



CITY OF PATASKALA

ORDINANCE 2017-4298

Passed November 20, 2017

AN ORDINANCE TO AMEND CHAPTER 1211, CHAPTER 1215, CHAPTER 1217, AND CHAPTER 1255 OF THE CODIFIED ORDINANCES OF THE CITY OF PATASKALA, AND REPEAL ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH

WHEREAS, the proposed amendment would amend the requirement for sending public notices to neighboring properties, remove conflicting standards from the Code, and adjust the lettering and numbering of the Code accordingly.

WHEREAS, the City Planning and Zoning Commission initiated the amendment pursuant to Section 1217.02, and

WHEREAS, a public hearing was held by the City Planning and Zoning Commission on September 6, 2017 pursuant to Section 1217.07, and

WHEREAS, the notice of a public hearing to be held by the City Planning and Zoning Commission was published in a newspaper of general circulation on August 24, 2017 pursuant to Section 1217.08, and

WHEREAS, upon hearing the application the City Planning and Zoning Commission recommended approval of the amendment on September 6, 2017 pursuant to Section 1217.10, and

WHEREAS, a public hearing was held by Council on October 16, 2017 pursuant to Section 1217.11, and

WHEREAS, the amendment was on file for public examination for a minimum of 30 days preceding the Council public hearing pursuant to Section 1217.12, and

WHEREAS, Council hereby determines that all applicable procedures required by Chapter 1217 of the Codified Ordinances have been followed, and that notice was given and a public hearing was held as required by Section 1217.11 of the Codified Ordinances, and Council hereby adopts the recommendation of the City Planning and Zoning Commission as provided for in Section 1217.13 of the Codified Ordinances;

WHEREAS, the Council of the City of Pataskala has determined that it is necessary to amend the Zoning Code of the Codified Ordinances.

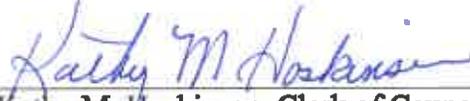
NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:

Section 1: That Chapter 1211, Chapter 1215, and Chapter 1255 be amended of the Zoning Code of the Codified Ordinances of the City of Pataskala to read as found in Exhibit A.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

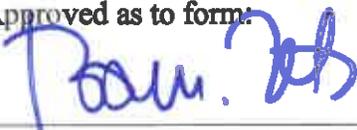
Section 3: This Ordinance shall become effective from and after the earliest period allowed by the Charter of the City of Pataskala.

ATTEST:


Kathy M. Hoskinson, Clerk of Council


Michael W. Compton, Mayor

Approved as to form:


Brian M. Zets, Law Director



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

EXHIBIT A

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. 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

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. Description of existing use.
4. Present zoning district
5. Description of proposed conditional use.
6. 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. 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. 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. A fee as established by City Council according to Section 1207.09.

1215.07 PROCEDURE FOR HEARING; NOTICE

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. A statement as to how the proposed amendment will impact adjacent and proximate properties.
9. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of the Zoning Code.

10. 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. 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 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) 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.

EXHIBIT A

REDLINE

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.

