



## CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

### STAFF REPORT

August 9, 2017

#### Rezoning Application ZON-17-009

<b>Applicant:</b>	City of Pataskala
<b>Location:</b>	City Wide
<b>Request:</b>	Requesting to amend Chapter 1211 – Appeals and Variances, Chapter 1215 – Conditional Uses, Chapter 1217 – Amendments and Chapter 1255 – Planned Development Districts of the Pataskala Code.

#### Description of the Request:

The proposed amendment establishes a radius of 300 feet from the subject property for notification of public hearings and require the Planning and Zoning Department identify property owners within that radius for notification. In Attachment A to the staff report, additions are highlighted while deletions are struck through.

#### Staff Summary:

As part of the public hearing process for the Board of Zoning Appeals and Planning and Zoning Commission, the Code requires that the Planning and Zoning Department send notice of the hearing to the owner of neighboring properties “within 200 feet or two parcels from any point on the perimeter of the applicant’s property line, whichever creates more property owners”.

The Licking County Auditor, through their online mapping system, provides a tool whereby a list of property owners within a given radius of a property, in this case 200 feet, can be obtained. Issues arise when implementing the “two parcel” provision, which include:

- Interpretation of how to determine two parcels.
- Arbitrary notification process.
- Creation of holes in the notification area whereby one property will be left out while surrounding properties are notified.
- Arduous process to confirm property owner list provided by the applicant is accurate.
- Can create excessively large distances between “neighboring” properties.

Because of the issues that the “two parcel” provision creates, staff worked with the Development Committee to determine the radius of 300 feet from the subject property as the radius for notification. Furthermore, it was determined that it will be the responsibility of the Planning and Zoning Department not the applicant, to identify the individuals within that radius for notification. The Development Committee recommended the amendment proceed through the code amendment process at their July 24<sup>th</sup> meeting.

**Staff Review:**

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

The proposed amendment removes the arbitrary and confusing nature of the “two parcel” provision, clearly identifies property owners to be notified, and simplifies the checking the accuracy of the property owner list.

Following a recommendation of the Planning and Zoning Commission, the proposed amendment 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 – No Comments
- 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-17-009 pursuant to Section 1217.10 of the Pataskala Code. (“with the following modifications” if modifications are to be placed on the approval).”



## CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

### ATTACHMENT A

ZON-17-009

#### CHAPTER 1211 – Appeals and Variances

##### **1211.06 APPLICATION FOR VARIANCES AND APPEALS**

Any person owning or having an interest in property, after being denied a zoning permit, may file an appeal from the decision of the Zoning Inspector. An appeal or application for a variance shall be filed in triplicate with the Clerk on a form as specified for that purpose. The appeal or application for a variance shall contain the following information:

1. Name, address, and phone number of appellant or applicants.
2. Zoning district in which the property is currently located.
3. Legal description of property as recorded in Licking County Recorder's office, legal owner and address.
4. Description of the nature of the relief requested; each application shall refer to the specific provisions of this Code which apply.
5. ~~List of all owners and the legal addresses of those owning property within 200 feet or two parcels from any point on the perimeter of the applicant's property line, whichever creates more property owners, as appearing on the Licking County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above-referenced boundaries. A map by the County Engineer's office showing the area in question shall also be submitted.~~
6. A narrative statement explaining the following:
  - a. The reason for the variance or appeal.
  - b. The specific reasons why the variance or appeal is justified; in cases of variance, the factors listed in Section 1211.07 shall be specifically addressed.

##### **1211.10 NOTICE OF HEARING**

~~Before conducting the hearing required in Section 1211.09, notice of such hearing shall be provided to the appellant and to those individuals or entities established by Section 1211.06 and given in one or more newspapers of general circulation in the City at least ten days before the date of said hearing. The notice shall set forth the time and place of the hearing, and the nature of the proposed appeal or variance. Notice of such hearing shall be mailed by the Clerk, by first-class mail. The failure to deliver notice, as provided in this chapter, shall not invalidate any action by the Board of Zoning Appeals.~~

Written notice of the public hearing to be held for a variance or appeal application shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing,

and the nature of the proposed variance or appeal. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Board of Zoning Appeals.

## **CHAPTER 1215 – Conditional Uses**

### **1215.03 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT**

- A. Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by this Code in the Zoning District in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector who shall forward within five (5) days a copy to the Board of Zoning Appeals. At a minimum the application shall contain the following information:
1. Name, address, and phone number of applicant.
  2. Legal description of proposed conditional use and of the property as listed in the Licking County Recorder's Office.
  3. ~~Names and addresses of all legal owners within 200 feet or two (2) parcels from any point on the perimeter of the applicant's property line, whichever creates the greatest number of property owners, as appearing on the Licking County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries.~~
  - 3 4. Description of existing use.
  - 4 5. Present zoning district
  - 5 6. Description of proposed conditional use.
  - 6 7. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board or Commission may require to determine if the proposed conditional use meets the intent and requirements of this chapter on a copy of a map certified by the County Engineer's office showing the property in question and surrounding areas.
  - 7 8. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
  - 8 9. Such other information as may be required in Section 1215.05, including legal owner's consent if applicant is not the legal owner or satisfactory showing of applicant's legal or equitable interest.
  - 9 10. A fee as established by City Council according to Section 1207.09.

### **1215.07 PROCEDURE FOR HEARING; NOTICE**

~~Upon receipt of the application for a conditional use permit specified in Section 1215.03, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections 1211.09 through 1211.12.~~

Written notice of the public hearing to be held for a conditional use application shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Board of Zoning Appeals.

## **CHAPTER 1217 – Amendments**

### **1217.03 CONTENTS OF APPLICATION**

8. A list of all property owners within 200 feet or two (2) parcels from any point of the perimeter of the property line of the parcel(s) proposed to be rezoned, whichever method provides for a greater number of owners, and their mailing addresses as appearing on the Licking County Auditor's current tax list. The applicant shall also provide a list of addresses of all property owners within the above reference boundaries. Applicant must sign and submit the acknowledgement form regarding completeness of the list of property owners within 200 feet or two properties.
- 8 9. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- 9 10. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of the Zoning Code.
- 10 11. Owner's consent to application or satisfactory showing of applicant's legal or equitable interest in said property. Each application for a proposed amendment to the Zoning Map shall be verified by at least one of the property owners within the area proposed to be rezoned, attesting to the truth and correctness of all facts and information presented in the application.
- 11 12. A fee as established by Council plus all notification mailing costs as determined by the Planning and Zoning Clerk.

### **1217.09 NOTICE TO PROPERTY OWNERS BY PLANNING AND ZONING COMMISSION**

~~If the proposed amendment will effect a change in the Zoning Map-District Map or this Zoning Code, and will rezone, redistrict, or affect ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission by first class mail as evidenced by a certificate of mailing, at least 10 days before the date of the public hearing to all owners of property within 300 200 feet or two parcels, whichever creates the greatest number of property owners, from any point of the perimeter of the property line of the parcel(s) proposed to be rezoned to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Chairman of the Planning and Zoning Commission. The failure to deliver the notice, as provided in this section, shall not invalidate the proceedings or findings of the Commission. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1217.08.~~

If the proposed amendment will effect change in the Zoning Map, written notice of the public hearing to be held for an amendment application shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed amendment. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Planning and Zoning Commission.

## **CHAPTER 1255 – Planned Development Districts**

### **1255.13 ZONING AMEDMENT REQUEST**

#### **(b) Review Procedures.**

- (5) ~~Prior to a public hearing required in part (4), above, written notice of such hearing shall be sent by the Planning and Zoning Clerk by first class mail, at least 20 days before the hearing, to all property owners within 200 feet or two (2) parcels from any point of the perimeter of the property line of the area proposed to be included within the Planned Development District, whichever provides a greater number of property owners. The failure to deliver notice, as provided in this chapter, shall not invalidate any such approval. The notice shall contain the same information as specified in Section 1217.08.~~

Written notice of the public hearing to be held for a zoning amendment request shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed zoning amendment request. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Planning and Zoning Commission.