



CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

STAFF REPORT

December 4, 2019

Code Amendment Application ZON-19-008

Applicant:	City of Pataskala
Location:	City Wide
Request:	Requesting to add Chapter 1223 – Distressed Properties to the Pataskala Code pursuant to Section 1217.10 of the Pataskala Code.

Description of the Request:

The proposed amendment would create regulations to address properties that have fallen into disrepair and outline a process to abate maintenance and security issues.

Staff Summary:

The purpose of the Distressed Properties amendment is to protect the health, safety and welfare of the citizens of Pataskala, reduce the potential for economic decline as a result of public nuisances, protect aesthetic standards, and preserve and protect property values.

The Distressed Properties regulations would apply to the following:

- A. All parcels located within a platted subdivision
- B. All commercially zoned parcels
- C. All R-M – Multi-Family Residential zoned parcels
- D. All industrially zoned parcels
- E. All R-MH – Manufactured Home Residential zoned parcels
- F. All parcels one and one-half (1.5) acres or less

These regulations would not apply to a qualifying parcel that is actively undergoing construction or repair as evidenced by a valid building and/or zoning permit and actively progressing to complete the construction or repair.

The Distressed Properties regulations addresses maintenance standards including, but not limited to, keeping yards free of litter, maintaining pools so as to not harbor mosquitos, maintaining the exterior of a structure in good repair, and maintaining exterior walking surfaces so as to not pose a danger. The regulations also address security standards such as securing vacant buildings so as to be inaccessible to wildlife and unauthorized persons.

If a violation of these regulations is found to exist, the enforcing official would proceed through the standard zoning violation process unless the person in charge of the property applies for an abatement

plan. An abatement plan allows the person in charge of the property and the enforcement official to agree to a time frame to correct the issues if the repairs are extensive or costly. If the abatement plan is not adhered to and/or if an extension is not granted, the enforcement official may proceed through the standard zoning violation process.

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

The Buildings and Grounds Committee recommended the Distressed Properties regulations proceed through the code amendment process, following a review of the draft regulations, on November 12, 2019.

Following a recommendation from the Planning and Zoning Commission, the amendment will proceed to City Council for consideration.

Code Amendment Approval:

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

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

Department and Agency Review

- Zoning Inspector – No Comments
- Public Service Department – No Comments
- City Engineer – No Comments
- Pataskala Utilities – No Comments

- Police Department – No Comments
- West Licking Joint Fire District – No Comments
- Southwest Licking Schools – No Comments
- Licking Heights Schools – No Comments
- Licking County Health Department – No Comments
- SWLCWSD – No Comments

Modifications:

Should the Planning and Zoning Commission choose to recommend approval of the amendment, the following modifications may be considered:

- None

Resolution:

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

“I move to recommend approval of application number ZON-19-008 pursuant to Section 1217.10 of the Pataskala Code. (“with the following modifications” if modifications are to be placed on the approval).”

**CHAPTER 1223
Distressed Properties**

1223.01 Purpose	1223.07 Enforcement
1223.02 Definitions	1223.08 Abatement by the Person in Charge
1223.03 Applicability	1223.09 Abatement Plan
1223.04 Declaration of Distressed Property	1223.10 Exceptions
1223.05 Maintenance and Security Standards	1223.11 Supplemental Code Provisions
1223.06 Joint Responsibility	1223.12 Penalty

1223.01 PURPOSE

It is the intent and purpose of this chapter to protect the health, safety and welfare of the citizens of the city, reduce the potential for economic decline as a result of public nuisances on improved parcels, protect aesthetic standards deemed essential by the Pataskala community, and to preserve and protect property values within the City of Pataskala.

1223.02 DEFINITIONS

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Enforcing Official: The City Administrator or their designee.

Improved Property: Property which has located upon it a building, structure or other physical improvements.

Inspection: A close viewing of the property and the exterior of any structures located thereon from any legal vantage point and includes viewing of any interior portions of the structure which are visible from the outside of the structure.

Litter: Garbage, junk, refuse, and rubbish, and all other waste material including vegetative debris, which, if thrown, deposited or accumulated as prohibited in this chapter, is detrimental to the public health, safety and welfare and can be classified as a nuisance.

Nuisance: Any item, thing, manner, or condition whatsoever that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property or could otherwise be a hazard to the public health, safety or general welfare.

Owner: Every person or entity which, alone or jointly with others, has legal or equitable title to any property, dwelling, dwelling unit, mobile dwelling unit, building, or structure.

Person in Charge: A property owner, agent, occupant, lessee, contract purchaser, or other person having possession or control of property.

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Property: Any real property, or portion thereof, located in the City of Pataskala.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground.

Vacant: A building that appears to be partially or substantially empty of furnishings or appliances or otherwise legally occupied, or exists with any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that there is no intent or actions by the current owner or person in charge to occupy in the immediate future a property or building.

1223.03 APPLICABILITY

The provisions of this chapter shall apply to the following properties within the City of Pataskala:

- A. All parcels located within a platted subdivision
- B. All commercially zoned parcels
- C. All R-M – Multi-Family Residential zoned parcels
- D. All industrially zoned parcels
- E. All R-MH – Manufactured Home Residential zoned parcels
- F. All parcels one and one-half (1.5) acres or less.

1223.04 DECLARATION OF DISTRESSED PROPERTY

- A. Any improved property within the City of Pataskala upon which is located an occupied or vacant building, as defined in this division, and which has located upon or within such improved property a nuisance condition which constitutes, or may constitute, a threat to the health, safety or welfare of any person, as determined by the enforcing official, is hereby declared a distressed property and is in violation of this chapter.
- B. Any improved property within the City of Pataskala that is in a condition which fails to meet the minimum maintenance requirements and security standards set forth in Section 1223.05, based upon the inspection of the enforcement official from any public right-of-way or adjacent property, where legally authorized, is hereby declared to be a distressed property and is in violation of this chapter.

1223.05 MAINTENANCE AND SECURITY STANDARDS

- A. Maintenance requirements
 - 1. Improved property shall be maintained in accordance with the terms and conditions set forth herein, all applicable city codes and ordinances, state laws, relevant sanitary codes, and the Ohio Building Code concerning external or visible maintenance.
 - 2. All front, side and rear yards shall be free of litter, refuse and debris, except temporary storage or placement of refuse and debris for appropriate disposal.
 - 3. Pools, fountains, hot tubs and spas shall be maintained so the water contained within them remains free and clear of hazards, litter, debris and shall not produce noxious

odors nor act as a breeding ground for mosquitos. Pools, fountains, hot tubs and spas shall comply with the requirements of all applicable city codes and ordinances and the Ohio Building Code.

4. The exterior of a structure shall be kept and maintained in good repair, structurally sound and sanitary without excessive peeling and chipped paint to a degree that it detracts from the structure when viewed from an adjacent property, where authorized, or any public right-of-way or becomes a hazard to the public health, safety or general welfare. Walls shall be free of holes, loose or rotten wood, be weatherproofed and coated with paint, siding or similar protection to prevent deterioration.
5. The roof and flashing shall be sound, tight and not have defects that admit leaks. Roof drains, gutters and downspouts shall be maintained in good repair and properly affixed. Roof water shall not be discharged in a manner that creates a nuisance.
6. Every exterior stair, ramp, landing, balcony, porch, deck or other walking surface, including sidewalks, shall be maintained and kept in sound condition and minimally safe repair.
7. The roof, siding, awnings, chimneys, sheds, and other exterior structural elements of a property shall be kept and maintained in good repair and anchored in such a manner as not to become a flying projectile in high winds.

B. Security requirements

1. Improved property that is determined to have a vacant building upon inspection shall be kept in a secure manner so as to be kept inaccessible to wildlife or unauthorized persons. A secure manner shall include, but not limited to, the closure and locking of all windows, doors, gates and other building or structure openings of such size that may allow access to the interior of a building or structure. Broken doors and window shall be secured and repaired or completely replaced within 10 days of being damaged to the point that such door or window does not secure the building.
2. Any excavations, swimming pools, hot tubs, spas, at grade fountains or other attractive nuisances shall be properly secured and comply with city codes and ordinances and the Ohio Building Code.

1223.06 JOINT RESPONSIBILITY

If more than one person or entity is a person in charge of the property, then all such persons or entities shall be jointly and severally liable for abating the distressed property violation.

1223.07 ENFORCEMENT

- A. If it is determined upon inspection that a violation of this chapter exists, the enforcing official shall cause written notice to be served upon the person in charge, notifying them that the property has been declared a distressed property and is in violation of this chapter.

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- B. The enforcing official shall post notice on the violating property and shall send notice to the person in charge by regular U.S. mail giving 10 days to correct the violation. For purposes of this chapter, service of the notice is complete upon such mailing.

1223.08 ABATEMENT BY THE PERSON IN CHARGE

Within 10 days upon service of the notice, the person in charge shall remove or correct the nuisance or violation or shall apply for an abatement plan as provided in Section 1223.09 of this chapter. The violation shall be enforced as authorized in this chapter in the event that:

- A. The nuisance is not corrected within the period of time specified; or
- B. An abatement plan is not applied for, as required; or
- C. In the event the abatement plan is denied by the enforcing official and a date for abatement is specified but not complied with; or
- D. If an approved abatement plan is not complied with as to timeframes or requirements.

1223.09 ABATEMENT PLAN

- A. Should the violation to be remedied be costly or extensive, the person in charge or their designee may apply for an abatement plan, in writing, with the enforcing official. This application shall include the following:
 - 1. Justification for the need of an abatement plan including, but not limited to, excessive costs or extensive work to remedy, and
 - 2. A detailed plan describing each violation to be remedied; and
 - 3. A timeline for completing each violation to be remedied.
- B. The enforcing official shall review the application and either approve, approve with conditions, or deny the abatement plan within 10 days of receipt of the abatement plan. Written notice of the enforcing official's decision shall be provided to the person in charge or their designee.
- C. The person in charge or their designee shall apply for any and all of the requisite zoning and building permits, if any, within 14 days of the issuance of an approved abatement plan and follow all requirements and timeframes of the approved abatement plan. Failure to do so shall render the approved abatement plan null and void, unless an extension or amendment is approved, in writing, by the enforcing official.

1223.10 EXCEPTIONS

This chapter shall not apply to a building and/or property that is actively undergoing construction or repair as evidenced by a valid zoning and/or building permit and the person in charge is progressing diligently to complete the repair or construction. This exception does not apply to requirements relevant to public safety and health concerns.

1223.11 SUPPLEMENTAL CODE PROVISIONS

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This chapter is supplemental to all other provisions and requirements of the Pataskala Code or Ordinances and nothing herein shall be considered to limit, in any way, the enforcement of any condition or violation through any other provision of the Code of Ordinances, the Ohio Building Code or any other applicable state or local law.

1223.12 PENALTY

Whoever violates any provision of this chapter shall be subject to the penalties in Section 1209.99 of the Pataskala Code of Ordinances.