



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

October 14, 2019

Conditional Use Application CU-19-002

Applicant:	Steven A. Garavuso
Owner:	The Hossienda/Steven A. Garavuso
Location:	12425 Broad Street
Acreage:	4.84 acres
Zoning:	GB – General Business
Request:	Requesting approval of a conditional use pursuant to Section 1249.04(16) of the Pataskala Code to allow for an outdoor trap shooting range

Description of the Request:

The applicant is seeking a conditional use to allow for the property to permit the use of an existing outdoor trap shooting range as an accessory use pursuant to Section 1249.04(16) of the Pataskala Code.

Staff Summary:

The property located at 421 W Broad Street contains an approximately 11,000 square foot building constructed in 2013. The facility, known as the Bullet Ranch, offers retail firearm sales, gunsmithing, training, an indoor shooting range and a five stand outdoor trap shooting range. The applicant has stated that the outdoor area was previously used as an archery range but was underutilized and was then converted to an outdoor trap shooting range. Staff does not know when this conversion took place. According to the applicant, the outdoor range would open at 9:00m and close by sunset. Shotguns, with 7.5 or 8 shot, are used on the range; this ammunition has a maximum range of approximately 400 feet. The backdrop of the range is a 12-foot tall dirt mound with approximately three acres of woods behind it. The applicant is requesting the conditional use to allow for the outdoor trap shooting range as an accessory use to a permitted use pursuant to Section 1249.04 of the Pataskala Code.

In 2010 the applicant received a conditional use for an indoor firing range as an accessory use to a retail gun and supplies store (Sporting Goods – NAICS 451110). However, due to adverse circumstances, the applicant was unable to proceed with the project at that time. Because the project was not started within one year, the conditional use expired. The applicant reapplied for the same conditional use which was approved by the Board of Zoning Appeals on October 16, 2012. A copy of the staff report is attached.

Because the properties location on Broad Street, the applicant also had to apply for approval of a Transportation Corridor Overlay District (TCOD) application pursuant to Chapter 1259 of the Pataskala Code. In short, the TCOD application determines if the proposed landscaping, signage, parking, lighting and other similar design features are compliant with the Code. The Planning and Zoning Commission approved a portion of the application on March 6, 2013 and the remainder of the application on March 20, 2013. A copy of the staff report is attached.

Staff Review:

The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.

Planning and Zoning Staff:

When the conditional use was approved in 2012 and the TCOD application in 2013, the applicant stated that the outdoor area would be used as an archery range. However, neither approval was predicated upon the outdoor area remaining an archery range. The conditional use was to allow an indoor gun range as an accessory use to a retail store and the TCOD was to confirm that the site design complied with the Code. Had the archery range been specifically approved in either of those applications, then the transformation to an outdoor trap shooting range would be a violation.

The Applicant's property is located within a discharge zone which is regulated by Section 505.11 of the Pataskala Code (attached). All land in the City is placed into either a firearm discharge or non-discharge zone as it is shown on the Discharge and Non-Discharge Map of the City (attached). Properties located within a Discharge Zone are permitted to discharge firearms in accordance with the provisions of Section 505.11(d) of the Pataskala Code. Properties located within a Non-Discharge Zone are prohibited from doing so. Section 505.11(d) allows for hunting and "the discharge of firearms otherwise permitted"; however, the other permissible ways firearms may be discharged is not defined. While it could be argued this section of the Code was intended to allow only hunting in appropriate locations, the Code does not read that way as the phrase "the discharge of firearms otherwise permitted" is ambiguous. Consequently, it could also be argued that an outdoor trap shooting range could qualify under the phrase "the discharge of firearms otherwise permitted".

Due to the nature of an outdoor gun range, as it relates to noise, the following two conditional use standards from Section 1215.04 of the Pataskala Code stand out:

4. *"Will not be hazardous or disturbing to existing or future neighboring uses."*
7. *"Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution."*

According to the attached Decibel Comparison Chart, a gun blast is approximately 140 decibels. Section 509.08 of the Pataskala Code regulates "Unreasonably Loud Noise". Because this section is in the General Offenses Code, it is enforced by the Police Department. Section 509.08(b) reads as follows:

"No person shall make or allow to be made any unreasonably loud and/or raucous noise in such a manner or at such a volume as to disturb the quiet, comfort, or repose of a person of ordinary sensibilities. Strict liability is intended to be imposed for this section."

Section 509.08(b) does not cite a decibel level by which a person would be in violation of the Code; therefore, it is up to the police officer's discretion to determine if noise is unreasonable.

Section 1287.05 of the Pataskala Code also regulates noise. Because this section is in the Zoning Code, it is enforced by the Planning and Zoning Department. Section 1287.05(A) reads as follows:

“Noise standard. Continuous, frequent, or repetitive noise which exceeds 60dBA (decibels) may not be produced. Noise from external speakers shall not be audible by an occupant of an adjacent property at the property line nearest the source of the speaker noise.”

Based upon Section 1287.05(A) the noise generated from an outdoor gun range would be frequent and would exceed the 60-decibel noise limit; therefore, the Planning and Zoning Department could issue a notice of a code violation.

Sections 1533.83 – 1533.85 of the Ohio Revised Code outlines definitions and laws governing shooting ranges in the State of Ohio (attached). Section 1533.84 of the Ohio Revised Code states that it is the responsibility of the Chief of the Division of Wildlife to create standards and regulations for public and private shooting ranges as it relates to noise, hours of operation and safety. These rules can be found in Ohio Administrative Code Section 1501:1-29-03 which is attached.

Section 1501:31-29-03(B) states that private and public shooting ranges should substantially comply with the listed noise or sound levels that are set to prevent hearing damage and eliminate nuisance noise complaints. Unacceptable noise levels are:

- If the noise level exceeds 90 decibels for 1 hour out of a 24-hour period as measured at the property line of the range.
- If the noise level exceeds 85 decibels for 8 hours out of a 24-hour period as measured at the property line of the range.

The Chief’s rules state that the range “should” comply with the prescribed noise levels rather than they “shall” comply. Staff interprets this to say the range should make an effort to maintain acceptable noise levels but are not required to do so.

Section 1533.05 of the Ohio Revised Code grants immunity in civil action concerning shooting range noise. Pursuant to Section 1533.85(B) of the Ohio Revised Code, the owner, operator, or user of a shooting range cannot be criminally prosecuted under any noise ordinance of a political subdivision if they substantially comply with the Chief’s noise rules. Furthermore, Section 1533.85(C) states that no court shall grant injunctive relief against the owner or operator of a shooting range if they substantially comply with the Chief’s noise rules.

The way the state law is written, it makes enforcement of noise regulations incredibly difficult. The City of Pataskala has no ability to fine the owner of the shooting range through Mayor’s Court or obtain a court order to stop outdoor shooting if the shooting range substantially complies with the Chief’s noise rules. Therefore, the burden of proof would be to prove that the shooting range did not “substantially” comply with those rules; however, the term “substantially” is subjective as substantial compliance is not defined.

Surrounding Area:

Direction	Zoning	Land Use
North	M-1 – Light Manufacturing	AEP Laydown Yard
East	GB – General Business	Pataskala Meats
South	PM – Planned Manufacturing	AEP Distribution Center
West	GB – General Business	Harley Davidson

Conditional Use Requirements:

According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

- 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*
- 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.*
- 3. 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.*
- 4. Will not be hazardous or disturbing to existing or future neighboring uses.*
- 5. 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.*
- 6. 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.*
- 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
- 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
- 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-19-002:

- None

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – No comments
- City Engineer – No comments
- SWLCWSD – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Licking Heights School District – No comments

Conditions:

Should the Board choose to approve the applicant's request, the following conditions may be considered:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The use of the outdoor shooting range shall be limited to the hours of 10am to 6pm Monday through Sunday.
3. The outdoor range shall be used for trap shooting only.
4. The Applicant shall comply with all applicable state and federal laws.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve a conditional use pursuant to Section 1249.04(16) of the Pataskala Code for application CU-19-002 ("with the following conditions" if conditions are to be placed on the approval)."



City of Pataskala
Board of Zoning Appeals
Public Hearing

Dianne Harris, Director of Planning
621 West Broad Street
Pataskala, Ohio 43062-0302
(740) 927-2168(Office); (740) 927-0228 (Fax)
dcharris@ci.pataskala.oh.us

HEARING DATE: October 16, 2012

I. Appl. # 2012-349

12425 Broad (Between Mill & Columbia)
PID 063-143520-00.000

Applicant:

Steven Garavuso
121 Clayburn Dr.
Pataskala, OH 43062

Current Owner:

Judy Baird
12705 Cable Road

Request:

Approval of Conditional Use to approve an indoor firing range as an accessory use to a retail gun and supplies (Sporting Goods) store. (NAICS 451110)

Present Zoning:

GB General Business

Note:

The applicant made this same request in the spring of 2010. The conditional use was approved at that time. However, due to adverse circumstances, the applicant was unable to proceed with the project at that time. Conditional Use approvals expire after 1 year if the project is not stated. As more than 1 year has passed, the applicant must now resubmit the Conditional Use request for another review by the Board of Zoning Appeals.

Staff Summary: *The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.

The applicant, a former police officer in Pataskala, seeks to construct a retail shop selling guns and supplies, and to include an indoor firing range as an accessory use to the retail. The range will serve for training, practice and the testing of purchases. Accessory uses are listed as "Conditional Uses" in the GB zoning district, necessitating this hearing.

The site is one of several adjacent 5 acre undeveloped parcels and it lies immediately to the east of Centennial Park (Harley Davidson Dealership), and is bordered on the other side and the south by PM zoning. The site is traversed by electric transmission lines, which affect the placement of the building on the lot. The American Electric Power training facility is located to the north across Broad Street. Staff concludes that this use will be compatible with its surroundings and future uses planned in the area. There are no residential zones that would be impacted by this use. The property to the east is in the planning stages for the construction of a meat processing facility with specialty foods market as an accessory use.

The building configuration presented in the application is illustrative of the general construction specifications of the proposed building. The applicant and staff have discussed the fact that the actual building footprint may need to be modified slightly to accommodate parking, the power line easement and the narrow width of the site.

The applicant has also provided information about the Action Target System™, which will provide a package to outfit the inside of the range with the target equipment, sound deadening and bullet and dust collection systems.

If the use is approved, the application will then proceed through detailed engineering for site layout, storm water design, parking lot design, landscape design, traffic management and other requirements for site plan review by the Planning and Zoning Commission. Staff and the applicant have discussed the use of cross access easements to allow future creation of an access road that would connect from Centennial Park over to the new extension of Etna Parkway. This would permit access to Broad Street via a traffic signal and eliminate or minimize the use of multiple closely spaced driveways. No conclusions to this have been reached at this time.

In the narrative, the applicant mentions his wish to delay the paving of the parking lot and installation of sidewalks until the business begins to generate some cash flow. Rather than seek a variance, since he states a commitment to pave in the future, staff believes that this issue can best be addressed by the Planning Commission when they perform site review, perhaps through use of a "developer's agreement" type document.

I find the Applicant's Narrative Statement and additional details about the business to be helpful, factual and detailed.

The staff review of applicable sections of Code are presented below:

Staff Review: Listed below, referencing Chapter 1247 General Business, Chapter 1259 TCOD, and Chapter 1215 Conditional Uses. *The applicable regulations are shown in italics.* The staff comments are shown in regular text. Items that DO NOT comply with the Code are underlined.

1. Section 1247.01

The purpose of the GB District is to encourage the establishment of areas for general business uses which meet the needs of a regional market area. GB Districts shall be located on an arterial thoroughfare as specified in the Major Thoroughfare Plan.

This proposal is located on SR 16, a major arterial.

2. Section 1247.03 Permitted Uses

15. All permitted uses in the PRO and LB Districts

Use #6 of Permitted Uses in the LB District includes “*local retail business or service supplying commodities or performing services primarily for the residents of a local community.*”

16. All uses marked as Permitted Uses in the GB section of the NAICS Classification and Zoning District Matrix. (Sporting goods stores are NAICS 451110.)

This use is listed as a Permitted Use on the Matrix.

3. Section 1247.04 (16) Conditional Uses*

Accessory uses and buildings.

Firing ranges can be part of other uses, such as hunting or shooting clubs. In this instance it is being constructed to provide a supporting service that is accessory to the retail component which offers guns, ammunition and supplies for sale to the public.

4. Section 1259 TCOD

.01 Purpose. *The purpose of the Transportation Corridor Overlay District is to provide overlay requirements to ensure that existing and anticipated corridor land uses and traffic improvements within the district will be developed in a manner that protects the health and safety of residents of the City. The importance of maintaining traffic flow and accessibility so as to reduce potential traffic hazards to encourage compatible land uses, to comply with the Clean Air Act and subsequent amendments, and to protect property values, requires that special emphasis on traffic planning, access management, and additional frontage specification be achieved through the use of screening, and landscaping in an effort to establish visual harmony and to promote aesthetic design in development within the district.*

.03 Jurisdictional Boundaries: “*...all land with right-of-way frontage on any of the following corridor roadways, or any parcels within a ¼ mile of any of these corridor roadways:*

#1. Broad Street (SR 16) within the corporate limits of the City.

This property is within the TCOD overlay and will be reviewed for development standards by the Planning and Zoning Commission.

- ***The following standards for review of a conditional use application are reproduced for the Board’s convenience.***

6. 1215.02 GENERAL PROVISIONS.

Under some unusual circumstances, a use which more intensely affects an area than those uses permitted in the zoning district in which it is located may nevertheless be desirable and also compatible with permitted uses, if that use is properly controlled and regulated.

7. 1215.04 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL

USES.

A. *In addition to the specific requirements for conditionally permitted uses as specified in Section 1215.05, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:*

1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*
2. *Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.*
3. *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.*
4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
5. *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.*
6. *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.*
7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
8. *Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.*
9. *Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.*

8. 1215.05 SPECIFIC CRITERIA FOR CONDITIONAL USES.

The following is a list of specific criteria which can be used in, but is not limited to, evaluating or determining conditionally permitted uses. The Board of Zoning Appeals should review the following items to determine if any of these should be a condition for approval of the proposed conditional use. The Board of Zoning Appeals may impose other conditions to the following list in order to protect and promote the public health and safety:

B. Specific Performance Standards.

1. *No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.*
3. *The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.*

Numbers 2 and 4 through 10 are unlikely to be applicable to or part of this use

C. *and D. Mining and Excavations do not apply to this use.*

F. Miscellaneous – Administrative.

1. *The Board of Zoning Appeals may, at its discretion, require that, upon the issuance of a conditional use permit, the conditions of the permit be subject to periodic review to insure compliance with the terms of the permit.*

9. **1215.06 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.**

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this chapter. All conditional use permits are subject to revocation should the applicant fail to uphold the conditions upon which the conditional use permit was granted. A public hearing shall be held to review the purported violation. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall also be deemed a violation of this Code and are punishable under Section 1209.99.

~end of report~



**CITY OF PATASKALA
PLANNING & ZONING COMMISSION**

Dianne Harris, Planning Director
740-927-2168
dcharris@ci.pataskala.oh.us

HEARING DATE: March 6, 2013

Staff Report

I. Appl. # 2013-045

Applicant:

12425 Broad St.

Transamerica Bldg. Co. Inc
c/o William J.N. Koniewich
2000 W. Henderson Road/ #500
Columbus, OH 43220

Owner:

The Hossienda, LLC
c/o Steve Garavuso
121 Clayburn, Dr.
Pataskala, OH 43062

Request:

Approval of Plan to Occur in the Transportation Corridor
Overlay District (TCOD) Taylor Road in Pataskala.

Present Zoning:

GB- General Business/ Transportation Corridor District

Approved Conditional Use Permit: October 16, 2012

for an indoor firing range as an accessory use to a retail
gun and supplies (Sporting Goods) store. (NAICS
451110)

Other Reviewer Notes:

objections to the project.

The West Licking Fire District reports that they have no

Staff Recommendation: Due to the number of issues described below, staff makes an unusual
dual recommendation- 1) that the PCZ render an approval, with limitations as appropriate, of
the tree clearing plan (topic # 5 below), so that this activity can be completed before Indiana
bat nesting season begins,

And 2) the rest of the application be tabled until the following issues as well as any others
identified in the City Engineer's report are resolved:

1. **Staff recommends that the parking space be increased to 37 spaces and designate at least 2 as accessible spaces; or that a clear rationale be provided to the Planning and Zoning Commission as to why there should be a lower ratio used for the range area**
2. **The plans do not show the location of or the screening material for the waste container system.**

3. **Loading areas for product delivery are not shown.**
4. **Parking lot lighting is not shown on plans submitted.**
5. **There is no indication that AEP will allow the basin in location shown.**
6. **Plans do not show utility lines serving this project. Developer should verify that any on-site utilities will be routed underground on the plan.**
7. **Plans show sidewalk as "Proposed". Specific dates to complete work not indicated.**
8. **Sidewalks along arterials must be 5 feet in width.**
9. **The driveway is approximately 60 feet too close to the Centennial Park drive for this speed zone**
10. **Could fair condition trees to the west and south of the building be saved?
44, 45, 46, 51, 52, 12, 13.**
11. **Proposed sign design is not shown.**
12. **Paving requirement for concrete aprons is in the adopted streets standards.
Further comment on this issue will be provided by the City Engineer.**

Summary of Staff Comments: The applicant wishes to construct and operate a business that includes retail sales of firearms and related accessories, space for classroom training, a 20 lane indoor firing range and related office and storage space. Current drawings include room for archery practice at the back of the building- though apparently with no construction related to that activity.

The applicant's representatives have met with the Planning Director to discuss their plans and the City's processes required to obtain approvals for their plan. They have been agreeable but indicated that there are requirements discussed at that time that they may wish to seek variance or some other accommodation for (perhaps developer agreements to construct at a later time). As noted above they have obtained the necessary conditional use approval.

The property is immediately to the east of the Centennial Park Harley Davidson Dealership and adjacent to the City's PM zoning district to the east.

Staff Review: Staff reviewed the following: Chapter 1259 Transportation Corridor Overlay District Overlay, Chapter 1249 General Business, Chapter 1283 Landscaping and Screening, Chapter 1291 Parking and Loading and Chapter 1295 Signs and the Licking County Access Management Plan. *The applicable regulations are shown in italics.* The staff comments are shown in **bold**. **Items that DO NOT comply with the Code are in bold and underlined.**

Summary Chart of Regulations

District	TCOD	GB	Special Regs	This Request	Proposal Compliant?
Requirement					
Use: Retail sporting goods store and Conditional Use of indoor firing range.	X	X		Conditional Uses approved by BZA	<input checked="" type="checkbox"/>
Minimum lot size- with public water &	NA	0.5 acres		5 Acres	<input checked="" type="checkbox"/>

sewer					
District Requirement	TCOD	GB	Special Regs	This Request	Proposal Compliant?
Minimum road frontage- with public water & sewer	NA	100 ft.		191 ft	<input checked="" type="checkbox"/>
Maximum lot occupancy by principal and accessory buildings for commercial use	NA	85%		5 %	<input checked="" type="checkbox"/>
Parking Spaces:			38 total	25 shown	<input checked="" type="checkbox"/>
ADA spaces			2	1	
Distance between drives (See Chart in Narrative)			LCATS: 400 ft	340 feet to Centennial Park Drive	<input checked="" type="checkbox"/>
Distance to Intersection			650 ft	710 ft to Etna PkWy	<input checked="" type="checkbox"/>
*Speed Limit is 50 mph in this location.				*Existing curb cut	
Pavement setback-front	40 ft landscape buffer + allow dedication of ROW to equal 60 ft	25 ft.	1291 Parking Landscape Buffer 40 ft	40 ft	<input checked="" type="checkbox"/>
side pavement Setback	10 f		10	10	<input checked="" type="checkbox"/>
Building setback - front	120 ft *from center line	75 ft		250 ft	<input checked="" type="checkbox"/>
Side setback GB to west	25 f			33 ft west	<input checked="" type="checkbox"/>
PM to east		25 / 10 bld/paved		38 ft + east	<input checked="" type="checkbox"/>

- rear (abuts PM)	35 f	35/25 Bld/paved		Approximately 771 ft	<input checked="" type="checkbox"/>
District Requirement	TCOD	GB	Special Regs	This Request	Proposal Compliant?
Front landscape buffer area- between paving & ROW 1259.05 F Design Stds. Tree Preservation	30 f		(Parking) 40 f	185 ft Net 4 of 93 saved	<input checked="" type="checkbox"/> Could 7 others be saved?
Street Trees Section 1283.05 A			1/30 feet = approx. 6	6 shown	<input checked="" type="checkbox"/>
Parking lot landscaping-1291.13. B. 2. b			Landscaping must be dispersed		<input checked="" type="checkbox"/>
Parking Lot Interior Landscaping_Trees- 1291.13. B.1.b- Option 2	1 per each 4 spaces			25 spaces proposed with 7 trees	Ratio correct but # spaces ?
Parking Lot Perimeter Screening 1291.12 (adjacent to residential, agricultural or PRO)			GB on W side/ PM on E side Section NA		<input checked="" type="checkbox"/>
Parking Lot Lighting 1291.03 – when lot of 10 spaces or more			1291.03 Light all paving/ max pole ht. 20 f	None shown on plans	<input checked="" type="checkbox"/>
Landscaping Stds.- Application of Buffering between uses- 1283.07			1283.07 L2 in front only (3 foot tall shrubs or mound or combination)	Shrubs and Pkg Lot trees Shown across front of parking lot	<input checked="" type="checkbox"/>
1259.05-A- Traffic Safety Management			A traffic safety design feature required	No traffic feature proposed	<input checked="" type="checkbox"/>
Waste Containers			Behind front	Not shown	<input checked="" type="checkbox"/>

1283.06a-c 1249.05 G 1259.05 D			line of building- fully enclosed		
District Requirement	TCOD	GB	Special Regs	This Request	Proposal Compliant?
Flood Plain			Chap 1257	Zone X	<input checked="" type="checkbox"/>
Storm Water Plan Chapter 1119	If >1 Acre disturbed			Proposes WQ Pond at north of parking lot under electric easement	See Engineer's report
Sidewalk/ Multi Path- along Broad Street Section 1291.13. A Standard Drawing #2300			#2300 5 foot concrete or 10 foot asphalt	4 foot concrete shown as "Proposed"	<input checked="" type="checkbox"/>
New Utility Lines 1259.05 E			Underground or minimal visual	On sight power service Not shown	<input checked="" type="checkbox"/>
Submittal Requirements-Sign 1259.06.2.e			Proposed location & design required		Proposed sign design not shown.

1. Section 1249.01 Purpose. *The purpose of the General Business District is to encourage the establishment of areas for general business uses which meet the needs of a regional market area. GB Districts shall be located on an arterial thoroughfare as specified in the Major Thoroughfare Plan. Broad Street is designated an arterial in the Federal-Aid Highway System Functional Classification, therefore the proposal is sited correctly.*

2. Section 1249.04 General Business District; Conditional Uses

#16 Accessory Uses and Buildings. Firing ranges (NAICS # 713990- other amusement and recreation industries) can be part of other uses, such as hunting or shooting clubs. In this instance it is being constructed to provide a supporting service that is accessory to the retail component which offers guns, ammunition and supplies for sale to the public. NAICS # 451110 Sporting Goods Stores are Permitted in the GB District.

3. Section 1251.05 General Requirements of the GB District

- The site is undeveloped and the lot provides 5 acres with 191.15 feet of frontage along Broad Street, and at its deepest is 1201 feet. It is approximately trapezoidal in shape. *The minimum size lot is 20,000 SF with 100 feet of frontage if served by*

public water and sewer, and this lot is consistent with those requirements. It is served by the SWLCWS District for water and sewer.

- *Parking (refer to Section 1291.16):*
- *Trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Section 1283.06. Container systems shall not be located in front yards. **The plans do not show the location and screening material for the container system.***

4. Section 1259.05 B. Front Yard Setbacks. (Exceeds the requirement of the GB District) *The front yard setback shall be based on the recommended right-of-way width as outlined in the Master Thoroughfare Plan. The setback for all new structures shall be equal to the total right-of-way width, and shall be measured from the centerline (CL) of the designated corridor.*

Additional ROW is requested for Broad Street to achieve 60 feet from the Center Line (CL) and is shown on the plans. All front setbacks are measured from this proposed ROW line. The new building will be set back approximately 250 feet from the proposed ROW and exceeds this standard.

5. Section 1283.03 Tree Preservation and Replacement. *B.1. Any tree on the site with a caliper of 8" or more at a height of five feet above the ground, ... shall be protected and preserved unless exempted, as follows:*

The Zoning Inspector may approve the cutting down, removal or destruction of a major tree when the tree interferes with the proper development of a lot, providing that the lot is the subject of an application for approval of a zoning certificate, variance or conditional use, and one of the following also applied:

b. the tree is located within the area to be covered by proposed structures or within 12 feet from the perimeter of proposed or existing structures

c. the tree will be located within a proposed driveway designated to service a proposed use.

Any tree removed shall be mitigated upon completion of the development of the lot using the criteria in Paragraph 2. .

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Section 1283.04 Tree Replacement Exemptions: *Tree replacements shall not be required on playing fields..... Also a developer may contribute to a fund established by Council.... And per Ordinance 2002-3424, the City Administrator is authorized to review and approve applications for exemptions for tree replacement.....relating to trees and landscaping. No exemptions have been requested.*

&

Section 1259.05-F Design Standards - *Corridor Landscaping/Buffers/Screening*

(1) All existing healthy trees having a trunk diameter of 6 inches or more measured 5 feet above the ground shall be preserved whenever possible. The developer shall be required to submit a tree survey which indicates the location of such trees so that site design options that would allow for the maximum preservation of mature tree stands may be negotiated. (See also

Chapter 1283) Due to the presence of a lot of trees on this heavily wooded site shown on Sheet 3, the applicant submitted an abbreviated tree survey completed by Blake Rafeld. It addresses basically only the front proposed development area of the site. In summary, 93 trees of over 6" diameter are listed. Only 8 were identified as being in good enough condition and proper location for preservation. However 4 of them are ash trees that may have been listed as maintain in error- 3 are in poor condition- 1 is in a grove of dying ash trees and 1 is in the building footprint. These should be removed and are not subject to the tree replacement requirement.

Further Staff is curious if several fair condition trees to the west and south of the building could be saved: # 44, 45, 46, 51, 52, 12, 13.

**Total existing trees in development area: 93 existing trees/ 83 shown for removal
10* shown as maintain(4 ash trees shown as maintain that should probably remove-
6* net to maintain
7 shown for removal in good to fair condition-
be saved or replacement?**

6. Section 1283.05 A. Street Trees:

At least one deciduous tree of 2 inch caliper, measured 5 ft above the ground, for every 30 feet of public street frontage. Sections 1283.05 B-G outline exceptions to spacing to accommodate utilities and traffic safety concerns, as well as maintenance and the PZC's authority to modify the requirement based on existing vegetation and other site specific considerations.

The plans show 6 evenly spaced new trees to meet the standard. None of the existing trees at the front of the lot are in such condition that they should be removed, and will not be a part of the street tree configuration.

7. Chapter 1259.06.2.e. Site Submittal Requirements- Proposed Sign Design, Location, and Dimension

Proposed sign design is not shown.

The main building frontage is 88 feet wide and sits more than 200 feet from the ROW, allowing a maximum of 176 SF of signage on site. The street sign is anticipated to meet the maximum allowed of 32 SF, leaving 144 SF available for building signage. The building signage would also be eligible for a 50% bonus due to the large set back, for a total available of 216 SF.

8. Section 1291.11 Parking and Loading Space Dimensions. One off-street loading space is to be provided for each use requiring deliveries of 5000 SF or more, plus one additional space for each additional 20,000 SF. The loading area requirement is determined upon the space needs of the individual user, but no loading area has been designated on the plans (see below).

Section 1259.05 C. Loading Areas.

Loading areas for product delivery are not shown.

9. Section 1291.02 Parking and Loading-(Compliance Required)

#2 *Whenever a building constructed after the effective date of this code is changed or enlarged in floor area,...or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement of change. Whenever a building...existing prior to the effective date of this code in increased to the extent of 50% or more...., said building...shall then ...comply with the full parking requirements set forth herein.*

10. Section 1291.16 Required Number of Spaces-(see table)-TransAmerica
provided details about the space allocation of the proposed building, which informs the application of the parking space criteria:

3542 SF	Sales		1 space / 200 sf	17
5380 SF	Range	20 lanes	No criteria (golf driving ranges = 1/ tee)	20
511	Assembly Room		No criteria (general offices = 1/ 400 SF) (community centers= 1/400 SF)	1.25
625 SF	Administrative		1 space / 400 SF	1.5
602 SF	Storage		NA	
10660 SF	Total		Total	38

Staff recommends that the parking space be increased to 37 spaces and designate at least 2 as accessible spaces; or that a clear rationale be provided to the Planning and Zoning The drive is approximately 60 feet too close to the Centennial Park drive for this speed zone Commission as to why there should be a lower ratio used for the range area

(RE: ADA requirement: Lots of over 26 parking spaces require that 2 be designated as accessible spaces. One is shown on a total of 25 spaces which is the correct ratio if the total number of spaces is found acceptable by the Planning Commission.)

& Section 1291.07 Parking Spaces for People with Disabilities:

To summarize, a lot of up to 25 spaces needs only one designated accessible space. The space shown for the prior plans is in an appropriate location in front of the office building, is the proper size and has a 5' access aisle on the side. One accessible space is provided in the total of 25 shown. If more than 25 spaces are required to be developed, a second accessible space will be required6 as discussed in Section 1291.16.

#3 *All off-street parking and loading ...shall have direct access to a public or private street or alley. Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area ...shall travel in a forward motion. Access driveways...shall be located in such a way that any vehicle entering or leaving ...shall be clearly visible for a reasonable distance....*

The driveway for this project enters directly onto Broad Street, a “Major Arterial” designated by the Licking County Transportation Study functional

classification system and so meets this standard. Further comment and traffic safety analysis review will be provided by the City Engineer.

#4 *All off-street parking shall be hard surfaced with asphaltic cement, concrete, pavers to provide a durable and dust-free surface that meets that minimum requirements and specifications of the City Engineer.*

All parking and driving lanes are shown as paved with asphalt to meet this requirement. Paving requirement for concrete aprons is in the adopted streets standards. Further comment on this issue will be provided by the City Engineer.

#5 *All off-street parking shall be graded and maintained so that water does not unreasonably accumulate on such areas nor flow or drain onto an adjacent public or private property. All such surfaced areas shall be maintained free of pot holes, litter, glass, nails or other dangerous materials.*

The entire lot drainage plan has been designed and reviewed by the City Engineer. His comments will be provided in a separate report.

#8 *Pedestrian walkways and bicycle paths shall be incorporated into parking lot design in order to provide a physical separation of vehicular and pedestrian or bicycle access in a safe and convenient manner.*

Plans include marked pedestrian walkways leading to the office areas from the front parking lot.

However, a 4 foot sidewalk is “proposed” to be constructed along Broad Street. Sidewalk is required to meet the standard at 1291.13.A-4th bullet- But also to meet the requirements of Section 1117.15 C, G of the Subdivision Regulations.

Provide for the connection of on-site pedestrian walkways and bikeways to other existing pedestrian and bicycle circulation systems that serve adjacent commercial and residential uses.

The City has adopted Standard Drawings for construction in the public right of way separate from the Subdivision Regulations. Drawing # 2300 stipulates that sidewalks along arterials shall be 5 feet in width. Written Zoning Policy requires that when 2 sections of code are in conflict, the more stringent shall apply. The “proposed” sidewalk does not meet this requirement.

11. Section 1291.03 Lighting.

*Any nonresidential parking area with ten or more off-street parking spaces and any residential parking area with 20 or more off-street parking spaces shall be illuminated during periods of darkness to provide an average intensity of 1/2 foot candles of light as measured at the parking surface area. All outdoor lighting shall be constant intensity, and shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his/her property. All lighting shall be subject to the approval of the Zoning Inspector. **Lighting is not shown on plans submitted.***

12. Section 1291.15 Width of Access Driveway.

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: for one-way traffic the minimum width of 14 feet except for 45 degree parking in which case the minimum width of the access road shall be 17 feet. Access roads for two-way traffic shall have a minimum width of 28 feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway. The plans show a driveway of 24 feet and the maneuvering lane between the parking bays with width of 21 feet.

13. Section 1259.05-A- Traffic Safety Management - to summarize: *When the proposal is reviewed for compliance with TCOB regulations, there is a requirement to perform a traffic analysis, and the adoption of one or more actions from the following list in an effort to aid access and traffic management:*

- 1. Access road to serve commercial development*
- 2. Left turn lanes*
- 3. Acceleration/ deceleration lanes*
- 4. Driveway spacing- as recommended by Licking County Engineer's Access Management Manual*
- 5. Right-in, right-out only turns*
- 6. Other traffic safety measures as approved by the City Engineers.*

Broad Street is classified as a Major Arterial by the Licking County Engineer. New driveways are recommended to be in accordance with AASHTO Safe Stopping Sight Distance criteria based on the existing speed limit of the Major Arterial, or 35 miles per hour (250 feet) which ever is less restrictive. At 45 MPH, the recommended spacing increases to 400 feet

The applicant's engineer has provided a traffic analysis for which the City's Engineer will review and provide comments. No Traffic Safety Management action has been proposed.

13. Pataskala Subdivision Regulations Section 1 117.30 Access Management, *defers to the "Licking County Access Management and Congestion Prevention Regulations in Licking County" for its standards. These standards classify Broad Street as an Arterial and the chart below shows the recommendations for driveway spacing for each functional class and according to applicable speed limits.*

Drive way Spacing Requirements For Classified Roads in Licking County (pg 145)

Road Class	35 mph or less	45 mph	55 mph or more
Minor Collector	250 '	250 '	250 '
Major Collector	250 '	400 '	400 '
Minor Arterial	250 '	400 '	550 '

Major Arterial	250'	400'	550'
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In addition, the distance to the next intersection (Etna Parkway) is to be at least 650 feet.

NOTE: Where land division or new access points are created, ½ the ROW needed to improve the ROW of the Major Arterial to 120' shall be pinned, marked on the proposed lot survey as "Future Road Right of Way Setback: along the entire parcel of development. Within 600 feet of an intersection, 150' shall be required. Major subdivisions and developments are required to dedicate this ROW to the City.

The plans show a dedication of additional ROW to meet the full 60 feet from CL of ROW needed at this location.

This facility has laid out the driveway at the approximate center of the property which is approximately 710 feet from the intersection with Etna Parkway and 340 feet from the Centennial Park driveway, and is compliant with this spacing requirement.

15. Chapter 1119- Stormwater Management. Applicant has provided a stormwater management plan and erosion control plan. Plans show a large water quality basin in the easement of the high-tension power lines above. There is no indication in the submission that AEP will allow this location. See City Engineer's report for further discussion on Chapter 1119.

16. Chapter 1291.13 (Parking Lot) Interior Screening and/or Landscaping. It is the intent of this Code that interior parking lot landscaping be used to the maximum extent practical to:
A.

- Provide for safe and efficient movement of both vehicular and pedestrian traffic.
- Enhance pedestrian safety through the use of raised walkways and vegetated islands.
- Break up the parking area with landscaped islands in order to promote and enhance visual appeal as well as to provide a mechanism to reduce radiant heat generated by large amounts of asphalt common to parking lots.
- Provide for the connection of on-site pedestrian walkways and bikeways to other, existing pedestrian and bicycle circulation systems that serve adjacent commercial and residential uses.

B. Interior parking lot landscaping standards shall conform to the following requirements:

1. All surface parking areas with more than 10 spaces shall provide curbed interior landscaping complying with one or a mix of the standards set for below:
 - a. Option 1 ...at the rate of 20 SF per stall + 1 tree for each 200 SF of landscaped area; ground cover plants completely covering the remainder
 - b. Option 2 ...1 tree for every 4 parking spaces; the tree planting area being a minimum of 25 SF. Island trees shall be protected from potential by vehicles (e.g. use of parking blocks or curbs)
2. Development Standards-

- a. Landscaping must comply with the standards in Chapter 1283*
 - b. Interior parking area landscaping must be dispersed throughout the parking area. Some trees may be grouped, subject to the approval of the Planning and Zoning Commission. Staff's opinion is that the landscaping is configured consistent with this part of the code pending determination of number of parking spaces required.**
- 17. Section 1259.05 D Storage Areas (Waste Containers also in 1283.06a-c and 1249.05 G) The location and screening method for storage of waste is not shown on the plans.**
- 18. Chapter 1259.05 E. Utility and Transmission Lines. Plans do not show utility lines serving this project. Developer should verify that any on-site utilities will be routed underground on the plan.**

of the owner or harborer. Quarantine shall continue until the Health Commissioner determines that the dog or cat is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner requires the dog or cat to be examined for symptoms of rabies, then the examination shall be by a licensed doctor of veterinary medicine. The veterinarian shall report to the Health Commissioner the conclusions reached as a result of the examinations. The examination by a veterinarian shall be at the expense of the owner or harborer. No dog or cat shall be released from the required quarantine unless and until it has been properly vaccinated against rabies.

No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptoms or behavior suggestive of rabies.

- (b) Whoever violates this section is guilty of a minor misdemeanor.

505.11 HUNTING AND DISCHARGE PROHIBITED.

(a) Except as otherwise provided herein, the hunting of animals or fowl within the Municipality or the discharge of firearms is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means except as permitted in subsection (b) hereof. However, nothing in this section shall be deemed to prohibit the killing of sick, diseased, infirm or injured animals, as well as rats and other undesirable rodents, provided such killing is done in a safe and humane manner.

(b) It shall be lawful to hunt and trap pursuant to Ohio Revised Code Chapters 1531 and 1533 and when in conformity with all Division of Wildlife rules when in a designated discharge zone.

- (c) Discharge and Non-Discharge Map adopted.

- (1) Division of land. All land in the City is placed into either a discharge or non-discharge zone as it is shown on the Discharge and Non-Discharge Map of the City, which is hereby adopted and declared a part of this section.
- (2) Final authority. The Discharge and Non-Discharge Map, as amended from time to time, shall be the final authority for the current hunting and trapping status of land or the discharge of firearms under the jurisdiction of this section.
- (3) Land not otherwise designated. All land under this section and not designated or otherwise included within the discharge zone shall be included in a prohibited non-discharge zone.
- (4) Identification of the Discharge and Non-Discharge Map. The Discharge and Non-Discharge Map with any amendments made thereon shall be identified by the following words:

“Discharge and Non-Discharge Map” and containing the ordinance number and date of the adoption of the most recent amendment to said map by the Council of the City of Pataskala.

(d) No owner, lessee, or other occupant or person having control or exercising control of land within the discharge zone shall discharge or permit any other person to discharge any firearm outside of an enclosed building from dusk to dawn, other than for hunting permitted in compliance with the rules and regulations issued by the Ohio Department of Natural Resources, Division of Wildlife, or in the act of self-defense. In addition and other than for lawful hunting, the discharge of firearms otherwise permitted shall be restricted in duration to a time period that shall not unreasonably harass, annoy or disturb livestock or residents within the City. The discharge of a firearm permitted hereunder shall be conducted in a safe and lawful manner; such as those practices recommended by the National Rifle Association Range Sourcebook as revised January 2004.

(e) Whoever violates this section is guilty of the improper discharge of a firearm, a minor misdemeanor for the first offense. Any subsequent offense within twelve months is a misdemeanor of the fourth degree. A third offense under this section within twelve months is a misdemeanor of the third degree.
(Ord. 2013-4154. Passed 9-16-13.)

505.12 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times. (ORC 925.62)

(b) Whoever violates this section is guilty of a minor misdemeanor.

505.13 DANGEROUS WILD ANIMALS AND RESTRICTED SNAKES.

(a) For purposes of this section, "dangerous wild animal" and "restricted snake" have the same meanings as set forth in Ohio R.C. 935.01.

- (b) (1) Except for a restricted snake specified in Ohio R.C. 935.01(L)(1), no person shall sell or offer for sale at auction a dangerous wild animal or restricted snake.
- (2) Except for a microchip removed for purposes of a medical emergency by a veterinarian that is qualified to provide veterinary care to the dangerous wild animal, no person shall knowingly remove a microchip that is implanted in a dangerous wild animal as required in Ohio R.C. 935.04.
- (3) No person that possesses a dangerous wild animal or restricted snake shall fail to post and display any of the following:
- A. On each cage in which a dangerous wild animal is confined, signs warning the public that a dangerous wild animal is confined in the cage;
 - B. At each entrance to the property where a dangerous wild animal is confined, a sign warning the public that a dangerous wild animal is on the property;
 - C. On each container in which a restricted snake is confined, a sign warning the public that a restricted snake is in the container;

Section 505.11 Discharge Map



Legend



Non-Discharge Areas



Discharge Allowed Areas



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HOW-TO's _____

Decibel (Loudness) Comparison Chart

Here are some interesting numbers, collected from a variety of sources, that help one to understand the volume levels of various sources and how they can affect our hearing.

- How-To
- CONTACT
- SEARCH OUR SITE

FIND:

SIGN UP FOR SOUNDBITES

NAME:
 EMAIL:

Environmental Noise	
Weakest sound heard	0dB
Whisper Quiet Library	30dB
Normal conversation (3-5')	60-70dB
Telephone dial tone	80dB
City Traffic (inside car)	85dB
Train whistle at 500', Truck Traffic	90dB
Subway train at 200'	95dB
<i>Level at which sustained exposure may result in hearing loss</i>	90 - 95dB
Power mower at 3'	107dB
Snowmobile, Motorcycle	100dB
Power saw at 3'	110dB
Sandblasting, Loud Rock Concert	115dB
<i>Pain begins</i>	125dB
Pneumatic riveter at 4'	125dB
<i>Even short term exposure can cause permanent damage - Loudest recommended exposure WITH hearing protection</i>	140dB
Jet engine at 100', Gun Blast	140dB
Death of hearing tissue	180dB
Loudest sound possible	194dB

OSHA Daily Permissible Noise Level Exposure	
Hours per day	Sound level
8	90dB
6	92dB
4	95dB
3	97dB
2	100dB
1.5	102dB
1	105dB
.5	110dB
.25 or less	115dB

Perceptions of Increases in Decibel Level	
Imperceptible Change	1dB
Barely Perceptible Change	3dB
Clearly Noticeable Change	5dB
About Twice as Loud	10dB
About Four Times as Loud	20dB

Sound Levels of Music	
Normal piano practice	60 -70dB
Fortissimo Singer, 3'	70dB
Chamber music, small auditorium	75 - 85dB
Piano Fortissimo	84 - 103dB
Violin	82 - 92dB
Cello	85 -111dB
Oboe	95-112dB
Flute	92 -103dB
Piccolo	90 -106dB
Clarinet	85 - 114dB
French horn	90 - 106dB
Trombone	85 - 114dB
Tympani & bass drum	106dB
Walkman on 5/10	94dB
Symphonic music peak	120 - 137dB
Amplifier rock, 4-6'	120dB
Rock music peak	150dB

NOTES:

- One-third of the total power of a 75-piece orchestra comes from the bass drum.
- High frequency sounds of 2-4,000 Hz are the most damaging. The uppermost octave of the piccolo is 2,048-4,096 Hz.
- Aging causes gradual hearing loss, mostly in the high frequencies.
- Speech reception is not seriously impaired until there is about 30 dB loss; by that time severe damage may have occurred.
- Hypertension and various psychological difficulties can be related to noise exposure.
- The incidence of hearing loss in classical musicians has been estimated at 4-43%, in rock musicians 13-30%.

Statistics for the Decibel (Loudness) Comparison Chart were taken from a study by Marshall Chasin , M.Sc., Aud(C), FAAA, Centre for Human Performance & Health, Ontario, Canada. There were some conflicting readings and, in many cases, authors did not specify at what distance the readings were taken or what the musician was actually playing. In general, when there were several readings, the higher one was chosen.

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Route: [Ohio Revised Code](#) » [Title 15. CONSERVATION OF NATURAL RESOURCES](#) » [Chapter 1533. HUNTING; FISHING](#)

1533.83. Shooting range definitions

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As used in sections 1533.83 to [1533.85](#) of the Revised Code:

- (A) "Political subdivision" means a municipal corporation, township, county, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.
- (B) "Shooting range" means a facility operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit, including, but not limited to, commercial bird shooting preserves and wild animal hunting preserves established pursuant to this chapter. "Shooting range" does not include a facility owned or operated by a municipal corporation, county, township police district, or joint police district.
- (C) "Harm" means injury, death, or loss to person or property.
- (D) "The chief's noise rules" means the rules of the chief of the division of wildlife that are adopted pursuant to section [1533.84](#) of the Revised Code and that pertain to the limitation or suppression of noise at a shooting range or to the hours of operation of shooting ranges.
- (E) "The chief's public safety rules" means the rules of the chief of the division of wildlife that are adopted pursuant to section [1533.84](#) of the Revised Code and that pertain to public safety, including standards for the reconstruction, enlargement, remodeling, or repair of any structure or facility that is part of a shooting range.

Cite as (Casemaker) R.C. § 1533.83

History. Amended by [129th General Assembly File No.28, HB 153](#), §101.01, eff. 9/29/2011.

Effective Date: 11-21-1997 .



Route: [Ohio Revised Code](#) » [Title 15. CONSERVATION OF NATURAL RESOURCES](#) » [Chapter 1533. HUNTING; FISHING](#)

1533.84. Rules for establishing standards for shooting ranges

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The chief of the division of wildlife, in accordance with section [1531.10](#) of the Revised Code, shall adopt rules establishing generally accepted standards for shooting ranges. These rules shall be no more stringent than national rifle association standards, and include standards for the limitation and suppression of noise, standards for the hours of operation of shooting ranges of the various types and at the various locations of ranges, and standards for public safety. The rules may include standards for the reconstruction, enlargement, remodeling, or repair of any structure or facility that is part of a shooting range provided that any local laws creating standards for the reconstruction, enlargement, remodeling, or repair of structures or facilities that apply generally to all structures or facilities and not exclusively or primarily to shooting ranges also shall apply to shooting ranges. Nothing in this section limits the authority of a county or township board of zoning appeals to issue or deny conditional zoning certificates for the reconstruction, enlargement, remodeling, or repair of an existing shooting range pursuant to division (C) of section [303.14](#) or division (C) of section [519.14](#) of the Revised Code or the authority of a board of county commissioners or board of township trustees relating to the completion, restoration, reconstruction, extension, or substitution of nonconforming uses pursuant to section [303.19](#) or [519.19](#) of the Revised Code. At the time of its establishment, a shooting range shall comply with all existing local ordinances, regulations, or laws.

The chief of the division of wildlife shall consult with a representative sample of persons and organizations that own, operate, or use shooting ranges and persons and organizations that represent counties, townships, municipal corporations, and holders of real property adjoining shooting ranges prior to filing or amending the rules required or authorized under this section in accordance with section [1531.10](#) of the Revised Code. A draft copy of the chief's proposed rules or any subsequent amendments to the rules shall be submitted to representatives of the above-listed organizations, who shall be given thirty days to review and submit written comments on the draft rules to the chief. The chief shall consider but not be bound by the written comments and, after giving due regard to the public interests, shall file the initial rules in accordance with section [1531.10](#) of the Revised Code within one hundred eighty days after the effective date of this section.

Cite as (Casemaker) R.C. § 1533.84

History. Effective Date: 11-21-1997.



Route: [Ohio Revised Code](#) » [Title 15. CONSERVATION OF NATURAL RESOURCES](#) » [Chapter 1533. HUNTING; FISHING](#)

1533.85. Immunity in civil action concerning shooting range noise

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- (A)
- (1) The owner, operator, or user of a shooting range is not liable in damages in a civil action to any person for harm that allegedly is caused by the creation of noise at the shooting range or the failure to limit or suppress noise at the shooting range if the owner, operator, or user substantially complies with the chief's noise rules.
 - (2)
 - (a) Division (A) of this section does not create a new cause of action or substantive legal right against an owner, operator, or user of a shooting range.
 - (b) Division (A) of this section does not affect any immunities from or defenses to civil liability established by other sections of the Revised Code or available at common law to which the owner, operator, or user of a shooting range may be entitled.
 - (c) Division (A) of this section shall apply only to harm that occurs on or after the effective date of this section.
 - (d) Division (A) of this section does not confer an immunity from civil liability in relation to an owner's, operator's, or user's actions or omissions that constitute negligence, willful or wanton misconduct, or intentionally tortious conduct if those actions or omissions are not the subject of the chief's noise rules or are not in substantial compliance with the chief's noise rules.
- (B) The owner, operator, or user of a shooting range is not subject to criminal prosecution under any section of the Revised Code, or under any ordinance, resolution, or regulation of a political subdivision, that relates to the creation, limitation, or suppression of noise if the conduct of the owner, operator, or user that allegedly violates the section, ordinance, resolution, or regulation substantially complies with the chief's noise rules.
- (C) Notwithstanding any contrary provision of law, the courts of common pleas, municipal courts, housing divisions of municipal courts, and county courts of this state shall not grant injunctive relief under Chapter 3767. or any other section of the Revised Code, under an

ordinance, resolution, or regulation of a political subdivision, or under the common law of this state against the owner or operator of a shooting range in a nuisance action if the court determines that the owner's or operator's actions or omissions that are the subject of a complaint substantially complied with the chief's noise rules or the chief's public safety rules, whichever apply to the nuisance action.

Cite as (Casemaker) R.C. § 1533.85

History. Effective Date: 11-21-1997.



Route: [Ohio Administrative Code](#) » [1501:31 Division of Wildlife](#) » [Chapter 1501:31-29 Hunter Safety and Trapper Education Courses](#)

1501:31-29-03 Shooting ranges.

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(A) In accordance with section [1533.84](#) of the Revised Code, the chief of the division of wildlife hereby establishes standards for shooting ranges in Ohio. These standards address noise levels, hours of operation, and safety. Private or public shooting ranges in Ohio should substantially comply with these standards to receive the civil and criminal immunities granted under section [1533.85](#) of the Revised Code.

(B) Private and public shooting ranges in Ohio should substantially comply with the listed noise or sound levels that are set to prevent hearing damage and eliminate nuisance noise complaints. Noise or sound level guidelines are described or explained in great detail in "The NRA Range Source Book, 2012 edition ." For the purpose of the chief of the division of wildlife's standards for shooting ranges, the following noise or sound levels apply:

Unacceptable: If the sound level exceeds ninety decibels dB(A) for one hour out of twenty-four hours or eighty-five decibels dB(A) for eight hours out of twenty-four hours and the sound measuring receiver is located at the boundaries of the range property.

(C) The hours of operation for shooting ranges shall be from seven a.m. to ten p.m. daily, except for indoor or archery ranges.

(D) Private and public shooting ranges should substantially comply with safety guidelines generally recognized and accepted by the national rifle association (NRA). Suggested safety guidelines are described or explained in great detail in "The NRA Range Source Book, 2012 edition ." For the purpose of the chief of the division of wildlife's standards for shooting ranges, private and public shooting ranges shall have an implemented safety plan that substantially includes, but is not limited to, the following items:

(1) A description of the range that stipulates how, when, why, and by whom the facility will be used.

(2) The safety plan should divide rules and regulations into the categories of gun handling rules, general range rules, specific range rules, and administrative rules and regulations. Each category should substantially contain, but not be limited to, the following items:

(a) Gun handling rules

(i) Always keep the firearm pointed in a safe direction.

(ii) Always keep your finger off the trigger until ready to shoot.

(iii) Always keep the action open and firearm unloaded until ready to use.

(iv) Know your target and what is beyond the target area.

- (v) Be sure the gun is safe to operate.
- (vi) Know how to use your gun safely.
- (vii) Wear ear and eye protection.
- (viii) Never use alcohol or drugs before or while shooting.
- (ix) Store guns so that they are not accessible to unauthorized persons or children.

(b) General range rules

- (i) Know and obey the common range commands.
- (ii) Know where others are at all times.
- (iii) Shoot only at proper and authorized targets.
- (iv) When two or more shooters are present, shooters should consult each other before moving down range from the firing line.
- (v) Unload, open the action, ground or bench all firearms during a cease-fire or when someone moves down range to the target area.
- (vi) Make sure bystanders and observers that are close to the range are wearing ear protection.

(c) Specific range rules

- (i) Hours of operation for shooting activities.
- (ii) Type of firearms allowed or restricted.
- (iii) Caliber or shotgun gauges allowed or restricted.
- (iv) Bullet or shot types allowed or restricted.
- (v) Target placement, type of targets, and target holders allowed or restricted.
- (vi) Type of shooting activities allowed or prohibited.

(d) Administrative rules and regulations

- (i) Rules and regulations that govern the normal operation of the range and facilities such as parking, maintenance, schedules, guest policies, fees, security, supervision, sign-in procedures, and etc.
- (ii) Procedure to spot-check range users for compliance to range rules.
- (iii) Penalties, sanctions, or consequences for violations of the range rules and regulations.

(3) This safety plan shall be posted in a prominent location on the range and range members or users shall be made aware of the safety plan before firing on the range.

Effective: 7/1/2016

Five Year Review (FYR) Dates: 02/16/2016 and 07/01/2021

Promulgated Under: [119.03](#)

Statutory Authority: [1533.84](#)

Rule Amplifies: [1533.84](#)

Prior Effective Dates: 9/1/98, 7/19/02



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information	
Address: 12425 Broad St. SW Pataskala OH 43062	
Parcel Number: 06314352000000	
Zoning: GB w/acc use	Acres: 4.84
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking
<input type="checkbox"/> On Site	
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking
<input type="checkbox"/> On Site	

Staff Use
Application Number: CU-19-002
Fee: \$ 300
Filing Date: 8-29-19
Hearing Date: 10-14-19
Receipt Number: 21144

Applicant Information		
Name: Steven A. GARAVESO		
Address: 121 Clayburn Dr.		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 740-644-1887	Email: steveg@thebullettranch.com	

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Property Owner Information		
Name: The Hacienda / Steven A. GARAVESO		
Address: 121 Clayburn Dr.		
City: PATASKALA	State: Ohio	Zip: 43062
Phone: 740-644-1887	Email: steveg@thebullettranch.com	

Conditional Use Information
Request (Include Section of Code): 1249.04(16) Conditional Use / Accessory use to Sales
Describe the Project: Conversion of the outdoor Archery Range To A 5 STAND trap shooting Range. To be used by customer / members After Purchase of Trap shooting supplies AS SOLD in our retail Area. We are located in a discharge zone

Documents to Submit

Conditional Use Application: Submit 1 copy of the conditional use application.

Narrative Statement: Submit 1 copy of a narrative statement explaining the following:

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:
 1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on this application.*
 2. *Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.*
 3. *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.*
 4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
 5. *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.*
 6. *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.*
 7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
 8. *Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.*
 9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*
- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.
- Wireless Telecommunication Facilities must also meet the requirements outlined in Section 1293.06(B) of the Pataskala Code.

Site Plan: Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of all existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Any other information deemed necessary for the conditional use request

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/paxworld/>

Area Map: Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this conditional use request.

Applicant (Required):

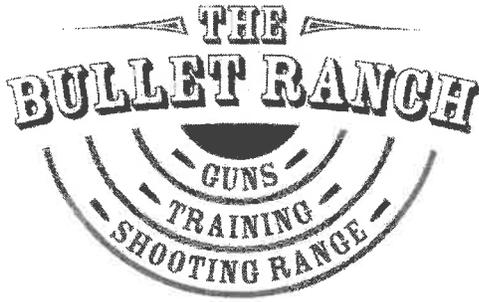
Date:

4-23-19

Property Owner: (Required):

Date:

4-23-19



Date: April 17, 2019
To: Scott Fulton – Director of Planning
Re: Accessory Use to Sales - Outdoor Trap Shooting

Mr. Scott Fulton,

SAG
CONDITIONAL USE

SAG
CONDITIONAL USE

I am requesting a ~~Variance~~ for ACCESSORY USE TO SALES for outdoor five stand trap shooting. We are zoned General Business and currently have an Accessory Use Variance for our indoor range. I am requesting an ACCESSORY USE VARIANCE so we can convert the outdoor archery which hasn't been used much in the last five years and add the Trap Shooting stations.

We are in a qualified DISCHARGE ZONE per the Pataskala map and will shoot no earlier the 0900 hours and close it by sunset. We will be using shotguns and 7.5 or 8 shot. This ammunition has a maximum range of around 400 feet. The backdrop for the trap shooting is defended by a 12 high dirt mound and three acres of wooded lot. I have attached a drawing with layout of the outdoor range.

Thanks,

Steven A. Garavuso *SAG*

Steven A. Garavuso, President
The Bullet Ranch, LLC
12425 Broad St. SW
Pataskala, Ohio 43062
1-740-964-1787 phone
1-740-964-1789 fax



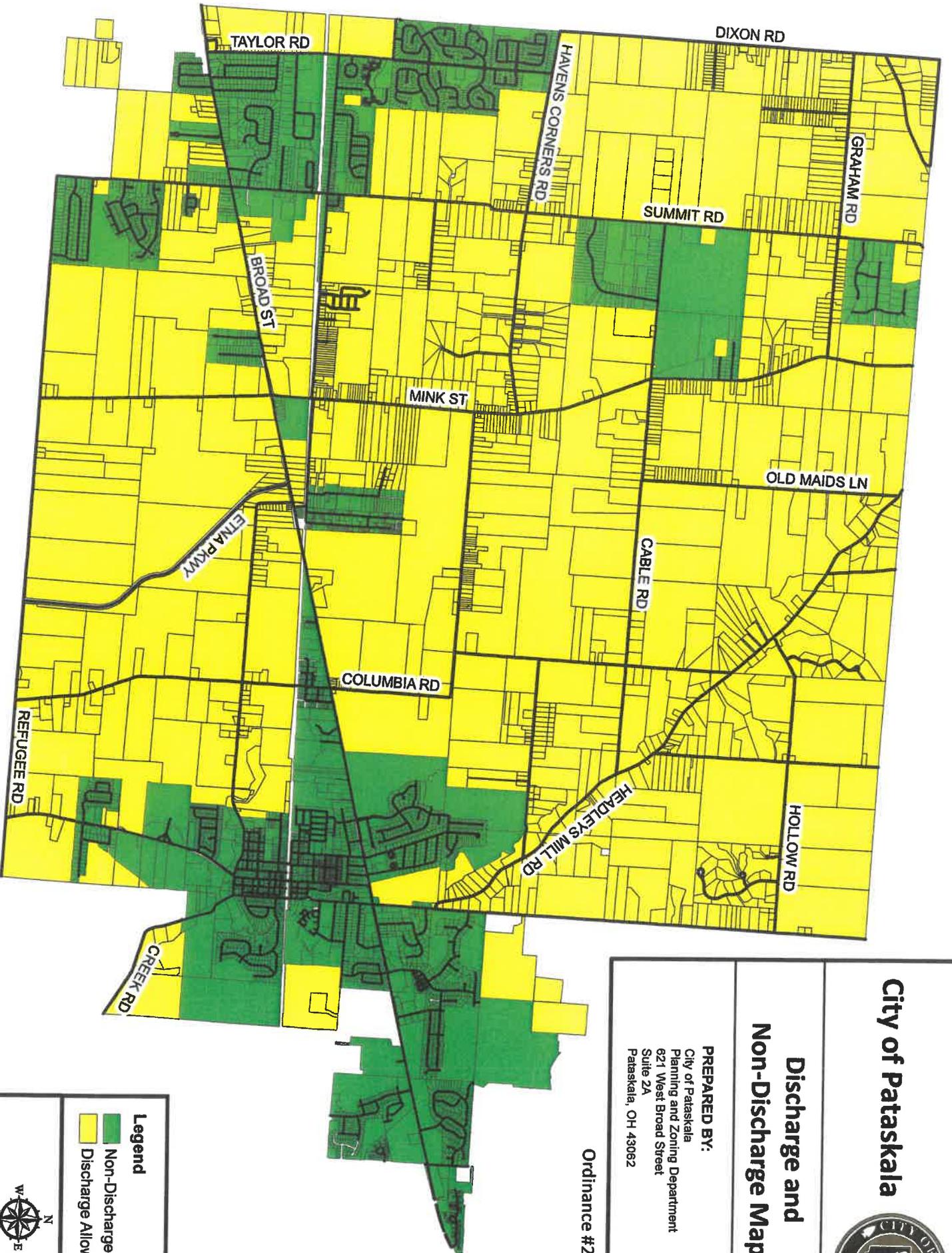
City of Pataskala

Discharge and Non-Discharge Map

09-07-2017

PREPARED BY:
City of Pataskala
Planning and Zoning Department
621 West Broad Street
Suite 2A
Pataskala, OH 43062

Ordinance #2017-4292



- Legend**
- Non-Discharge Areas
 - Discharge Allowed Areas



Michael L. Smith, Auditor
Olivia C. Parkinson, Treasurer

Taxes Due July 17th BOR CAUV Dog License Downloads Forms GIS Homestead Taxes Other

- Map
- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values

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Search by: **Owner** ▼
Search for: _____
Trouble Searching?



063-143520-00.000
HOSSIENDA LLC
BROAD ST SW
PATASKALA, OH 43062

Acres: 4.84
4.84 AC LOT 1

Land: \$246,100
Improv: \$482,300
Total: \$728,400

Sale Date: 05/26/2015
Amount: \$0
Conveyance: 99999
Valid Sale: No

Homestead: No
Owner Occ: No

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions. Using a low screen resolution? Try our [Mobile Version](#).



0115PA00704149001000

CONDITIONAL APPROVAL FOR THIS TRANSFER
CORRECTION REQUIRED FOR NEXT TRANSFER
WILLIAM C. LOZIER, LICKING COUNTY ENGINEER
J.W. 12/31/12 - T6 OR BEADNGS

TRANSFERRED
Date December 31, 2012
Michael J. Smith
Licking County Auditor



201212310030997
Pgs: 2 \$28.00 T2012003418
12/31/2012 1:39PM BXALL OHIO BO
Bryan A. Long
Licking County Recorder

SEC. 310.282 COMPLIED WITH
MICHAEL J. SMITH, AUDITOR
BY MJ - 400

General Warranty Deed

(pursuant to O.R.C. §5302.01 through O.R.C. §5302.06)

Judy Y Baird aka Judith Y Baird, widowed and not remarried, for valuable consideration paid, grant(s), with general warranty covenants, to The Hossienda LLC, an Ohio limited liability company, whose tax mailing address is _____ the following real property:

Situated in the State of Ohio, County of Licking, State of Ohio, City of Pataskala (formerly Lima Township), and bounded and described as follows:

Being a part of the Fourth Quarter of the First Township and Fifteenth Range, U.S.M. Lands, and being that Parcel of Land conveyed by William D. Fulton and Josephine M. Fulton, his wife, to George E. Bazler and Frank H. Bazler, as shown of record in volume 265, page 161, Licking County Recorder's Office, as recorded on May 17, 1923, more particularly described as follows:

Beginning at a point in the centerline of East Broad Street at its intersection with the West Line of said Quarter Township; thence with the West Line of said Quarter Township Southerly, 1151.80 feet to an iron pipe in the Southwest corner of the above mentioned tract, passing and iron pipe at 31.06 feet.

Thence Easterly with the south line of said tract, 185.13 feet to an iron pipe in said South line.

Thence Northerly and parallel to the west line, 1201.1 feet to the center line of East Broad Street, passing an iron pipe at 1170.04 feet.

Thence with the center line of East Broad Street Southwesterly, 191.70 feet to the Place of Beginning, and CONTAINING FIVE (5) ACRES.

Property Tax ID: 063-143520-00-000
Property Address: Broad St., Pataskala, Oh 43062

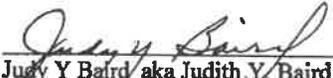
Prior Instrument References:

Judy Y. Baird by deeds of record in Instr.No. 199908170034527, 199908170034528, 199908170034529, 199908170034530, Recorder's Office, Licking County, Ohio, as to one half interest.

Judith Y. Baird by deed of record in Instr. No. 201203270006486, Recorder's Office, Licking County, Ohio, as to one half interest.

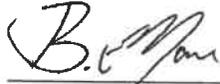
Subject to all valid and existing building and other restrictions and conditions of record, to all valid and existing zoning restrictions, to all valid and existing easements of record, and taxes and assessments due and payable after the date of execution hereof.

Executed this 27th day of December, 2012.


Judy Y Baird aka Judith Y Baird

State of Ohio)
)
County of Licking)

The foregoing instrument was acknowledged before me this 27th day of December, 2012, by Judy Y Baird aka Judith Y Baird.


Notary Public

This instrument was prepared by:
Catherine J. Baird, Esq.
Fisher, Skrobot, & Sheraw, LLC
471 East Broad St., Suite 1810
Columbus, Ohio 43215
(614) 233-6950

File # 128025



BRIAN E. MOORE
Notary Public, State of Ohio
My Commission Expires Oct. 18, 2017