



CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

STAFF REPORT

January 2, 2020

Code Amendment Application ZON-19-009

Applicant:	City of Pataskala
Location:	City Wide
Request:	Requesting to amend Chapter 1287 – Off-Site Impacts to the Pataskala Code pursuant to Section 1217.10 of the Pataskala Code.

Description of the Request:

The proposed amendment would add a penalty section to the existing regulations to allow for enforcement.

Staff Summary:

The purpose of Chapter 1287 – Off-Site Impacts is to protect uses in all districts from certain objectionable off-site impacts including, but not limited to, noise, vibration, glare and odors. As the Chapter is currently written there is no penalty section, thereby making the provisions of this chapter unenforceable. The amendment would add a penalty section referencing the standard penalties of Section 1209.99 of the Pataskala Code.

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

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-19-009 pursuant to Section 1217.10 of the Pataskala Code. (“with the following modifications” if modifications are to be placed on the approval).”

REDLINE

CHAPTER 1287 Off-Site Impacts

1287.01 Purpose	1287.09 Glare
1287.02 Applying these regulations	1287.10 Fire hazard
1287.03 Transitional period exemptions	1287.11 Electromagnetic radiation disturbance
1287.04 Relationship to other regulations	1287.12 Erosion
1287.05 Noise	1287.13 Water pollution
1287.06 Vibration	1287.14 Measurements
1287.07 Odor	1287.15 Documentation in advance
1287.08 Air pollution	1287.99 Penalty

CROSS REFERENCES

General nuisance provisions – see GEN. OFF. Ch. 521

1287.01 PURPOSE

The regulations of this chapter are designed to protect uses in all districts from certain objectionable off-site impacts. These impacts include noise, vibration, odors, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards and nuisances. The use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a district based solely on the general characteristics of similar industries in the past.

1287.02 APPLYING THESE REGULATIONS

Uses in all districts which cause off-site impacts, including non-conforming uses, are required to meet the standards of this chapter. Transition for existing equipment and facilities is stated in Section 1287.03 below.

1287.03 TRANSITIONAL PERIOD EXEMPTIONS

All existing non-conforming machinery, equipment, facilities and uses shall conform to these standards within one year of the effective date of this Code. An extension of up to six months may be granted by the Commission if the owner or operator of the use can demonstrate in writing that compliance would create an unreasonable hardship. Any new or additional machinery, equipment, facilities, and uses must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site.

1287.04 RELATIONSHIP TO OTHER REGULATIONS

The off-site impact standards are in addition to all other City regulations. The standards do not replace, and may be more stringent than, regulations of the state and/or federal Environmental Protection Agency, relevant county regulations, or standards such as the Uniform Fire Code. The most stringent regulations shall apply in the event of conflict between regulations. Methods and procedures for the

determination of the existence of any elements which are dangerous or create a nuisance shall conform to applicable standard measurement procedure published by the American National Standards Institute, Inc., New York, Chemical Manufacturers' Association, Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

1287.05 NOISE

- A. Noise standard. Continuous, frequent, or repetitive noise which exceeds 60 dBA (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.
- B. Exceptions. Noise from temporary construction is exempt. Noise from vehicles which leave the site (such as trucks, trains, airplanes and helicopters) is exempt. Air-raid sirens and related apparatus used solely for public purposes are exempt. Noise lasting less than 5 minutes per day is also exempt. Noise from primarily on-site vehicles and equipment is not exempt.

1287.06 VIBRATION

- A. Vibration standard. Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.
- B. Exceptions. Vibrations from temporary construction are exempt. Vibrations from vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.
- C. Measurement. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

1287.07 ODOR

- A. Odor standard. Continuous, frequent, or repetitive odors may not be produced which exceed scentometer No. 0. The odor threshold is the point at which an odor may just be detected. The scentometer reading is based on the number of clean air dilutions required to reduce the odorous air to the threshold level. Scentometer No. 0 is 1 to 2 dilutions of clean air.
- B. Exception. An odor detected for less than 15 minutes per day is exempt.

1287.08 AIR POLLUTION

Air Pollution Regulation. Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency and/or the Administrator of the US Environmental Protection Agency.

1287.09 GLARE

- A. Glare standard. Glare is illumination caused by all types of lighting or from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.
- B. Strobe lights. Strobe lights visible from another property are not allowed.

1287.10 FIRE HAZARD

Fire Hazard standard. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger and shall meet all requirements of the State of Ohio Fire Marshal.

1287.11 ELECTROMAGNETIC RADIATION DISTURBANCE

Electromagnetic Radiation Disturbance Standard. No activity shall emit dangerous electromagnetic radiation beyond the site which adversely affects health or the operation of any equipment at any point other than that of the creator of such disturbance.

1287.12 EROSION

Erosion standard. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties. All requirements as outlined in Chapter 1283, in the Pataskala Subdivision Regulations, and/or all State laws pertaining to erosion control must be adhered to.

1287.13 WATER POLLUTION

Water Pollution standard. Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency, the Administrator of the US Environmental Protection Agency, the Army Corps of Engineers, as well as those outlined in the State of Ohio's Wellhead Protection Guidelines.

1287.14 MEASUREMENTS

- A. Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.
- B. If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the controller or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code.

1287.15 DOCUMENTATION IN ADVANCE

The Zoning Inspector may require submission of documentation in advance that a proposed use will conform with these standards; in these situations, all of the following additional information is required of the applicant prior to issuing a zoning permit:

- A. Use description. A description of the use or activity regarding processes, materials used, storage, waste disposal, types of machinery and other such items as it relates to off-site impacts. However, the applicant is not required to reveal any trade secrets which would cause any secret manufacturing procedure, compound or product to become public knowledge and available to competitors;
- B. Abatement devices. An explanation of any mechanisms or techniques which are proposed to restrict any hazardous or nuisance effects, including the type and location of any abatement devices and/or recording instruments to measure conformance with the required standard; and
- C. Expert evaluation. An evaluation and explanation certified by a registered engineer or architect, as appropriate, that the proposed activity can achieve the off-site impact standard or standards in question.

1287.99 PENALTY

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

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