



## CITY OF PATASKALA PLANNING AND ZONING COMMISSION

City Hall, Council Chambers  
621 West Broad Street  
Pataskala, Ohio 43062

### STAFF REPORT

May 3, 2017

#### Rezoning Application ZON-17-004

<b>Applicant:</b>	Pataskala Planning and Zoning Commission
<b>Location:</b>	City Wide
<b>Request:</b>	Requesting to amend Pataskala Code Chapters 1221 General Regulations, 1203 Definitions, and 1263 Olde Town Pataskala District

#### Description of the Request:

The proposed amendment would establish standards for demolitions and adjust the lettering and numbering of the Code accordingly. Attachment A to the staff report outlines the proposed amendment where deletions are ~~struck through~~ while additions are highlighted.

#### Staff Summary:

Due to the lack of demolition regulations, the Planning and Zoning Department staff has created regulations for demolitions that apply to residential, commercial, and institutional buildings. The current code does not specifically address regulations for demolitions and the Planning and Zoning Department has been approving demolition permits based upon substantial demolition of structures determined by the staff.

Having a lack of demolition regulations could prove to be problematic in the future, specifically in the Old Village portion of the City where the existing homes and businesses are located closely together. The following amendment would be the addition of Section 1221.06 DEMOLITIONS to Chapter 1221 GENERAL REGULATIONS, a definition of a demolition added to Chapter 1203 DEFINITIONS, and a revision of Section 1263.03 DEMOLITIONS from Chapter 1263 OLDE TOWN PATASKALA DISTRICT which contains regulations for landscaping after a demolition in the Olde Town District.

**Staff Review:** *The following summary does not constitute recommendations but merely conclusions and suggestions from staff.*

The Planning and Zoning Commission reviewed a draft amendment at the April 6, 2017 Planning and Zoning Commission hearing and commented that the requirement of liability insurance should not be required for every demolition permit, specifically in the Agriculture District. To address the Commission's comment, staff has revised Section 1221.06(C)(2) to include "unless otherwise determined by the City Administrator or their designee" so staff will be able to determine if liability insurance is required. The requirement of liability insurance is intended to protect neighboring properties within close proximity to the demolition site.

The Zoning Inspector has commented that the applicant should also include site plans for all properties that are directly adjacent to the demolition site. Section 1221.06(C)(1) has been revised to require a site plan be submitted showing “other buildings on site, and off site if applicable”. The Inspector also requested that the applicant be responsible for removal of any dirt, mud, or debris on the roadway. Section 339.08 LOADS DROPPING OR LEAKING; REMOVAL REQUIRED; TRACKING MUD already addresses the removal of debris on the roadway.

Attachment A has been revised to also include Section 1221.06(B)(8) “The City Administrator or their designee may waive any of these requirements for just cause shown” in order to address unusual demolition circumstances where some requirements may not be necessary to fulfill.

Should the Planning and Zoning Commission recommend approval of the amendment, it would proceed to City Council for consideration.

**Code Amendment Approval:**

According to Section 1217.04 of the Pataskala Code, the Planning and Zoning Commission shall consider approval of a code amendment if the proposal:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Comprehensive Plan and/or this Code.
2. Will be designed, constructed, operated, and maintained so as to be harmonious 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 be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
8. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

**Department and Agency Review**

- Zoning Inspector – See attached
- Public Service Department – No Comments
- City Engineer – No Comments
- Pataskala Utilities – No Comments
- Police Department – No Comments
- West Licking Joint Fire District – No comments
- Southwest Licking Schools – No Comments
- Licking Heights Schools – No Comments
- Licking County Health Department – No Comments
- SWLCWSD – No Comments

**Resolution:**

For your convenience, the following resolution may be considered by the Planning and Zoning Commission when making a motion:

“I move to (approve/disapprove) rezoning application number ZON-17-004 per Section 1217.10 of the Pataskala Code. (“with the following modifications” if modifications are to be placed on the approval).”



## CITY OF PLANNING AND ZONING DEPARTMENT

City Hall, Suite 2A  
621 West Broad Street  
Pataskala, Ohio 43062

### ATTACHMENT A

#### 1203 – DEFINITIONS

**Demolition:** The intentional act of pulling down, destroying, dismantling, defacing, removing or razing a building or structure, or commencing the work of a total, substantial, or partial demolition with the intent of completing the same.

#### 1221.06- DEMOLITION REQUIREMENTS

All structures over 200 square feet shall be subject to the demolition regulations provided in this Chapter.

- A. **Permit Required:** No person, firm, corporation, or other entity shall commence demolition of any building, structure, or part thereof over 200 square feet without first obtaining a permit from the Planning and Zoning Department. A demolition permit shall be valid for a period of ninety (90) days after it is issued.
- B. **Demolition Requirements:**
1. All utility services shall be disconnected prior to demolition.
  2. All demolition debris shall be quickly removed from the site. On-site burning and/or burying of materials is prohibited.
  3. No walls or parts thereof shall remain standing.
  4. If the building or structure has a basement, the basement shall be filled upon completion of the demolition.
  5. Immediately following demolition and cleanup, the finished grade shall be restored to original ground level, seeded and strawed.
  6. The contractor shall schedule work only when the dust from the demolition can be controlled, and if necessary, the contractor shall use water as a means to control the movement of dust. A nuisance shall not be created as a result of dust, noise, or any other means.
  7. All applicable State and City laws, ordinances, rules, and regulations shall be strictly complied with before, during, and after demolition.
  8. The City Administrator or their designee may waive any of these requirements for just cause shown.
- C. **Application for Zoning Permit:**
1. A site plan showing the location of the structure to be demolished in respect to property lines, public right-of-way lines, other buildings on site, and off site if applicable, shall be submitted for review to the Planning and Zoning Department.

2. A policy or certificate of insurance evidencing that the person, firm, corporation, or other entity performing the demolition has a current policy of liability insurance of not less than \$300,000 for the protection of adjacent owners and other members of the public shall be submitted to the Planning and Zoning Department unless otherwise determined by the City Administrator or their designee.
3. Any other information deemed necessary by the City Administrator or their designee.

## **CHAPTER 1263**

### **Olde Town Pataskala District**

#### **1263.03 – DEMOLITIONS**

Landscaping. Site must be landscaped no later ~~within~~ than 6 months ~~of the~~ after the finish grade is restored following demolition, ~~of buildings~~ unless there is an ~~A~~approved ~~D~~development for the site. Approved ~~D~~development means issuance of a building permit. The landscaping required to comply with this Section must meet, at least, the L1 standard of Chapter 1283, Landscaping and Screening, except that no shrubs or trees are required. For additional requirements, refer to Section 1221.06 of the Pataskala Code.

**From:** [Steven Blake](#)  
**To:** [Zachary Cowan](#)  
**Subject:** Code Amendment ZON-17-004  
**Date:** Friday, April 14, 2017 12:09:28 PM  
**Importance:** High

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To Whom It May Concern,

As Zoning Inspector I would like to suggest two additions to Section C as proposed.

1. Require the applicant to also include site plans for all properties that are directly adjacent to the site plan in which the structure planned for demolition is located. Also require that all building/structures on these adjacent sites are shown.
2. Require applicant to be responsible for removal of any dirt, mud or debris drawn onto the immediate roadway from entering and exiting of construction equipment. (dump trucks, trailers, dumpsters ect.)

Reasons:

- Adjacent property structures may be as close as several feet from the structure planned for demolition so that special safety precautions may need to be required for protection to these structures. Especially if the property owner plans on performing the demolition themselves.
- Both vehicle and pedestrian traffic safety concerns, such as traffic control, may need to be addressed before demolition begins, especially heavy equipment such as dump trucks entering and exiting the site.
- Will any structures on the demo site or adjacent sites be occupied during the demolition so that safety may need to be considered for these occupied structures.

I believe these suggested requirements for adjacent site plans with buildings and road clean up can easily be added as either an addition to C.1. or as a separate requirement under section C.

Respectfully submitted,

Steven Blake  
Zoning Inspector  
City of Pataskala