to accommodate numerous programmed sports activities. Larger facilities can accommodate several programs simultaneously, while smaller facilities may only facilitate a single venue at a time. Indoor facilities typically have high ceilings (35'-45').

**STOCK YARD:** A large yard with pens, or stables where cattle, sheep, pigs, or similar animals are kept ready for shipping or sale, same may include such buildings and related equipment.

**STORY:** That portion of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor above it, or if there is no floor above, then the space between such floor and ceiling next above. A basement shall not be counted as a story.

**STREET:** (See roadway classifications) A public right-of-way, which provides a public means of access to abutting property. It shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term, excluding an alley.

**STREET SIDE YARD:** Where a rear yard abuts another rear yard, the street side yard is the distance between the right-of-way and the setback line.

**STRUCTURE:** Anything constructed or erected, or placed on the land, the use of which requires a permanent location on the ground or attachment to something having location on the ground. This includes but is not limited to buildings, walls, fences, advertising signs and billboards.

**SUBDIVISION RULES & REGULATIONS:** Regulations adopted by the City of Findlay and Hancock County pursuant to Ohio Revised Code Chapter 711. The regulations set forth requirements and procedures for creating new lots, parcels, etc., such as requiring frontage on a public roadway, lot dimensions, ratio of frontage to depth, etc.

**SUBSTANTIAL IMPROVEMENT:** See Flood Damage Reduction Ordinance, Chapter 1351.

**SURGERY CENTER:** A health care facility that specializes in providing surgery, including certain pain management and diagnostic services in an outpatient setting.

**SWIMMING POOL:** Any structure, portable or permanent, containing a body of water twenty-four inches (24”) or more in depth and exceeds fourteen feet (14 ’) in diameter or length, whichever applies to the appropriate shape, or encompasses more than one hundred fifty square feet (150 sq. ft.) of water surface area, intended for recreational purposes, including a wading pool, in-ground pool, above-ground pools, swimming pools, hot tubs and spas. This does not include an ornamental reflecting pool or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

**TEMPORARY USE OF BUILDING OR LAND:** A use of a building or land permitted by the Board of Appeals to exist during a specified period of time with the intent to discontinue such use upon the expiration of the time period. Temporary uses do not involve the construction or alteration of any permanent building or structure.

**THOROUGHFARE PLAN:** (See “Hancock County Thoroughfare Plan”)

**THROUGH LOT:** Lot with frontage on two streets that are parallel or nearly parallel.

**TOTAL SYSTEM HEIGHT:** - The highest point, measured in feet above grade at the base of the WECS, that any part of the WECS reaches during normal operation.

**TRANSIENT GUESTS:** Means a person who occupies a short-term residential rental for not more than twenty-eight (28) consecutive days.

**TRANSITIONAL HOUSING:** A facility in which individuals live for a short period while receiving physical, emotional, social, or psychological therapy and counseling to assist them in overcoming physical, social or emotional problems, addiction, or mental illness.

**TREATMENT FACILITY:** A place where those with active addictions or mental illness, can receive professional interactive treatments for either outpatient or inpatient treatment.

**TRUCK STOP:** A facility intended to provide services to the trucking industry, including but not limited to the following activities: dispensing of fuel, repair shops, automated washes, restaurants, and motels; all as part of the facility.

**URGENT OR EMERGENCY CARE FACILITY:** A facility dedicated to the delivery of care to patients who have an injury or illness that requires immediate care, outside of a hospital emergency department, usually on an unscheduled, walk-in basis.

**UTILITY TRAILER:** A structure standing on wheels, towed or hauled by another vehicle which carry materials, goods, tools, animals, or other objects, or as a temporary office.

**VARIANCE:** A modification of the strict terms of the relevant regulations of the Zoning Ordinance where such modification will not be contrary to the public interest if granted and

when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

**WALL, OBSCURING:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**WAREHOUSE, MINI:** See Mini-Warehouse.

**WAREHOUSING:** The business operation, or institution of the storing of goods, or merchandise.

**WETLANDS:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Areas determined to be wetlands are subject to regulation by the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency. Three essential characteristics must be present for an area to be identified as a wetland: hydrophilic vegetation, hydric soils, and wetland hydrology.

**WIND ENERGY CONVERSION SYSTEM (WECS):** - A system designed to convert the wind's kinetic energy into an alternative form of energy, including electrical, thermal, or mechanical energy.

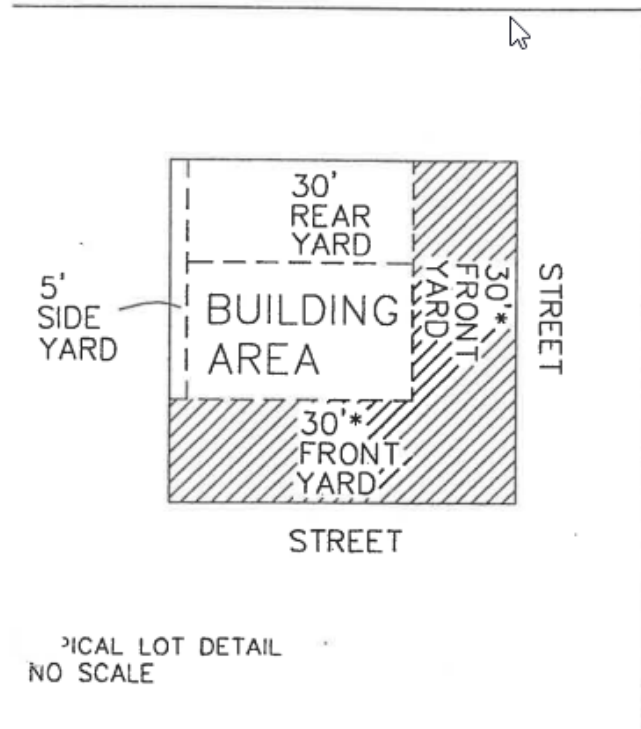
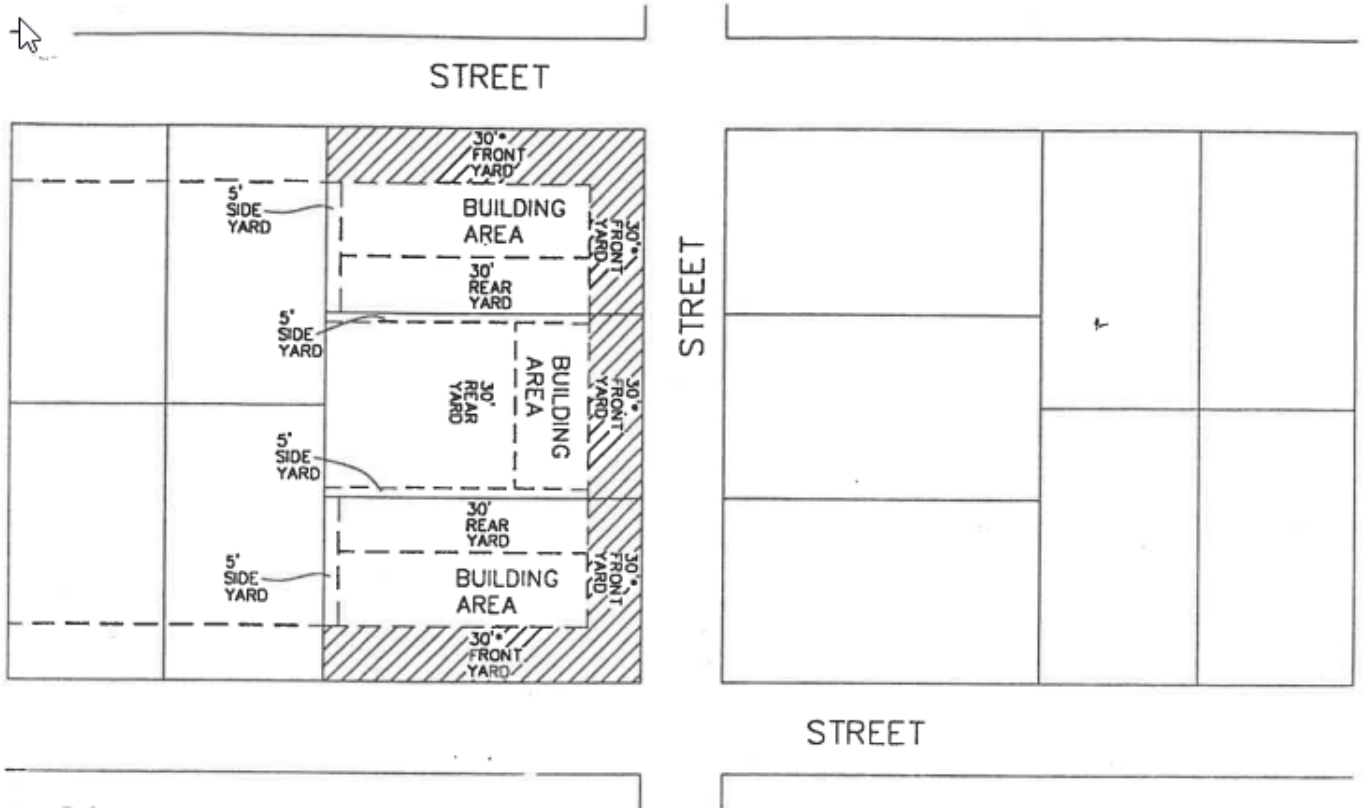
**YARD:** The open space at grade between a building and adjoining lot line, on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and as defined herein: (Also see "Setback" and "Lots")

**ZONING PERMIT:** The document issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the provisions of this Ordinance.

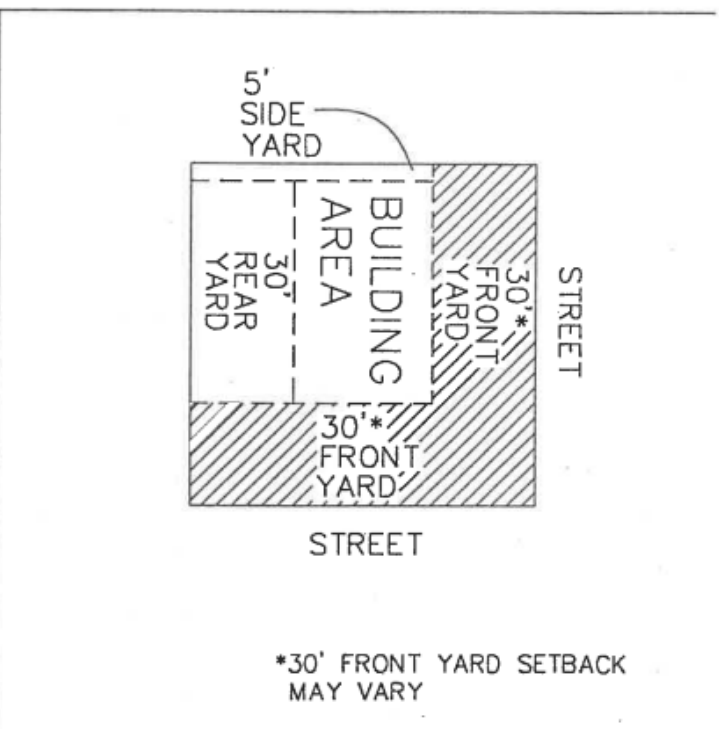
**ZONING OFFICER:** The agent for the City who is responsible for the administration of the City Zoning Regulations and required inspections for zoning compliance per Ohio Revised Code Chapter 519.16. For the purposes of this Zoning Ordinance, the term Zoning Administrator is equivalent to Zoning Inspector.

**ZONING DISTRICT MAPS:** The Zoning District Map or Maps of the City of Findlay together with all amendments subsequently adopted.

**DEFINITION EXHIBITS:  
CORNER LOTS**



TYPICAL LOT DETAIL  
NO SCALE



\*30' FRONT YARD SETBACK  
MAY VARY

**CORNER LOT – WITH STREET SIDE YARD REQUIREMENTS**

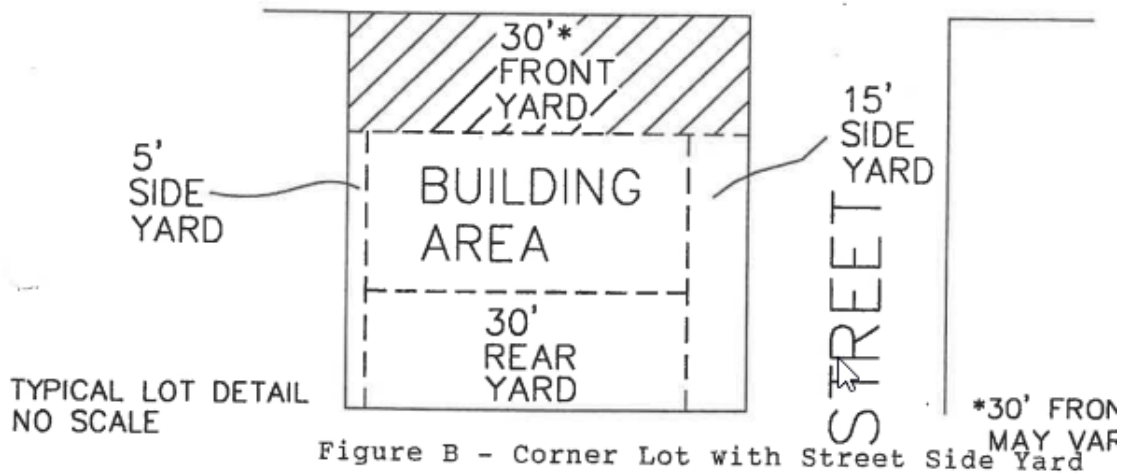
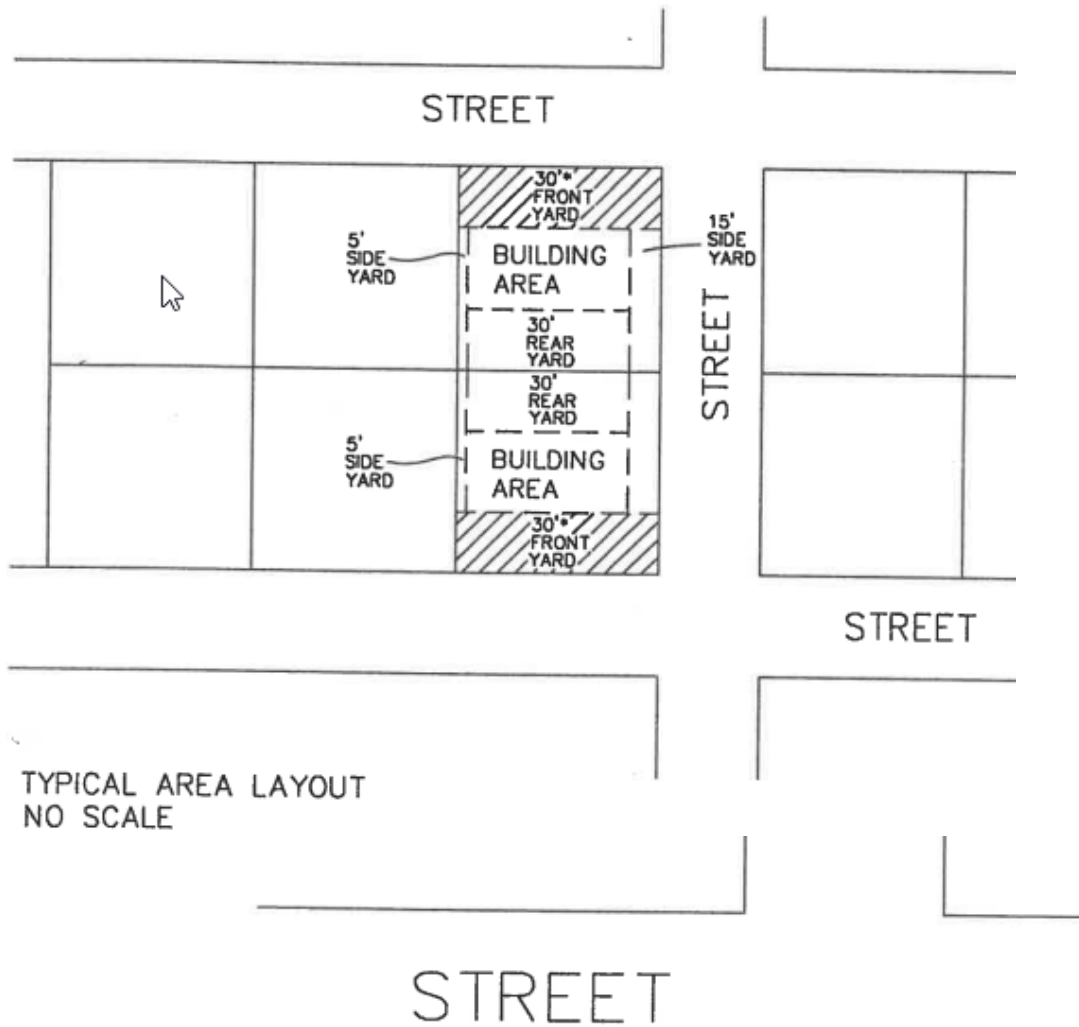
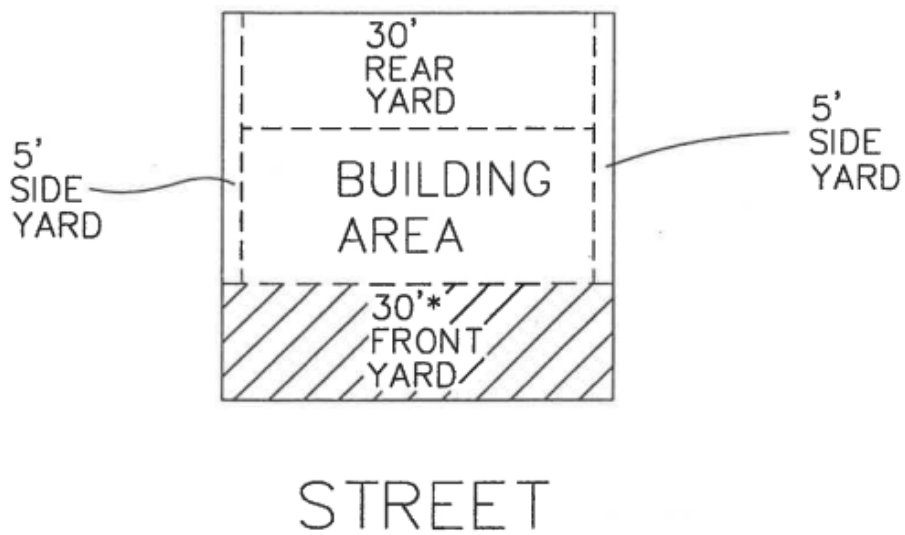
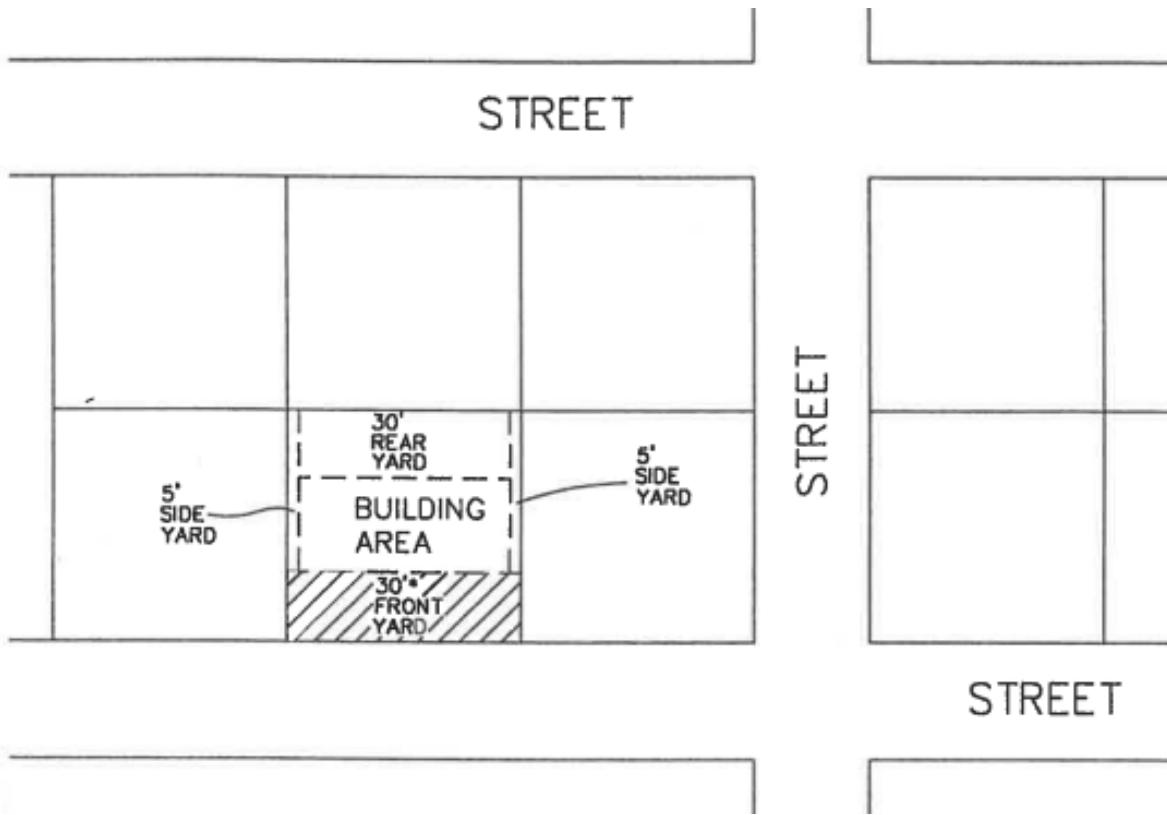
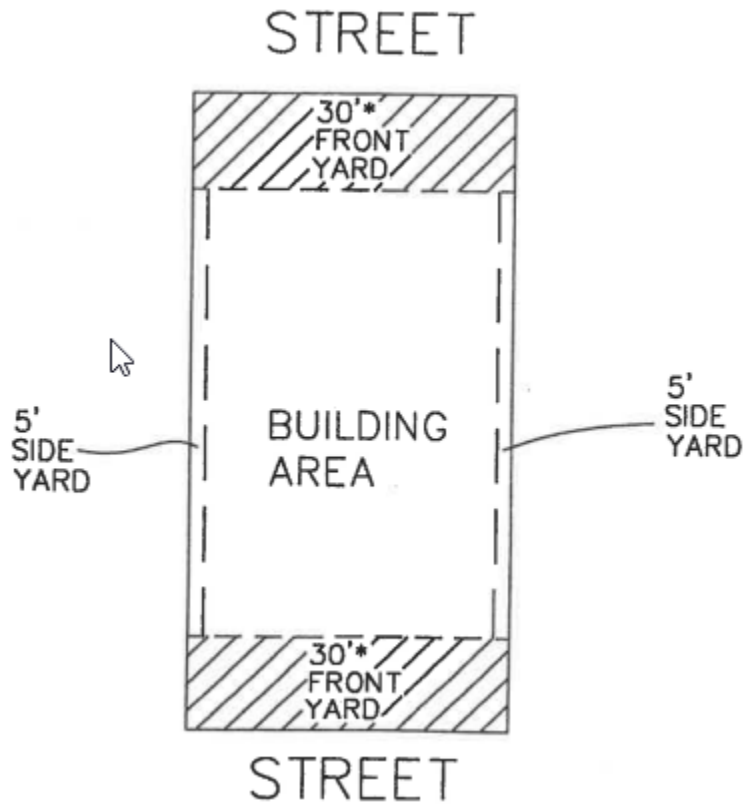


Figure B - Corner Lot with Street Side Yard

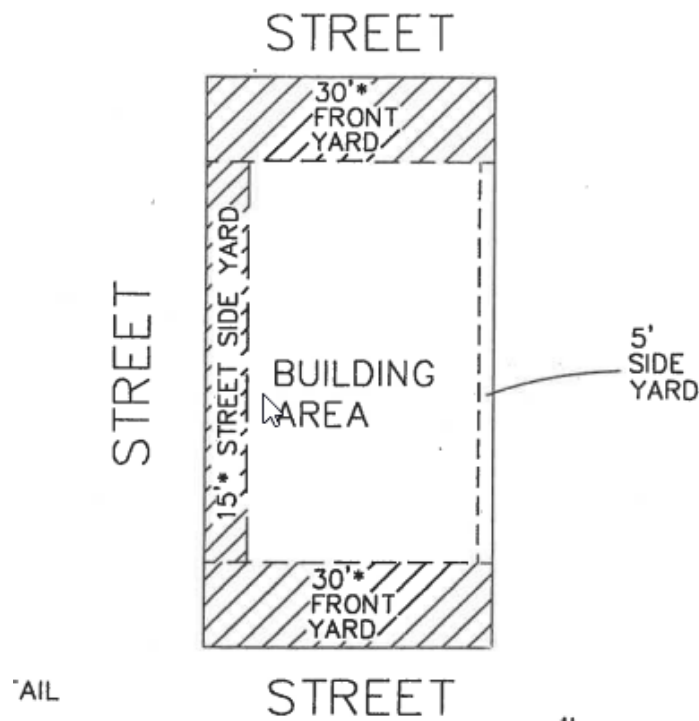
# INTERIOR LOT YARD REQUIREMENTS



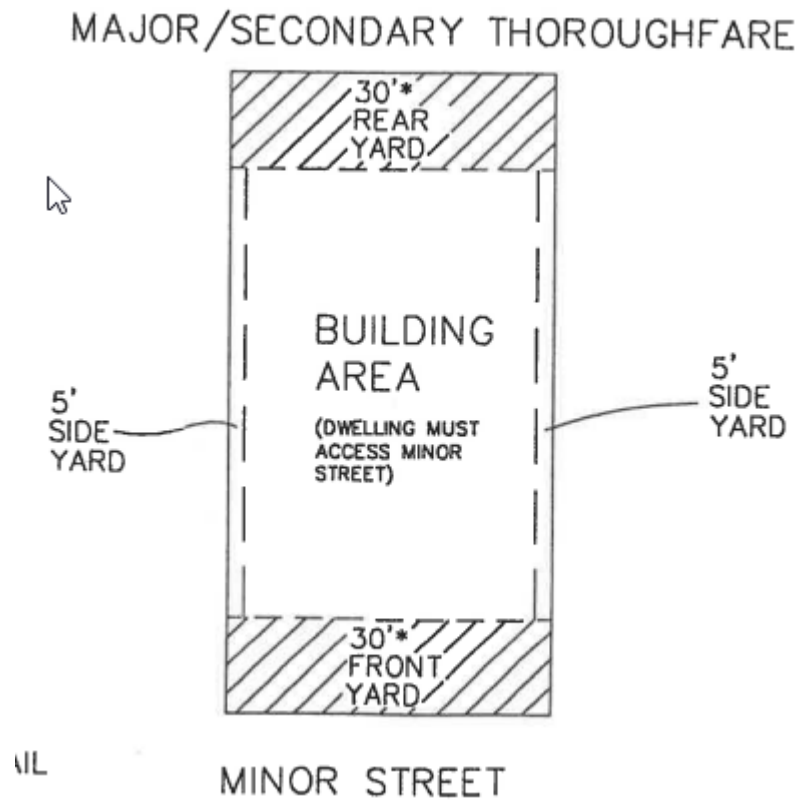
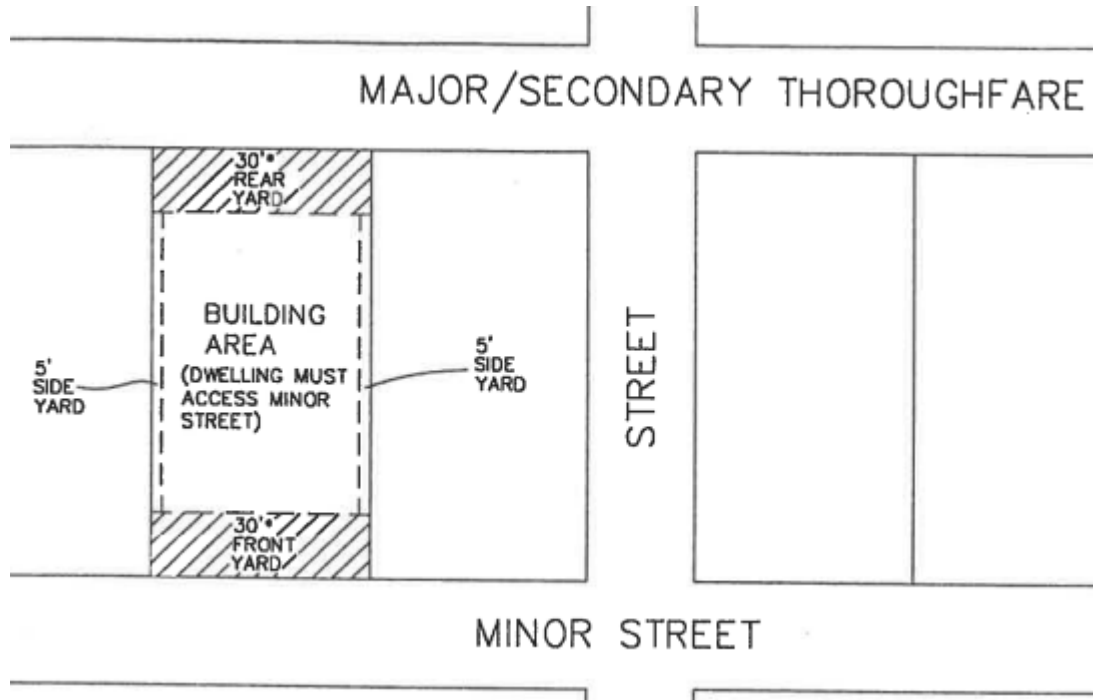
# THROUGH LOT REQUIREMENTS



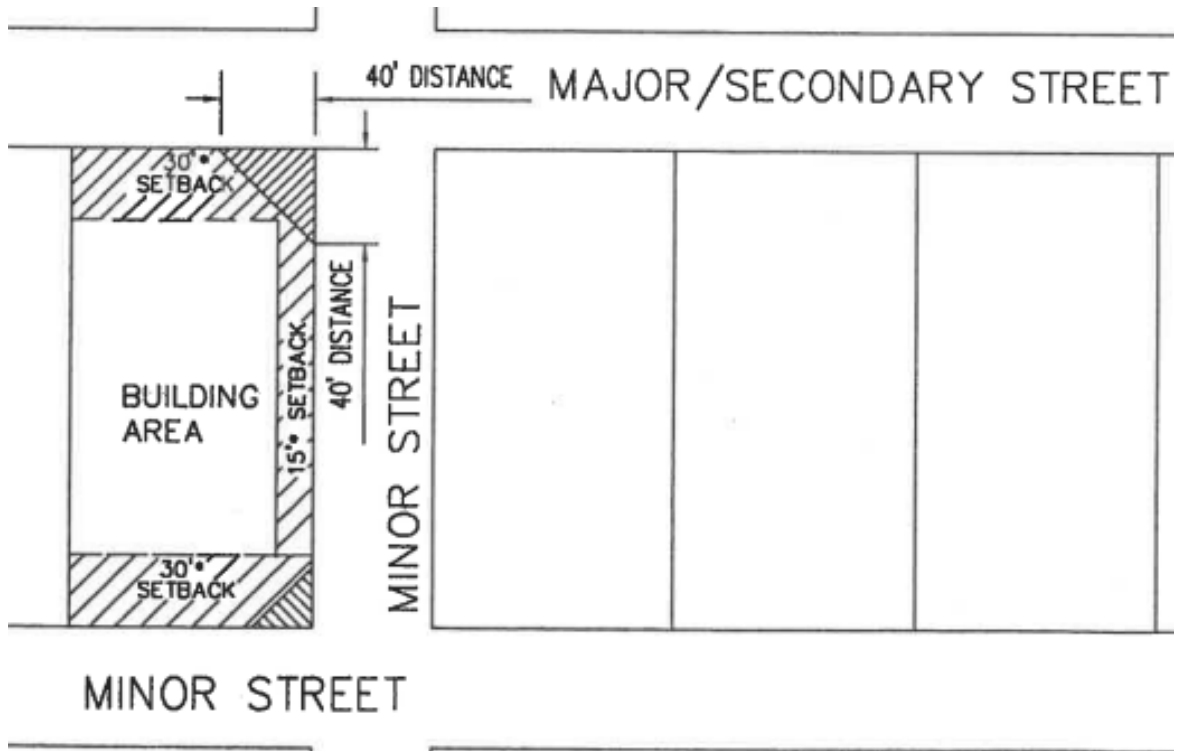
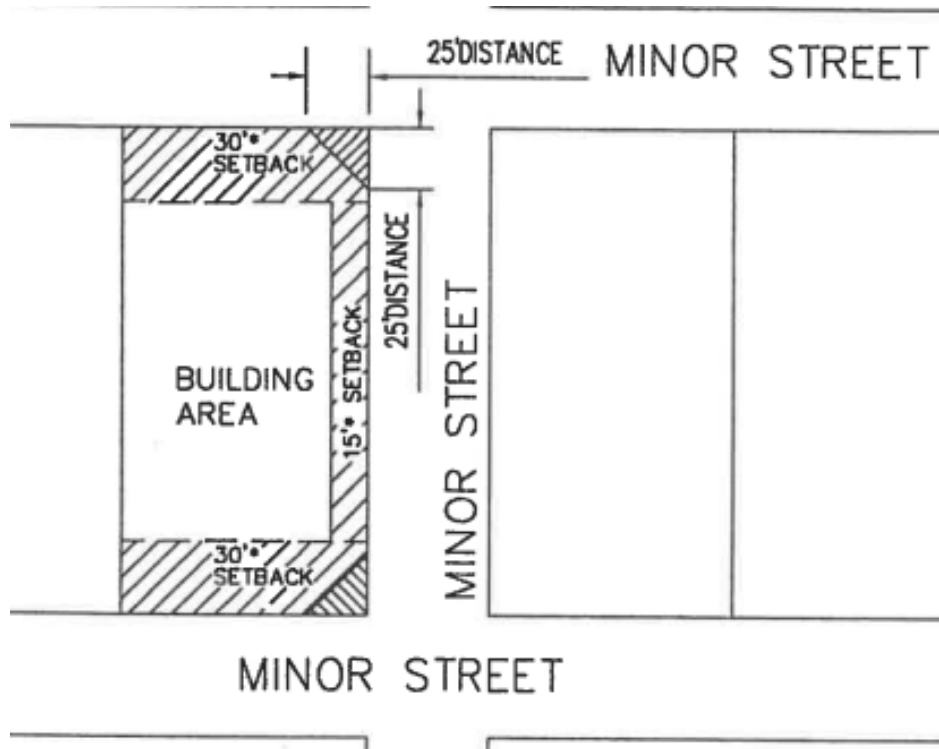
# TRIPLE FRONTAGE LOT REQUIREMENTS



# REVERSE FRONTAGE LOT YARD REQUIREMENTS



**CORNER LOT CLEARANCE REQUIREMENTS**



**CHAPTER 1199**  
**VIOLATIONS, ENFORCEMENT, PENALTIES AND OTHER REMEDIES**

<b>1199.01</b>	<b>Prohibitions.</b>
<b>1199.02</b>	<b>Violations.</b>
<b>1199.03</b>	<b>Each Day A Separate Violation.</b>
<b>1199.04</b>	<b>Who May Enforce.</b>
<b>1199.05</b>	<b>Corrections.</b>
<b>1199.06</b>	<b>Public Nuisance Per Se.</b>
<b>1199.07</b>	<b>Fines.</b>
<b>1199.08</b>	<b>Damage to City Infrastructure.</b>
<b>1199.09</b>	<b>False Statements, Representations or Certifications.</b>
<b>1199.10</b>	<b>Rights and Remedies, Cumulative.</b>

**1199.01 PROHIBITIONS.**

It shall be unlawful to locate, erect, construct, reconstruct, replace, enlarge, change, alter, move, maintain or use any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by City Council.

**1199.02 VIOLATIONS.**

All buildings and land used, and all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, must comply with all applicable provisions of this Ordinance. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine as set forth in Sec. 1199.07.

**1199.03 EACH DAY A SEPARATE VIOLATION.**

A separate violation may be deemed committed upon each day during or when a violation occurs or continues.

**1199.04 WHO MAY ENFORCE.**

It is the responsibility of the Zoning Administrator **and/or designees** to enforce this Ordinance. The Zoning Administrator, the City Council, special counsel employed by the City or any adjacent or neighboring property owner who would be specially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

**1199.05 CORRECTIONS.**

Any person, firm or corporation who is convicted of a violation of this Ordinance shall abate or correct the violation within thirty (30) days of such conviction.

**1199.06 PUBLIC NUISANCE PER SE.**

Any building or structure which is erected, altered, moved or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**1199.07 FINES.**

The owner and/or user of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and, upon conviction thereof, shall be fined for each offense as follows:

1. For each and every violation or instance of noncompliance, violators may be deemed guilty of a misdemeanor of the fourth degree, as defined by City of Findlay Municipal Code Part 5 General Offenses, Sec. 501.99, and each day that the violation exists will constitute a separate offense.
2. A subsequent violation of this Ordinance involving the same property, the same violator, and occurring within two (2) years of the last prior conviction for the same violation, constitutes a misdemeanor of the third degree, as defined in the City of Findlay Municipal Code Part 5 General Offenses Code, Sec. 501.99. This fine is not in lieu of any other fee or fees to obtain a zoning permit as set forth in Chapter 1169.

**1199.08 DAMAGE TO CITY INFRASTRUCTURE.**

Any individual, group, company, or other entity that causes damage to city infrastructure shall be held liable for damages and prosecuted accordingly. This includes damage to rights-of-way elements such as streets, sidewalks, curbing, waterlines, sewer lines, etc. The violator shall reimburse the City for any expense, loss or damage caused by such violations. The City shall bill the user for the costs incurred by the City for any cleaning, repair or replacement work caused by the violation. Refusal to pay the assessed costs shall constitute a violation of this chapter enforceable under the provisions of Findlay Municipal Code Sec. 925.10.

**1199.09 FALSE STATEMENTS, REPRESENTATIONS OR CERTIFICATIONS.**

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Zoning Ordinance, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be punished by the imposition of a civil penalty of not more than one thousand dollars (\$1,000).

**1199.10 RIGHTS AND REMEDIES, CUMULATIVE.**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.