

## **CODIFIED ORDINANCES OF PATASKALA**

### **PART TWELVE - ZONING CODE**

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**ZONING MAP**

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#### **CHAPTER 1201**

##### **Purpose and Interpretation**

EDITOR'S NOTE: The City Zoning Ordinance codified as Title One and Three of this Part Twelve-Zoning Code was adopted by Ordinance 2001-3397 passed August 20, 2001. Subsequent amendments to Ordinance 2001-3397 will be indicated by legislative histories placed at the end of the official sections.

<b>1201.01</b>	<b>Title.</b>	<b>1201.05</b>	<b>Provisions cumulative.</b>
<b>1201.02</b>	<b>Relationship to the Charter of the City of Pataskala, Ohio.</b>	<b>1201.06</b>	<b>Separability clause.</b>
<b>1201.03</b>	<b>Purpose.</b>	<b>1201.07</b>	<b>Repeal of conflicting ordinance; effective date.</b>
<b>1201.04</b>	<b>Provisions declared minimum requirements.</b>	<b>1201.08</b>	<b>Applicability.</b>

#### CROSS REFERENCES

Interpretation generally - see ADM. Ch. 101  
Intent of regulations - see P. & Z. 1221.02

#### **1201.01 TITLE.**

These regulations shall be known and may be cited as the Zoning Code of the City of Pataskala, Ohio. Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of the Charter of the City of Pataskala, Ohio.

**1201.02 RELATIONSHIP TO THE CHARTER OF THE CITY OF PATASKALA, OHIO.**

Wherever the requirements of this Code conflict with the Charter of the City of Pataskala, the Charter shall govern.

**1201.03 PURPOSE.**

This Zoning Code is adopted to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare by regulating and limiting the use of land areas and buildings and the erection, restoration and alteration of buildings and the use thereof for residential, business and industrial purposes; to regulate the area and dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers; to lessen or avoid congestion in the public streets; to regulate and restrict the bulk, height, design, percent of lot occupancy and the location of buildings; to protect the character of the existing agricultural, residential, business, industrial, and institutional areas and to assure their orderly and beneficial development; to provide for the orderly growth and development of lands, and for the purpose of dividing the City into various districts.

**1201.04 PROVISIONS DECLARED MINIMUM REQUIREMENTS.**

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Wherever the requirements of this Code conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern. Wherever the requirements of this Code conflict with the Charter of the City of Pataskala, the Charter shall govern.

**1201.05 PROVISIONS CUMULATIVE.**

The provisions hereof are cumulative and are additional limitations on all other laws and ordinances heretofore passed or which may be hereafter passed governing any subject matter of this Code. Nothing herein shall be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part hereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as the Zoning Code is more restrictive than such other ordinances or parts thereof and that in all particulars wherein the Zoning Code is not more restrictive, each such other ordinance shall continue and shall be in full force and effect.

**1201.06 SEPARABILITY CLAUSE.**

Should any section or provision of this Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**1201.07 REPEAL OF CONFLICTING ORDINANCE; EFFECTIVE DATE.**

All ordinances or parts of ordinances in conflict with this Zoning Code or inconsistent with the provisions of this Code are hereby repealed to the extent necessary to give this Code full force and effect. This Code shall become effective from and after the date of its approval and adoption, as provided by the Charter of the City of Pataskala.

**1201.08 APPLICABILITY.**

The regulations set forth in this Zoning Code shall be applicable to all buildings, structures, uses and land of any political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the City, except that these regulations shall not be applicable to the City of Pataskala itself.



## CHAPTER 1203 Definitions

**1203.01** Defining words.  
**1203.02** Use of terms.

**1203.03** Definitions.

### CROSS REFERENCES

General definitions - see ADM. 101.02

Adult entertainment definitions - see P. & Z. Ch. 1271

### **1203.01 DEFINING WORDS.**

Words and terms not specifically defined in Section 1203.03 below carry their normal dictionary meanings. An additional reference for zoning and development terms is The New Illustrated Book of Development Definitions, Harvey S. Moskowitz and Carl G. Lindbloom, ISBN 0-88285-144-6 or the latest edition. (Ord. 2006-3733. Passed 12-18-06.)

### **1203.02 USE OF TERMS.**

Tense and usage.

- The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- Words used in the present tense include the future tense. The reverse is also true.
- Words used in the singular include the plural. The reverse is also true.
- Words pertaining to gender shall be interchangeable. The word "he" shall mean "she." The reverse is also true.
- The words "must," "will," and "shall" are mandatory requirements, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."
- Definitions in this chapter are not meant to imply a standard; for specific standards, refer to the applicable section of the Code.

Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:

- "And" indicates that all connected items or provisions apply.
- "Or" indicates that the connected items or provisions may apply singly or in combination.
- "Either... or" indicates that the connected items or provisions apply singly, but not in combination.

**1203.03 DEFINITIONS.**

Accessory Use or Structure: Use or structure that is customarily incidental to the principal permitted use or structure on a property; it pertains to or depends on the principal use for its existence.

Administrative and Business Offices: Offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

Adult Entertainment Facilities: Definitions are located in Chapter 1271.

Agriculture: The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; or land devoted to a soil conservation or forestry management program.

Airport: Any runway, land area, or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces.

Alley: See Thoroughfare.

Alterations, Structural: Any change in the supporting members of a building such as load-bearing walls, columns, beams, or girders, or in the dimensions or configuration of the roof or exterior walls.

Ancillary retail/service: Means a commercial establishment where retailing or business services are dependent upon another function performed on site, or where they are dependent upon each other.

Automotive Repair: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive and Farm Implement Sales: The sale or rental of new and used motor vehicles or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. (Ord. 2001-3397. Passed 8-20-01.)

Balcony: A platform attached to the principal structure projecting from the wall above the ground floor. (Ord. 2016-4267. Passed 10-3-16.)

Basement: A story all or partly below grade but having at least one-half of its height below the average level of the adjoining ground.

Bed and Breakfast: A private residence where lodging and breakfast is provided by a resident family for compensation. Such a facility is generally used by transients.



1203.03

Beginning of Construction: The incorporation of labor and material within the walls of the building or buildings, the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and material where land is to be used for purposes other than construction of a building.

Bikeway: A public way for non-motorized transportation use, whether along the side of a road or not.

Board: Board of Zoning Appeals.

Boarding or Lodging House: A dwelling or part thereof where meals and/or lodging is provided for three or more persons for compensation by previous arrangement, but not transients.

Buffer Strip: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another.

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

Building, Accessory: A subordinate structure on the same lot as the principal or main building or use.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the base point of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs. (See Section 1205.05A.)

Building Line: See Setback Line.

Building Permit: Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

Building, Principal: A building in which is conducted the main or principal use of the lot on which it is situated.

Bulk Storage: The storage of chemicals, petroleum products, grains, aggregates, and other materials in structures for subsequent resale to distributors or retail dealers or outlets.

Business, General: Commercial uses which generally require location on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, to supply the more durable and permanent needs of the whole community.

Business, Local: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. Businesses in this classification tend to serve a day-to-day need in the neighborhood.

Business, Office Type: Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates administrative, executive, professional, or institutional operations.

Business, Services: Any for-profit activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in homes and business.

Business, Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product or for use by business service.

BZA: Board of Zoning Appeals.

CABO Code: Building codes established by the Council of American Building Officials, edition as adopted by Council.

Canopy: A structure constructed of rigid materials including, but not limited to, metal, wood, concrete, plastic, canvas or glass which is attached to and supported by a building or by columns, poles or braces extended to the ground.

Cemetery: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of Compliance (Certificate of Occupancy): A certificate issued by the Zoning Inspector confirming that the requirements of this Code have been met and the building can be occupied.

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Charitable Organization: See Tax Exempt Organization.

Cinema: Commercial facility used for showing and viewing motion pictures.

Clinic: A clinic is a place which provides a range of services by a group of licensed practitioners, their associate(s) and assistant(s), including the care, diagnosis and treatment of those who are sick, ailing, infirm, and/or injured persons, and includes the care of those who are in need of medical, surgical or dental attention, but who are not provided with board or room nor kept overnight on the premises.

Club: A building or portion thereof, or premises operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Collector Street: See Thoroughfare.

Commission: Planning and Zoning Commission.

Comprehensive Plan: A plan, or any portion thereof, which establishes the general goals, objectives, and policies of the community, is recommended by the Planning and Zoning Commission and adopted by the City Council. The plan shows the general location and extent of present and proposed physical facilities and open spaces including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities.

Conditional Use: An uncommon or infrequent use permitted within a zoning district other than a principally permitted use, subject to compliance with certain standards or explicit conditions, following guidelines established by the Commission.

Conditional Use Permit: A permit issued by the Zoning Inspector upon approval by the BZA to allow a use other than a principally permitted use to be established within the district.

Convenience Store: Commercial uses catering primarily to passing traffic which originates outside of the surrounding neighborhood. Such uses generally require location on or near major thoroughfares and/or their intersections.

Corner Lot: See Lot Types.

Court: An open space wholly or partly surrounded by structures.

Cul-de-Sac: See Thoroughfare. (Ord. 2001-3397. Passed 8-20-01.)

Cultivator: An individual, corporation, business association or other business entity that grows, harvests, packages, and/or transports medical marijuana as authorized by Chapter 3796 of the Ohio Revised Code. (Ord. 2017-4291. Passed 7-24-17.)

Culvert: A covered conduit used for drainage.

Daycare Facility: A facility for the care of babies, children, persons, or elderly people.

Dead-End Street: See Thoroughfare. (Ord. 2001-3397. Passed 8-20-01.)

Deck: A platform, either open or partially located under roof, that is supported by pillars or posts. A deck may be either freestanding or attached to the principal structure. (Ord. 2016-4267. Passed 10-3-16.)

Deed: An instrument conveying or transferring an interest in real property from one person or entity to another. (Ord. 2001-3397. Passed 8-20-01.)

Demolition: The intentional act of pulling down, destroying, dismantling, defacing, removing or razing a building or structure, or commencing the work of a total, substantial, or partial demolition with the intent of completing the same. (Ord. 2017-4288. Passed 7-24-17.)

Density: A unit of measurement; and number of dwelling units per acre of land:

1. Gross Density: The number of dwelling units per acre of the total land to be developed.

2. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Disabled Vehicles: Any vehicle that is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, transmission, and/or in a state of not being operable.

Discount Stores: A retail store offering merchandise at lower-than-usual prices.  
(Ord. 2001-3397. Passed 8-20-01.)

Dispensary: An individual, corporation, business association or other business entity that sells medical marijuana as authorized by Chapter 3796 of the Ohio Revised Code.  
(Ord. 2017-4291. Passed 7-24-17.)

Drive Through Facilities: A designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.

Driveway: That portion of land designated by the owner for ingress and egress to said land.

Dwelling: Dwelling is any building which contains one or more "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

Dwelling, Multi-Family: A dwelling consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and common walls.

Dwelling, Rooming Housing (Boarding House, Dormitory): A dwelling or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Dwelling, Single-Family: A dwelling consisting of a single dwelling unit which is separated from other dwelling units by open space.

Dwelling, Two-Family: A dwelling consisting of two dwelling units which may be either attached by a common wall or one above the other, with each unit having a separate or combined entrance or entrances.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: Authorization by a property owner for another organization or individual to use a designated part of his or her property for a specified purpose.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment, and related accessories which are reasonable and necessary for the furnishing

of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings other than structures specifically for housing the essential services named herein or similar to those named herein.

Family: One or more persons occupying a single dwelling unit, provided that no such family shall contain more than three persons unless all members are related by blood, adoption, or marriage.

Farm Market: Markets from which fifty percent (50%) or more of the gross income received from the market is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

Flood Plain: An area of land susceptible to being inundated by flood waters from any source.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur in a particular flood plain because of certain physical characteristics. The regional flood generally has an average frequency of the 100 year recurrence interval flood.

Flood, Regulatory Base: Flood having a 1 percent chance of being equaled or exceeded in any given year.

Flood, Regulatory Base Discharge: The rate of flow produced by the regulatory base flood measured in cubic feet per second (CFS).

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Flood Fringe: That portion of the flood plain, excluding the floodway, based on the total area inundated during the regulatory base flood plus 25% of the regulatory base flood discharge.

Floor Area (Gross) of a Residential Building: The sum of the gross horizontal area of the floors of a residential building, excluding basement floor areas not devoted to residential use, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building: The interior floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, and display windows.

Food Processing: The preparation, storage, or processing of food products, excluding any consumption on premises. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Frontage: That side of a lot abutting on a street; the front lot line.

Garage, Private: An accessory building for parking or temporary storage of motor-driven vehicles, travel trailers and/or boats of the occupants of the premises.

Garage, Public: A principal or accessory building other than private garages, used strictly for parking or temporary storage of passenger vehicles.

**Garage, Service Station:** Buildings and premises for retail sales of vehicular fuels, oil, grease, batteries, tires, and motor vehicle accessories. The following sales or services represent those typically available at a service station:

1. Automotive repair.
2. Tire servicing and repair, but not recapping or regrooving.
3. Washing, polishing, and cleaning of the vehicle.
4. Sales of beverages, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
5. Provisions of road maps and other informational material to customers.
6. Provision of restroom facilities to customers.

Uses permissible at retail fuel dispensing facilities do not include major automotive body work, painting, storage of autos not in operational condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in retail fuel dispensing facilities.

**Governmental Buildings:** Buildings owned or operated by federal, state or local governments or departments and/or subdivisions thereof, that are used for administrative, ministerial, public service, safety, health, public utility or recreational purposes.

**Grocery Store:** A retail store selling staple foodstuffs and household supplies.

**Home Occupation:** Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

**Hospital:** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

**Hotel:** A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

**Household:** See Family.

**Institution:** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

**Junk Motor Vehicle:** A motor vehicle that is three years old or older, and is apparently inoperable, and is extensively damaged, including but not limited to missing wheels, tires, engine, or transmission. (ORC 505.173)

**Junk Yard:** Means any area, lot, land, parcel, building, structure or part thereof, or open area, where waste (excluding municipal waste), discarded or salvaged materials are stored, bought, sold, exchanged, abandoned, processed, baled, packed, disassembled or handled, including, but not limited to: wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, auto wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage and equipment, as well as any structures or buildings used in connection therewith, or where more than two (2) junk or nuisance motor vehicles, or parts thereof, per Section 303.10 are stored even when concealed by fence or opaque hedges. Junk Yards shall be licensed per City Codified Ordinances Chapter 723. (Ord. 2011-4032. Passed 9-6-11.)

Kennel (private): Any lot or premises on which five or more domesticated dogs or cats, of more than four months of age, are housed, groomed, bred, boarded, trained, or sold.

Kennel (commercial): Any lot or premises on which five or more domesticated dogs or cats, of more than four months of age, are housed, groomed, bred, boarded, trained, or sold and where pet care products, equipment, merchandise, and/or food is sold.

Legal Description: A description of real estate by metes and bounds or by lot numbers of a plat which has been recorded in the office of the County Recorder.

Licking County Planning Commission: A Commission established pursuant to Ohio R.C. Chapter 713. Also referred to as "LCPC."

Loading Space, Off-Street: Space logically and conveniently located within the main building or on the same lot for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way. (Ord. 2001-3397. Passed 8-20-01.)

Local Provisional License: A temporary license issued by the City of Pataskala to a medical marijuana entity that establishes conditions that must be met by the medical marijuana entity before a local operating license is issued.

Local Operating License: A license issued by the City of Pataskala to a medical marijuana entity. A medical marijuana entity shall not operate within the City of Pataskala without a valid local operating license. (Ord. 2017-4291. Passed 7-24-17.)

Location Map: See Vicinity Map.

Lot: A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot may consist of one of the following:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, or a combination of complete lots of record and portions of lots of record.

Lot Coverage: The ratio of exterior-walled area of all buildings at grade and pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage: See Frontage.

Lot Line: The line which defines the boundaries of the lot as follows:

1. Front: The lot line separating an interior lot from the street right-of-way upon which it abuts or the shortest lot line of a corner lot which abuts upon a street right-of-way. Unless the context clearly indicates the contrary, it shall be construed as synonymous with street right-of-way line.

2. Rear: The lot line which is opposite and most distant from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten (10) feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.
3. Side: The lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

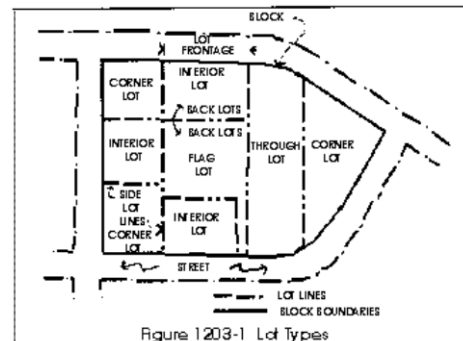
Lot, Minimum Area: The smallest lot area established by the Zoning Code on which a use or structure may be located in a particular zoning district.

Lot Split: Any division of land into 2 to 5 parcels for the purpose, whether immediate or future, of the transfer of ownership, sale, or development.

Lot of Record: A lot which is part of a subdivision, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the office of the County Recorder.

Lot Types: Terminology used in this Zoning Code with reference to corner lots, interior lots and through lots is as follows (see Figure 1203-1):

1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting one curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than 135 degrees.
2. Interior Lot: A lot other than a corner with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
5. Flag Lot: A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow right-of-way or driveway.



Maintenance and Storage Facilities: Land, buildings, and structures for commercial purposes devoted primarily to the maintenance and storage of construction equipment and material.

Major Thoroughfare Plan: The portion of the Comprehensive Plan indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Manufactured Home: Any non-self-propelled vehicle transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. (ORC 4501.01)



Manufactured Home Park: Any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes or solely as a temporary park-camp. (ORC 3733.01)

Manufactured Home and Travel Trailer Sales: The sale or rental of new and used manufactured homes or travel trailers, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

Manufactured Housing: A building designed for residential use which is:

1. Mass-produced in a factory;
2. Designed and constructed for transport to a site for installation and use when connected to the required utilities; and
3. Either an independent, individual building or module for combination with other elements to form a building on the site.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

(Ord. 2001-3397. Passed 8-20-01.)

Marijuana: All parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. Marijuana does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

Medical Marijuana: Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

Medical Marijuana Entity: A medical marijuana cultivator or processor, as authorized by Chapter 3796 of the Ohio Revised Code. (Ord. 2017-4291. Passed 7-24-17.)

Mini-Storage Facility: A principally commercial structure, open to the public, for the use of temporary, enclosed self-storage of personal belongings, furniture, household goods, boats, trailers, or automobiles.

Mini-Warehouse: See Mini-Storage Facility.

Motel or Motor Hotel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Nonconformities: A building, structure, use of land, or parcel of real estate existing at the time of enactment of this Zoning Code, and which does not conform to the regulations of the zoning district in which it is situated.

Nonferrous Foundries: Casting of materials not containing or derived from iron.

Non-profit Organization: See Tax Exempt Organization.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, including but not limited to: odors, air and water pollution, noise, vibration, dust, fumes, smoke, radiation, light, glare, fire hazard, electromagnetic radiation, erosion, and congestion.

Nursing Home: A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

Nursery, Plant Materials: Land, building, structure, or combination thereof for the storage, cultivation or transplanting of live trees, shrubs, or plants offered for sale on the premises including products used for gardening or landscaping.

Open Space: Undeveloped land of the subdivided property providing visual expanses and recreational areas clear of obstructions other than natural vegetation, or structures directly related to the use and enjoyment of these spaces. Open spaces may include natural habitats, places for neighborhood recreation, and pedestrian corridors. Streets, parking areas, and structures for habitation are not considered open space.

Outlet Stores: Stores which sell damaged goods, seconds, or overstock merchandise. Such merchandise is typically bought in bulk and sold at discount prices.

Overlay Districts: Zoning districts which extend on top of more than one base zoning district and are intended to protect certain critical resources and features, or further promote public health, safety, comfort, and welfare. When the standards of the base zoning district conflict with that of the overlay zone, the more restrictive standard shall apply.

Parking Area: An open area other than a street, drive, or alley used or intended to be used for the storage of motor vehicles, with or without a fee.

Parking Space, Off-Street: An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but that is located totally outside of any street or alley right-of-way. (Ord. 2001-3397. Passed 8-20-01.)

Patio: A hard surfaced area on the ground, typically adjoining the principal structure, constructed of concrete, bricks, tiles, pavers or similar materials. (Ord. 2016-4267. Passed 10-3-16.)

Performance Guarantee: An agreement from one party (usually a developer) to another (usually the City) to ensure that certain improvements are or will be built as shown in engineering or other drawings and specifications within a certain time period or to certain standards.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Personal Services: Any for-profit enterprise which primarily offers services to the general public.  
(Ord. 2001-3397. Passed 8-20-01.)

Planned Development: An area of land in which a variety of harmonious uses is designed through plans agreed upon between the developer(s) and the City of a minimum number of contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, residential uses or a combination of such uses, with appurtenant common areas and accessory uses, customary and incidental to the predominant uses. Planned Development incorporates more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedures for approval of such development contain requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans. (Ord. 2010-3962. Passed 3-8-10.)

Porch: A fully roofed platform, which may be enclosed by screens, attached to the principal structure with direct access to or from it. (Ord. 2016-4267. Passed 10-3-16.)

Principal Structure: The structure in which is conducted the main or principal use of the lot on which the structure is located. (Ord. 2006-3733. Passed 12-18-06.)

Processor: An individual, corporation, business association or other business entity that manufactures medical marijuana products as authorized by Chapter 3796 of the Ohio Revised Code. (Ord. 2017-4291. Passed 7-24-17.)

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, accountants, architects, and engineers, and similar professions

Prohibited Facility: A school, church, public library, public playground, or public park.  
(Ord. 2017-4291. Passed 7-24-17.)

Public Areas: Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

Public Service: Relating to the health, safety, and welfare of the population.

Public Utility: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Public Utility Facility: Building, structure, and facility, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity has a right, or which is dedicated, whether improved or not.

Recreation Facilities: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to country clubs, golf courses, and hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, swimming pools, and bowling alleys.

Research Facilities: Research, testing, and related facilities including operation of prototype, pilot plant or semi-works processes which are no larger than normal version of process, exposure of product to weather and all other tests relating to code and other product performance requirements, and fabrication or assembly operations which process materials or equipment for market development and other uses.

Residence: See Dwelling.

Restaurant: A business establishment where food and beverages are prepared, served, and consumed primarily on the premises.

Retail Store: A store primarily engaged in selling household merchandise and in rendering services incidental to the sale of goods.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, bikeway, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

Roadside Stand: See Farm Market.

Salvage Yard: See Junk Yard.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Seating: The number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

Self-Storage Facility: See Mini-Storage Facility.

Setback Line: A line generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in this Zoning Code.

Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sidewalk: A handicapped-accessible portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign-Related Definitions.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. See Figure 210-2.

1. Sign, Awning: A sign which is suspended from, attached to, supported from or forms a part of an awning.
2. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
3. Sign Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
4. Sign, On-Premises: Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
5. Sign, Off-Premises: Any sign unrelated to the activity conducted on the premises where the sign is located.
6. Sign, Projecting: Any sign which projects from the exterior of a building.
7. Sign, Swinging: A sign installed on an arm mast or spar that is not, in addition, permanently fastened to an adjacent wall or an upright pole.

Banner: Any sign, painted, printed or otherwise displayed on cloth, plastic film or similar material.

Business Sign District: Shall include the Business and Manufacturing districts in the City of Pataskala and shall include those lots in the Professional-Research Office Districts with frontage on State Routes 16 and 310.

Directional Sign: A sign limited to directional or guiding messages, principally for pedestrian or vehicular traffic, such as "entrance," "exit," or "one-way."

Free-Standing Sign: Any non-movable sign not attached or part of any building, but separate and affixed in or upon the ground.

General Sign District: Shall include the Professional-Research-Office (except for those lots included in the Business Sign District), AG, and R zoning districts in the City of Pataskala.

Permanent Subdivision Identification Sign: Signage features specifically relating to the denotation of a major entrance or entrances to a subdivision.

Portable Sign: A sign designed to be movable and not attached to the ground, a building, a structure or another sign.

Projecting Sign: A sign attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall, or a sign which is perpendicular to the face of such wall or structure.

Sign Structure: The supports, uprights, bracing and framework for the sign.

Temporary Sign: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

Wall Sign: A sign that is painted on, attached to, or projected on the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

Window Sign: A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within two (2) feet of the window, but not including graphics in connection with customary window display of products.

(End of Sign-Related Definitions)

Similar Use: A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele. The use may be found analogous and added to the classification according to the procedures and requirements of this Zoning Code.

Stable, Commercial: A building or structure, including surrounding fenced lands, in which domestic animals are sheltered and fed, which is open to the public for let, hire, use, or board on a commercial basis and for compensation.

Stable, Private: A structure or building, including surrounding fenced lands, in which domestic animals are sheltered and fed, and are owned by the occupant or owner of the premises which is not open to the general public.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above, except that the topmost story shall be that habitable portion of a building included between the surface of the topmost floor and ceiling or roof above.

Stream: Any channel, meandering or modified, that has a bed and banks in which an ordinary high water mark is present and in which water flows on a periodic or perennial basis. Examples of ordinary high water marks include, but are not limited to, a clear, natural line impressed upon the bank, shelving changes in the character of the soil, destruction of terrestrial vegetation, and the presence of natural litter and debris.

Street: See Thoroughfare.

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.

Structural Alteration: See Alterations, Structural.

Supermarkets: Large scale retail establishments which may sell groceries and services. The facilities may also serve as a department store and/or restaurant. Supermarkets may be open 24 hours a day and generate high volumes of traffic. Strong access management is crucial as well as proper internal traffic circulation.

Swimming Pool: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-ground pool, having a depth of more than thirty inches, designed, used, and maintained for swimming and bathing. (See Chapter 1297)

Tax Exempt Organization: Any organization operating under the rules and regulations of Section 501(C) of the Internal Revenue Service Code. (Ord. 2006-3733. Passed 12-18-06.)

Testing Laboratory: An individual, corporation, business association or other business entity that conducts medical and scientific research on marijuana as authorized by Chapter 3796 of the Ohio Revised Code. (Ord. 2017-4291. Passed 7-24-17.)

Theaters: Theaters or playhouses designed and used exclusively for theatrical productions, ballets, operas, or other live entertainment productions.

Thoroughfare, Street, or Road: The full width within the right of way bounding every public way, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.
2. Arterial Street: Arterial are major thoroughfares designed to carry traffic between municipalities and other activity centers and to provide connections with major state and interstate roadways. Typically, existing state routes will be classified as arterial.
3. Collector Street: Collectors distribute traffic between lower order residential streets and higher order arterial. Their purpose is primarily to promote free traffic flow, and direct access for adjoining lots should be limited where possible. Collectors should not be used for on street parking, and may provide linkages to adjoining developments to improve circulation. Typically, existing County roads will be classified as collectors and, a new collector will be required when a residential subdivision reaches 150 dwelling units, or an equivalent traffic generation.
4. Cul-de-Sac: A street that has a single means of access and that terminates in a vehicular turnaround.
5. Dead-End Street: A street having only one common ingress and egress for vehicular traffic.
6. Local Residential Street: The lowest order streets providing access to residential lots and carrying only the traffic generated by adjoining residential land uses.
7. Loop Street: A local street that has its only ingress and egress at two points on the same street.
8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).
9. Subcollector: A street designed to provide access to adjoining property and carry traffic between local residential streets and cul-de-sacs and higher order collectors and arterial.

Through Lot: See Lot Types.

Truck Stop: A facility generally providing service to motor vehicles and/or semitrailer or other types of vehicles as defined in Ohio R.C. 4501.01. The service provided by such facility may include but not limited to, gasoline, diesel fuel, repair service, and restaurant facilities. Generally these are associated with interchange areas along the major limited access highways and to provide a service to the motoring public.

Transportation, Director of: The Director of the Ohio Department of Transportation.

Use: The specific purposes of which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.  
(Ord. 2006-3733. Passed 12-18-06.)

Valid: Not expired, suspended or revoked. (Ord. 2017-4291. Passed 7-24-17.)

Variance: A minor departure or exception from the strict rule or literal enforcement of the Zoning Code.

Vending Machine: Any stand alone coin operated apparatus with the specific purpose of providing a consumable good to a customer. Specific examples might include a soda machine, a newspaper machine, or a snack machine. Coin operated apparatus providing a utility (payphone) or nondurable good or service (vacuum or air compressor) would not fit the definition of a vending machine for purposes of this Code.

Veterinary Animal Hospital or Clinic: A place used for the care of animals in need of medical or surgical attention. The boarding of animals is limited to short-term care incidental to the hospital or use.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Walkway: A public way for pedestrian use.

Watercourse: Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Store: An establishment or place of business primarily engaged in selling wholesale goods directly to the public.

Yard: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from the lot line to the front of the primary structure.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the primary structure.
3. Yard, Side: A yard extending from the primary structure to the side lot line on both sides of the primary structure between the lines establishing the front and rear yards.



Zoning District: A portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply.

Zoning Inspector: The authorized representative employed by the City for the enforcement of the Zoning Code.

Zoning Map: The map or maps of the City, together with all zoning amendments subsequently adopted showing official zoning boundaries.

Zoning Permit: A document issued by the Zoning Inspector in accordance with this Zoning Code authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses. (Ord. 2006-3733. Passed 12-18-06.)



## CHAPTER 1205 Measurements

1205.01	Purpose.	1205.09	Measuring lot widths.
1205.02	Fractions.	1205.10	Measuring lot depths.
1205.03	Measuring distances.	1205.11	Measuring areas with squares of specified dimensions.
1205.04	Measuring distances on maps.	1205.12	Setback averaging.
1205.05	Measuring height.	1205.13	Measuring tree diameter.
1205.06	Determining average slope.	1205.14	Manufactured home space calculations.
1205.07	Determining the area of the facade of a building.	1205.15	Sign measurements.
1205.08	Determining the garage wall area.		

### CROSS REFERENCES

Rules of construction - see ADM. 101.03  
Conflicting provisions - see ADM. 101.06

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#### **1205.01 PURPOSE.**

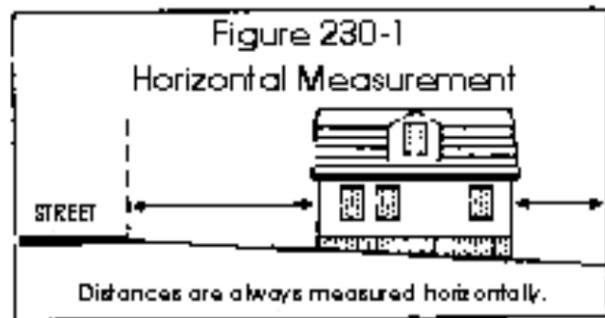
This chapter explains how measurements are made in the Zoning Code.

#### **1205.02 FRACTIONS.**

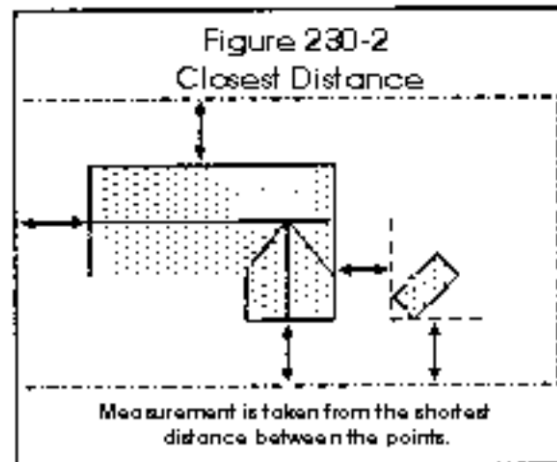
When calculations result in fractions the results will be rounded as follows:

- A. Minimum requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50 foot strip, the resulting fraction of 1.67 is rounded up to 2 required trees.
- B. Maximum limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 7,000 square feet is applied to an 18,000 square foot site, the resulting fraction of 2.57 is rounded down to 2 allowed dwelling units.

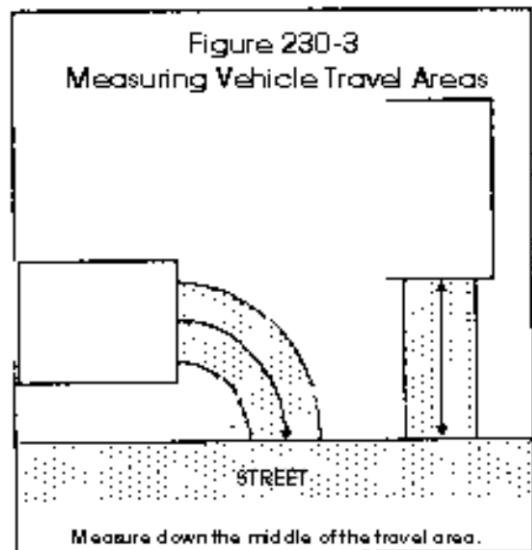
- A. **1205.03 MEASURING DISTANCES.** Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. See Figure 230-1.



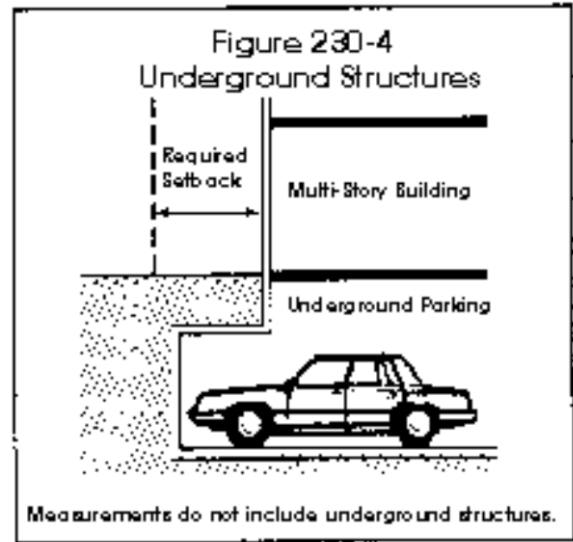
- B. Measurements are shortest distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects. See Figure 230-2. Exceptions are stated in Subsection C, D, and E.



- C. Measurements of vehicle travel areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, is measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane. See Figure 230-3.



- D. Measurements involving a structure. Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, and bay windows not more than 2 feet in depth and/or up to 12 feet in length, are not included in the measurement. Other items, such as covered porches and entrances, are included in the measurement. See Figure 230-2 above, and the base zone chapters.
- E. Underground structures. Structures or portions of structures that are entirely underground are not included in measuring required distances. See Figure 230-4.

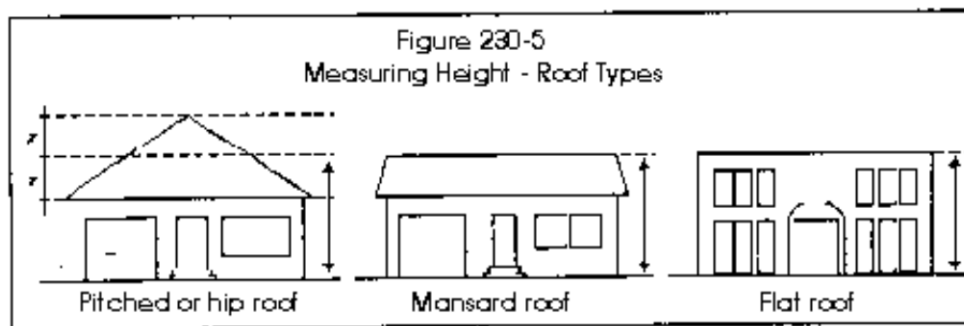


#### 1205.04 MEASURING DISTANCES ON MAPS.

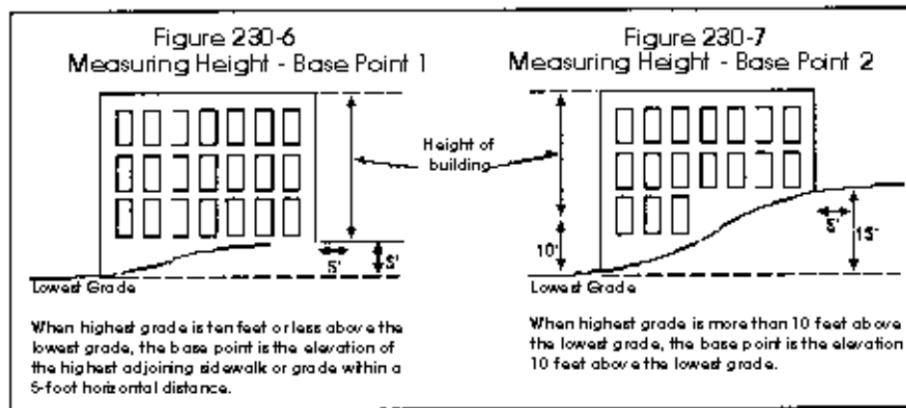
Zoning district boundaries that are shown crossing lots are usually based on a topographic feature or a set measurement from a property line or topographic feature, such as the top of slope, middle of stream, 25 feet from top of bank, or 30 feet from property line. When zoning district boundaries are shown crossing properties with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the Official Zoning Maps, using the center of the zoning line.

#### 1205.05 MEASURING HEIGHT.

A. Measuring building height. Height of buildings is generally measured as provided in the Council of American Building Officials (CABO) Code. The height of buildings is the vertical distance above the base point described in Paragraphs 1 or 2 below. The base point used is the method that yields the greater height of building. For a flat roof, the measurement is made to the top of the parapet, or if there is no parapet, to the highest point of the roof. The measurement is made to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or tripped roof that has a roof pitch of 12/12 or less. For pitched or tripped roofs with a pitch steeper than 12/12, the measurement is to the highest point. For other roof shapes such as domed, vaulted, or pyramidal shapes, the measurement is to the highest point. See Figure 230-5. The height of a stepped or terraced building is the maximum height of any segment of the building.

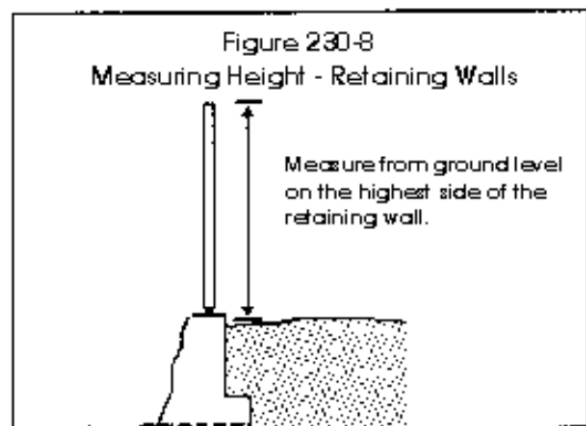


1. Base point 1. Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade. See Figure 230-6.



2. Base point 2. Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described in Paragraph A. 1. above, is more than 10 feet above lowest grade. See Figure 230-7.
- B. Measuring height of other structures. The height of other structures such as flag poles and fences is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of the zoning district by a set amount, that set amount is measured to the top of these objects. Special measurement provisions are also provided below.

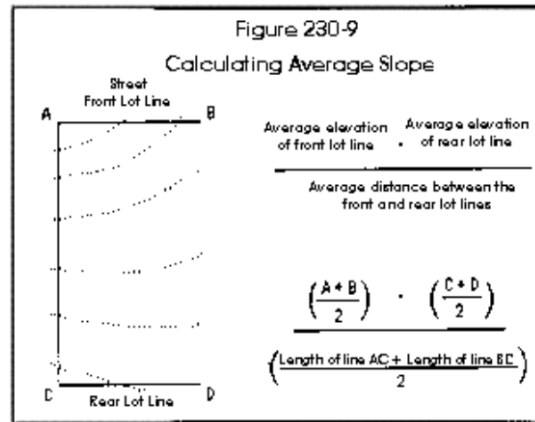
1. Measuring height of retaining walls and fences. Retaining walls and fences on top of retaining walls are measured from the ground level on the higher side of the retaining wall. See Figure 230-8.
2. Measuring height of decks. Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail, or from the ground to the top of the rails for all other situations.



- C. Exceptions to height measurements. The height limitations do not apply to ventilators and chimneys except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

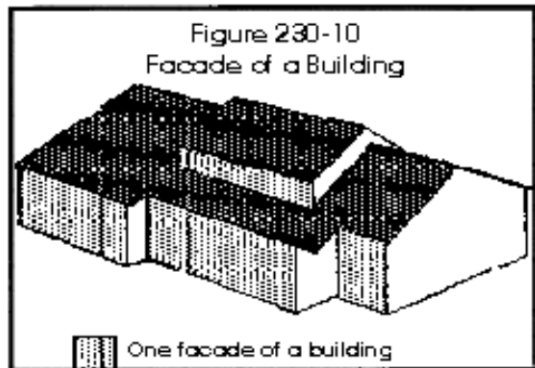
### 1205.06 DETERMINING AVERAGE SLOPE.

Average slope used. When calculating the slope of a lot, an average slope is used based on the elevations at the corners of the lot. The average slope of a lot is calculated by subtracting the average elevation of the uphill lot line and the average elevation of the downhill lot line and dividing the sum by the average distance between the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two. See Figure 230-9.



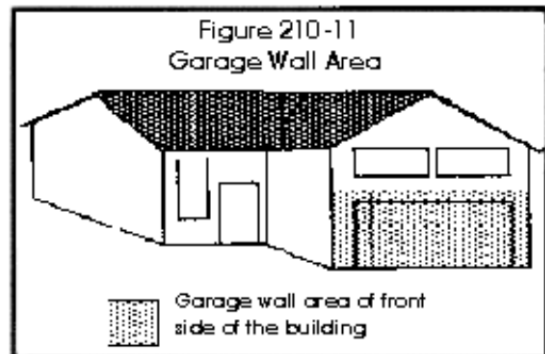
### 1205.07 DETERMINING THE AREA OF THE FACADE OF A BUILDING.

The area of a specific facade of a building is determined by adding the square footage of surface area of each section of wall visible from that perspective. For buildings with more than one wall along one facade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area. See Figure 230-10.



### 1205.08 DETERMINING THE GARAGE WALL AREA.

The garage wall area is determined by calculating the area of the specific side of a structure that is backed by garage space. The garage wall area is not limited to the area of the garage door; it includes all the area on the specified side of a structure between the ceiling, floor, and walls of the garage. See Figure 230-11.

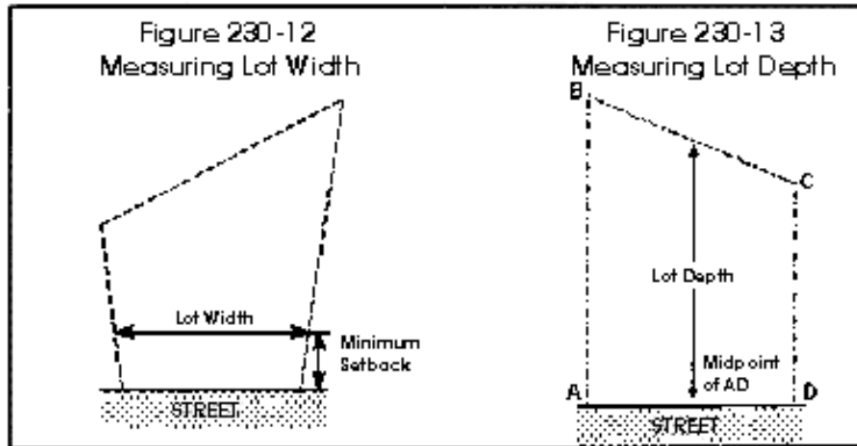


### 1205.09 MEASURING LOT WIDTHS.

Lot widths are measured between the side lines of a lot at right angles to the depth along a straight line parallel to the front lot line at the minimum required building setback line. See Figure 230-12.

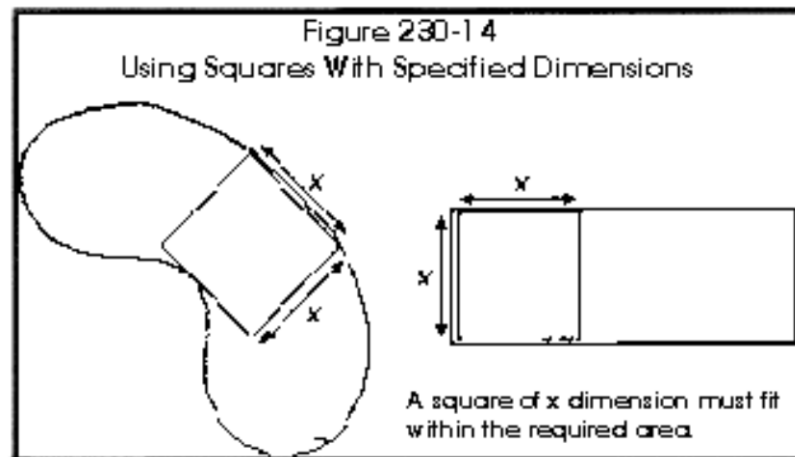
### 1205.10 MEASURING LOT DEPTHS.

Lot depths are measured from the midpoints of opposite lot lines. See Figure 230-13.



### 1205.11 MEASURING AREAS WITH SQUARES OF SPECIFIED DIMENSIONS.

Required areas (for example, required usable outdoor areas in residential zones and the industrial zone lot standards) must be of a sufficient size and configuration so that a square measuring X by X can be placed totally within the required area. The dimensions of the square are stated in the base zone chapters. See Figure 230-14.

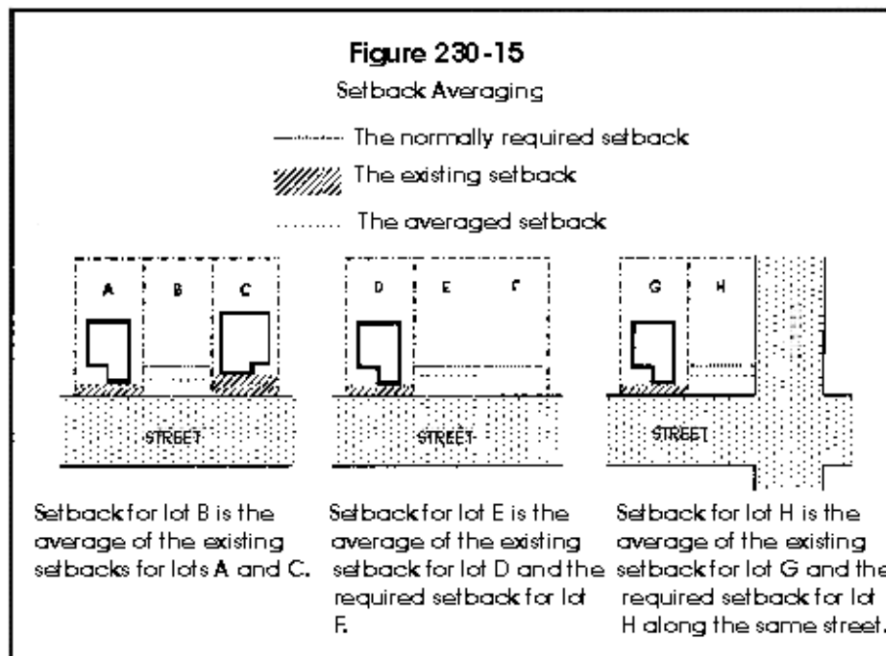




### 1205.12 SETBACK AVERAGING.

Certain regulations allow for setbacks to be averaged. In these situations the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. See Figure 230-15. The following rules apply in calculating the average:

- A. The setbacks used for the calculations must be the same type of setback that is being averaged and must be in the same zoning district.
- B. Only the setbacks on the lots that abut each side of the site and are on the same street may be used. Setbacks across the street or along a different street may not be used.
- C. When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the nonvacant lot and the required setback for the zoning district.



### 1205.13 MEASURING TREE DIAMETER.

Tree diameter is measured at a height of 5 feet above the ground. Trees on slopes are measured from the ground level on the lower side of the tree. If the tree splits into multiple trunks below 5 feet, the trunk is measured at its most narrow point below the split.

### 1205.14 MANUFACTURED HOME SPACE CALCULATIONS.

Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

**1205.15 SIGN MEASUREMENTS.**

The following principles shall control the computation of sign area and sign height.

- A. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Code regulations and is clearly incidental to the display itself.
1. The area encompassing address numbers measuring up to 6 SF and included on a sign shall not count toward the sign maximum allowable area.
  2. Any lettering smaller than one-half (1/2) inch in size shall be exempt from these requirements.
- B. Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.
1. Double-faced (back-to-back surfaces, or v-shaped signs) signs shall be regarded as a single sign with 2 faces only if mounted on a single structure, and the angle between each sign face does not exceed 45 degrees at the line or point where they meet; if the faces are exactly parallel or not v-shaped, the distance between shall not exceed 2 feet and shall have a finished enclosure to the edge facing perpendicular to the primary roadway.
  2. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six inches from the sign face may be presented for consideration by the Planning and Zoning Commission according to Section 1295.14, Areas of Special Character and Creative Signs Permit.
- C. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to the construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.
- D. Sign Spacing. Spacing between free standing signs shall be measured by the distance between two points along the edge of the street and on the same side of the street as the signs. The points shall be determined by drawing a line perpendicular to the street from the closest extremity of the sign to the street.
- E. Sign Setback. Sign setback shall be measured from the road right-of-way to the closest extremity of the sign, measured perpendicular to the street.  
(Ord. 2011-4023. Passed 6-6-11.)

## CHAPTER 1207 Administration

<b>1207.01</b>	<b>Position of Zoning Inspector created.</b>	<b>1207.06</b>	<b>Board of Zoning Appeals created.</b>
<b>1207.02</b>	<b>Duties of Zoning Inspector.</b>	<b>1207.07</b>	<b>Duties of Board of Zoning Appeals.</b>
<b>1207.03</b>	<b>Planning and Zoning Commission created.</b>	<b>1207.08</b>	<b>Proceedings of Board of Zoning Appeals.</b>
<b>1207.04</b>	<b>Duties of Planning and Zoning Commission.</b>	<b>1207.09</b>	<b>Schedule of fees, charges and expenses.</b>
<b>1207.05</b>	<b>Proceedings of Planning and Zoning Commission.</b>	<b>1207.10</b>	<b>Fee refunds.</b>

### CROSS REFERENCES

Planning Commission - see CHTR. 7.02

Board of Zoning Appeals - see CHTR. 7.03

#### **1207.01 POSITION OF ZONING INSPECTOR CREATED.**

A Zoning Inspector, hired by the City Administrator subject to the rules of the Personnel Board of Review regarding certified lists of candidates, shall administer and enforce this Code. All officials and employees of the City may assist the Zoning Inspector by reporting to him any new construction, reconstruction, or apparent violations to this Code.  
(Ord. 2017-4280. Passed 3-6-17.)

#### **1207.02 DUTIES OF ZONING INSPECTOR.**

- A. For the purpose of this Code, the Zoning Inspector shall have the following duties:
1. Issue zoning permits and certificates of compliance when the procedures and standards of this Code have been followed.
  2. Upon finding that any of the provisions of this Code are being violated, he shall notify in writing the person responsible for such violations, ordering such action(s) as necessary to correct such violations.
  3. Order discontinuance of illegal uses of land, buildings, or structures.
  4. Order removal of illegal buildings or structures or illegal additions or structural alterations.
  5. Order discontinuance of any illegal work being done.
  6. Take any other action authorized by this Code to ensure compliance with or to prevent violations of this Code. This may include the keeping of any records, permits, and certificates as are necessary for the performance of these duties.

**1207.03 PLANNING AND ZONING COMMISSION CREATED.**

The Planning and Zoning Commission is created under authority of Section 7.02 (A) of the Charter of the City of Pataskala, Ohio; enabling language is included here for reference. "There is hereby created a Planning and Zoning Commission consisting of seven members to be appointed as follows:

"The City Council shall appoint seven members of the Planning and Zoning Commission, who are electors of the City, subject to confirmation by a majority vote of the members of the Council to serve overlapping four year terms of office, provided that the seven members of the Planning and Zoning Commission under the statutory plan of government for the City of Pataskala are hereby designated as members of the Planning and Zoning Commission under this Charter to serve for the remainder of their terms. Thereafter each member shall have a four year term."

All vacancies shall be filled pursuant to Section 7.06 (B) of the Charter of the City of Pataskala, Ohio. Members of the Commission may be removed from office pursuant to Section 11.01 of the Charter of the City of Pataskala, Ohio. (Ord. 2017-4280. Passed 3-6-17.)

**1207.04 DUTIES OF PLANNING AND ZONING COMMISSION.**

A. For the purpose of this Code, the Commission has the following specific responsibilities:

1. Initially review all proposed amendments to this Code in accordance with Chapter 1217 and make recommendations to City Council.
  2. Determine the similarity of uses per Section 1213.01.
  3. Determine which uses are permitted or not permitted in any zoning district.
  4. Determine which uses are conditionally permitted in any zoning district, including the standards and criteria under which such uses shall be authorized, as specified in Chapter 1215.
  5. Authorize the substitution or extension of nonconforming uses, as specified in Chapter 1285.
  6. Approve all lot splits of less than twenty acres within the City prior to those lot splits being recorded with the Licking County Recorder's Office. The Chairman of the Planning and Zoning Commission may sign off on lot splits exceeding twenty acres per lot.
  7. Review all Planned Development Districts and make recommendations to the Council as provided in Chapter 1255.
- (Ord. 2017-4280. Passed 3-6-17.)

**1207.05 PROCEEDINGS OF PLANNING AND ZONING COMMISSION.**

The Commission shall operate pursuant to Section 7.06 of the Charter of the City of Pataskala, Ohio. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. A minimum of four (4) meetings shall be held annually; with one meeting to be scheduled during each calendar quarter. The Commission may, within the limits of the moneys appropriated by Council for the purpose, and with the additional consent of the Council and/or City Administrator as applicable, employ or contract with such planning consultants and executive and other assistants as it seems necessary.

All meetings shall be open to the public.

The Commission shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish.

The Commission may call upon the various departments of the City for assistance in the performance of its duties as may reasonably be required.  
(Ord. 2017-4280. Passed 3-6-17.)

**1207.06 BOARD OF ZONING APPEALS CREATED.**

The Board of Zoning Appeals is created under authority of Section 7.03 (A) of the Charter of the City of Pataskala, Ohio; enabling language is included here for reference. "There is hereby created a Board of Zoning Appeals consisting of five members, who are electors of the City, to be appointed by and confirmed by a majority vote of the members of the Council. Members of the Board shall serve for overlapping four year terms of office, provided the first members of the Board under this Charter shall be appointed for the following terms: three shall be appointed for four year terms, and two shall be appointed for two year terms; thereafter each member of the board shall be appointed for a term of four years."

All vacancies shall be filled pursuant to Section 7.06 (B) of the Charter of the City of Pataskala, Ohio.

Members of the Commission may be removed from office pursuant to Section 11.01 of the Charter of the City of Pataskala, Ohio. (Ord. 2017-4280. Passed 3-6-17.)

**1207.07 DUTIES OF BOARD OF ZONING APPEALS.**

A. The Board has responsibilities pursuant to Sections 7.03 (B) and 7.03 (C) of the Charter of the City of Pataskala, Ohio: "(B) The Board of Zoning Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations and other legislative measures and orders of administrative officials or agencies governing zoning in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by ordinance or resolution. The Board shall have such additional powers, duties and functions, relative to appeals from actions of the City's administrative officers or employees concerning public buildings, streets or other public property or works, as provided by ordinance or resolution. Appeals from actions of the Board shall be directly to an appropriate Court and not to the Council. (C) The Board may make advisory recommendations to the Council and the Planning and Zoning Commission concerning zoning matters as it believes to be in the best interest of the City. The Board shall have such other powers, duties and functions consistent with this Charter, as provided by the Municipality's ordinances and resolutions." For the purpose of this Code, the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
2. To authorize such variances from the terms of this Code as shall be provided by Ordinance, in accordance with the provisions of Chapter 1211 of the Zoning Code.
3. To interpret the Zoning Map and Code upon appeal of the Zoning Inspector's decision. Where the streets or lot layout actually on the ground, or as recorded, differs from the streets and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property or properties concerned, and after public hearing, shall interpret the Map in such a way as to carry out the intent and purpose of this Code. In case of any questions as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of the Code, a request for interpretation of the Zoning Map or the textual provision in question may be made to the Board and a determination shall be made by said Board.

4. To grant conditional zoning permits as specified in the official Schedule of District Regulations and under the conditions specified in Chapter 1215 with such additional safeguards as will uphold the intent of this Code. (Ord. 2017-4280. Passed 3-6-17.)

#### **1207.08 PROCEEDINGS OF BOARD OF ZONING APPEALS.**

The Board shall operate pursuant to Section 7.06 of the Charter of the City of Pataskala, Ohio. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. A minimum of four (4) meetings shall be held annually; with one meeting to be scheduled during each calendar quarter. The Board may, within the limits of the moneys appropriated by Council for the purpose, and with the additional consent of the Council and/or City Administrator as applicable, employ or contract with such planning consultants and executive and other assistants as it seems necessary.

All meetings shall be open to the public.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish.

The Board may call upon the various departments of the City for assistance in the performance of its duties as may reasonably be required. (Ord. 2017-4280. Passed 3-6-17.)

#### **1207.09 SCHEDULE OF FEES, CHARGES, AND EXPENSES.**

City Council shall by separate ordinance establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Code requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by Council. Until said fees are paid, no action shall be taken on any application.

(Ord. 2017-4280. Passed 3-6-17.)

#### **1207.10 FEE REFUNDS.**

The situations under which required fees may be refunded are stated below.

- A. Unnecessary fees. When a fee is accepted by staff for a hearing or review that is later found to not be required, a full refund will be given.
- B. Errors. When an error is made in calculating a fee, overpayment will be refunded.
- C. Full refunds. If the written request for the withdrawal of an application is received before staff has notified other departments, incurred any advertising or notification costs, or prepared any copies or maps, a full refund will be given.
- D. 50 percent refunds. If the written request for the withdrawal of an application is received after the copies or maps have been made or other departments have been notified, but before required notices have been prepared, a 50 percent refund will be given.
- E. No refunds.
  1. Appeal fees are nonrefundable, except as provided for in subsection B.
  2. Pre-application conference fees are nonrefundable, except as provided for in subsection A. or B.
  3. No refunds are given once the required notices have been prepared.
  4. Zoning permits, parks fees or special permits are nonrefundable except as provided for in subsection B. (Ord. 2017-4280. Passed 3-6-17.)

**CHAPTER 1209**  
**Enforcement and Penalty**

<b>1209.01</b>	<b>Enforcement - duties and general provisions.</b>	<b>1209.10</b>	<b>Temporary certificate of compliance.</b>
<b>1209.02</b>	<b>Zoning permits required.</b>	<b>1209.11</b>	<b>Record of zoning permits and certificate of compliance.</b>
<b>1209.03</b>	<b>Conditions under which a zoning permit is required. (Repealed)</b>	<b>1209.12</b>	<b>Failure to obtain a zoning permit or certificate of compliance.</b>
<b>1209.04</b>	<b>Application for zoning permit.</b>	<b>1209.13</b>	<b>Construction and use to be as provided in applications, plans, permits, and certificates.</b>
<b>1209.05</b>	<b>Approval of zoning permit.</b>	<b>1209.14</b>	<b>Complaints regarding violations.</b>
<b>1209.06</b>	<b>Submission to the Director of the Department of Transportation.</b>	<b>1209.15</b>	<b>Void zoning permit.</b>
<b>1209.07</b>	<b>Building sanitary permits required.</b>	<b>1209.99</b>	<b>Penalty.</b>
<b>1209.08</b>	<b>Expiration of zoning permit.</b>		
<b>1209.09</b>	<b>Certificate of compliance.</b>		

**CROSS REFERENCES**

Violation of zoning ordinances - see Ohio R.R. 713.13

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**1209.01 ENFORCEMENT - DUTIES AND GENERAL PROVISIONS.**

It shall be the duty of the Zoning Inspector, the Planning and Zoning Commission, and the Board of Zoning Appeals to enforce this Code in accordance with the provisions hereof. All officials and public employees of the City of Pataskala shall conform to the provisions of this Code, and shall not issue any permit or license from the City for any use, building, or purpose in conflict with the provisions of this Code. Any permit or license issued in conflict with the provisions of this Code shall be null and void. Permits or licenses required under this chapter are subject to the exceptions provided for in Section 1225.05J.

**1209.02 ZONING PERMITS REQUIRED.**

No owner, lessee, or tenant shall use or permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or altered, wholly or partly, until the Zoning Inspector issues a zoning permit showing that such building, structure, land or part, and the proposed use thereof, are in conformity with this Zoning Ordinance. Zoning permits shall be issued only in conformity with the provisions of this Code unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance, as provided by this Code, or by enforceable court order.  
(Ord. 2006-3733. Passed 12-18-06.)

**1209.03 CONDITIONS UNDER WHICH A ZONING PERMIT IS REQUIRED.**

(EDITOR'S NOTE: Former Section 1209.03 was repealed by Ordinance 2006-3733, passed December 18, 2006.)

**1209.04 APPLICATION FOR ZONING PERMIT.**

Three (3) copies of the application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or the work has not been substantially completed within 30 months from the issue date (total time).

Minimum content of the application is indicated on an application provided by the Zoning Department.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.

**1209.05 APPROVAL OF ZONING PERMIT.**

Within 30 days after the receipt of an application, the Zoning Inspector, or his/her designated agent, shall either approve or disapprove the application in conformance with the provisions of this Code. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned application the specific reasons for disapproval. Two copies of the application, similarly marked, shall be retained by the Zoning Inspector. One copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a Certificate of Compliance along with one copy of the application. If the application is approved, the Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Code.

If, within thirty (30) days, the Zoning Inspector has not taken action on the application for a zoning permit, the application shall be considered as denied. In this case, the applicant may appeal to the Board of Zoning Appeals for a decision regarding the permit application, pursuant to Chapter 1211.

In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Licking County Health Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.



**1209.06 SUBMISSION TO THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION.**

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning permit for 120 days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the 120 days period or any extension thereof agreed upon by the Director of the Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Code, issue the zoning permit in conformance with the provisions of Section 1209.07.

**1209.07 BUILDING SANITARY PERMITS REQUIRED.**

Before a zoning permit is issued the applicant shall provide proof that the proper sanitary permits have been obtained from the proper authority.

A building permit is required from the Building Code Department before construction can begin on any commercial, industrial, or multi-family structures, or any one, two, or three family dwellings or room addition. Building permits shall be issued in conformance with the Building Code of Licking County and/or the Basic Building Code of the State of Ohio.

To apply for a building permit, the applicant shall submit appropriate material and fees, as specified by the Building Code Department. Building permits will be granted in accordance with the applicable Building Code. Upon submittal of application and any other necessary information, the applicant will be notified of the status of his application in accordance with the applicable Building Code.

**1209.08 EXPIRATION OF ZONING PERMIT.**

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. Zoning shall revert back to the zoning status prior to the issuance of the expired permit if the work described in any zoning permit has not been completed within 30 months of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons effected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Should said permit expire and be revoked by the Zoning Inspector, previous zoning designations shall be effective. If the applicant does not apply for an extension or new permit within one year of expiration and revocation of the initial permit, all alterations to affected land, buildings, and structures shall be returned to the status prior to such alteration at the applicant's expense.

**1209.09 CERTIFICATE OF COMPLIANCE.**

A. Certificate of Compliance. No owner, lessee or tenant shall occupy, permit to be occupied, convey, or offer for sale or lease any building, structure, building or land, or part thereof, hereafter erected, created, altered, converted, enlarged or improved unless a certificate of compliance has been issued by the Zoning Inspector after review and inspection. The property owner or contractor must request the certificate of compliance ten days prior to the earliest date of occupancy. Such certificate of compliance shall show and certify that such building, structure or land is in compliance with all provisions of these Codified Ordinances, in respect to such building, structure or land. No certificate of compliance shall be issued without appropriate approval as to any improvements required whether such improvements are required by the Municipal Engineer, Planning Commission, Council or otherwise.

Application for a certificate shall be made by the owner or occupant by submitting the information necessary under Section 1209.04.

B. Certificate of Compliance Application Required. Certificates of compliance shall be applied for by the applicant giving written notice to the Zoning Inspector that the exterior erection or structural alteration of such building shall have been completed in conformance with the provisions of this Code.

C. Approval of Health Department Required. If the property in question is not served by public water and sewer, a certificate of compliance shall not be issued by the Zoning Inspector until approval of the water and sewage disposal systems has been given by the Licking County Health Department, or the Ohio Environmental Protection Agency.  
(Ord. 2006-3733. Passed 12-18-06.)

**1209.10 TEMPORARY CERTIFICATE OF COMPLIANCE.**

A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six months from the date the temporary certificate of compliance is issued during alterations or partial occupancy of a building pending its completion.

**1209.11 RECORD OF ZONING PERMITS AND CERTIFICATE OF COMPLIANCE.**

The Zoning Inspector shall maintain a record of all zoning permits and certificates of compliance and copies shall be furnished upon request to any person. The City of Pataskala shall maintain a record of all zoning and compliance permits which shall become part of City record. Copies of permits shall be provided upon request to any persons having proprietary or tenancy interest in the building or land affected.

**1209.12 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF COMPLIANCE.**

Failure to obtain a zoning permit or certificate of compliance shall be a violation of this Code and shall be punishable under Section 1209.99.

**1209.13 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES.**

Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Code, and punishable as provided in Section 1209.99.

**1209.14 COMPLAINTS REGARDING VIOLATIONS.**

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaints, immediately investigate, and take action thereon as provided by this Code.

**1209.15 VOID ZONING PERMIT.**

- A. A zoning permit shall be void if any of the following conditions exist:
  - 1. The zoning permit was issued contrary to the provisions of this Code by the Zoning Inspector.
  - 2. The zoning permit was issued based upon a false statement by the applicant.
  - 3. The zoning permit has been assigned or transferred.
- B. When a zoning permit has been declared void for any of the above reasons, written notice of its revocation shall be given by certified mail to the applicant, sent to the address as it appears on the application. Such notice shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning permit has been issued.

**1209.99 PENALTY.**

A. Whoever violates any provision of this Code or fails to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this Code or fails to comply with any of its requirements shall be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, per violation. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the City of Pataskala from taking such other lawful action as is necessary to prevent or remedy any violation.

B. If the offender is convicted of a violation of this Zoning Ordinance within a one-year period after being convicted for a violation of the same provision of this Zoning Ordinance, the offender shall be fined not less than \$250.00 and not more than \$500.00, or be imprisoned for not more than 30 days, or both. However, if the offender is convicted of a violation of this Zoning Ordinance and within one year preceding such conviction the offender has been convicted of two or more violations of the same provision of this Zoning Ordinance, the offender shall be fined not less than \$500.00 and not more than \$1,000.00 or be imprisoned for not more than 30 days, or both.

C. Penalties as stated above shall apply unless penalties are delineated for specific sections of this Code, in which case the penalties delineated in those sections apply.  
(Ord. 2003-3490. Passed 6-16-03.)



**CHAPTER 1211**  
**Appeals and Variances**

<b>1211.01</b>	<b>Powers of Zoning Inspector, Board of Zoning Appeals, and City Council on matters of appeal.</b>	<b>1211.07</b>	<b>Standards for variances and appeals.</b>
<b>1211.02</b>	<b>Procedures and requirements for appeals and variances.</b>	<b>1211.08</b>	<b>Supplementary conditions and safeguards.</b>
<b>1211.03</b>	<b>Appeals.</b>	<b>1211.09</b>	<b>Hearing by the Board of Zoning Appeals.</b>
<b>1211.04</b>	<b>Stay of proceedings.</b>	<b>1211.10</b>	<b>Notice of hearing.</b>
<b>1211.05</b>	<b>Variances.</b>	<b>1211.11</b>	<b>Action by Board of Zoning Appeals.</b>
<b>1211.06</b>	<b>Application for variances and appeals.</b>	<b>1211.12</b>	<b>Action by Board of Zoning Appeals. (Repealed)</b>

**CROSS REFERENCES**

Appeals from zoning decisions - see Ohio R.C. 713.11, Ch. 2506  
Duties of Board of Zoning Appeals - see P. & Z. 1207.07  
Variance defined - see P. & Z. 1203.03

**1211.01 POWERS OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, AND CITY COUNCIL ON MATTERS OF APPEAL.**

It is the intent of this Code that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector.

It is further the intent of this Code that the powers of the City Council in connection with this Code shall not include hearing and deciding questions of interpretation and enforcement that may arise. Council may, through the various administrative departments of the City, provide such information to the Board as may be appropriate to assist the Board in its considerations particularly as such considerations might concern technical matters of which the administration might have specific or detailed information that should be considered in the review of the Board. Any such information provided by the administrative departments shall be forwarded to the Board in advance of a scheduled hearing and shall be presented in a neutral and objective manner, not in the form of a recommendation to approve or reject. In addition to the materials that may be submitted to assist the Board, the administrative departments shall provide such technical assistance to the Board as is requested by the Board and shall provide such information to the Board as the Board may feel is appropriate in its considerations. Appeals from actions of the BZA shall be directly to an appropriate court and not to the Council, pursuant to Section 7.03 (B) of the Charter of the City of Pataskala, Ohio.

The Board of Zoning Appeals shall:

- (a) Review and decide appeals on decisions or orders made by the Zoning Inspector or other administrative officers governing zoning and building. An appeal to the Board may be taken by:
  - (1) The owner of property that is the subject of the decision or order;
  - (2) The owner of adjacent or contiguous property to the property that is the subject of the decision or order;
  - (3) Any other person who claims a direct, present injury or prejudice to a personal or property right or interest because of the decision or order.
  - (4) Any individual who has received specific notice from the Board or City Council.

Such appeal shall be taken within thirty days after the decision, by filing with the Clerk for the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Clerk shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- (b) Review to approve, disapprove, or approve with modifications, variances as provided for in this Chapter from the provisions of this Zoning Code and to attach to the variance whatever conditions that are deemed necessary to meet the objectives of this Code.
- (c) Review and interpret the official Zoning Map in any case where a question exists as to the location of any boundary line between zoning districts.
- (d) Review to approve, disapprove, or approve with modifications, applications for conditional use as provided for in Chapter 1215 and to attach to such conditional use whatever conditions are deemed necessary to meet the objectives of this Code.

(Ord. 2007-3785. Passed 8-20-07.)

#### **1211.02 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES.**

Appeals and variances shall conform to the procedures and requirements of Sections 1211.03 through 1211.11, inclusive. The Board of Zoning Appeals has appellate jurisdiction to appeals from decisions of the Zoning Inspector and original jurisdiction as to variances, conditional uses and non-conforming uses.  
(Ord. 2007-3785. Passed 8-20-07.)

#### **1211.03 APPEALS.**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Code may be taken by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within thirty days after the date of the decision, by filing with the Clerk for the Board of Zoning Appeals, a notice of appeal specifying the decision of the Zoning Inspector upon which the appeal is being taken. The Clerk shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Clerk shall, in addition to transmitting the record to the Board, provide a summary description of the matter to the City Administrator in order for the City to determine whether comment by the City as contemplated by Section 1211.01 is considered appropriate. (Ord. 2007-3785. Passed 8-20-07.)

#### **1211.04 STAY OF PROCEEDINGS.**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

#### **1211.05 VARIANCES.**

The Board of Zoning Appeals shall have the power to authorize, in specific cases filed as hereinafter provided, such variance from the provisions or requirements of the Zoning Code as are in harmony with the general purpose and intent of this Zoning Code where strict application of such provisions or requirements would result in practical difficulty, (for an area variance), or unnecessary hardship, (for a use variance), as the case may be, that would deprive the owner of the reasonable use of the land and structures involved, but in no other case.  
(Ord. 2007-3785. Passed 8-20-07.)

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

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

1. Name, address, and phone number of appellant or applicants.
2. Zoning district in which the property is currently located.
3. Legal description of property as recorded in Licking County Recorder's office, legal owner and address.
4. Description of the nature of the relief requested; each application shall refer to the specific provisions of this Code which apply.
5. A narrative statement explaining the following:
  - a. The reason for the variance or appeal.
  - b. The specific reasons why the variance or appeal is justified; in cases of variance, the factors listed in Section 1211.07 shall be specifically addressed. (Ord. 2017-4298. Passed 11-20-17.)

#### **1211.07 STANDARDS FOR VARIANCES AND APPEALS.**

- A. Area Variances.
  - (1) An application for an area variance need not establish unnecessary hardship; it is sufficient that the application shows practical difficulties. The standard for granting a variance is dependent on the applicant showing sufficient evidence of practical difficulties. In determining whether practical difficulties exist, the Board of Zoning Appeals shall consider the following factors to determine if the zoning regulation at issue unreasonably deprives an owner of a permitted utilization of the subject property:
    - (a) Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;

- (b) Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;
  - (c) Whether the variance requested is substantial;
  - (d) Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;
  - (e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;
  - (f) Whether the variance, if granted, will be detrimental to the public welfare;
  - (g) Whether the variance, if granted, would adversely affect the delivery of governmental services;
  - (h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;
  - (i) Whether the property owner's predicament can be obviated through some other method than variance;
  - (j) Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,
  - (k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- (2) In addition to the factors set forth above, other relevant factors may also be considered by the Board of Zoning Appeals on a case by case basis including any comments received by the administrative departments of the City pursuant to Section 1211.01; further, the Board of Zoning Appeals may place such weight on each factor as it shall determine is warranted in a particular case. Pursuant to the applicable standard and based upon its consideration of the above factors area variances that may be granted are as follows:
- (a) To permit any yard or setback less than the yard or setback required by the applicable regulation;
  - (b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots (it is suggested that no reduction should exceed 20% of the requirement);
  - (c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, where substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
  - (d) To reduce the applicable off-street parking or loading facilities required (it is suggested that no reduction should exceed 30% of the requirement);
  - (e) To allow for the deferment of required parking facilities for a reasonable and specified period of time;
  - (f) To increase the maximum distance that required parking spaces are permitted to be located from the use served (it is suggested that the same should not be increased by more than 40%);
  - (g) To increase the maximum allowable height or area of signs on a lot (it is suggested that the same should not be increased by more than 25%); and



- (h) To increase the maximum gross floor area of any use so limited by the applicable regulation (it is suggested that the same should not be increased by more than 25%).

B. Use Variances. Use variances shall be allowed only in the most extreme of circumstances and only upon a showing of unnecessary hardship. In determining whether there exists an unnecessary hardship, the Board shall consider each factor set forth in subsection A. hereof and may grant the variance only if it makes a determination in favor of the owner in each instance. In addition, no unnecessary hardship shall exist where:

- (a) The applicant/owner created the alleged hardship;
- (b) The Board finds that the application is primarily made for purposes of convenience or profit; or
- (c) A substantial ground offered in support of an application for use variance is the existence of other non-conforming use of neighboring lands, structures, or buildings, in the same zoning district or in other zoning districts.

It is the intention of this paragraph to prevent a property owner from attempting to request a use variance rather than engage in the rezoning process.

C. Variance for Religious Institutions. Notwithstanding the above, the Board shall grant an area variance to the extent required by the Religious Land Use and Institutionalized Persons Act of 2000 (as it may be amended from time to time) where the Board finds that the requirement for which a variance is requested imposes a substantial burden on the religious exercise of a religious institution unless the Board finds the provision is the least restrictive means of furthering a compelling government interest.  
(Ord. 2007-3785. Passed 8-20-07.)

#### **1211.08 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.**

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Code and punishable under Section 1209.99.

#### **1211.09 HEARING BY THE BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall conduct a hearing within forty-five days after receipt of an appeal or an application for variance from the Clerk for the Board.

The following persons may appear at hearings as parties and be heard in person or by attorney:

- (1) The applicant or appellant;
- (2) The owner of property that is the subject of the application or appeal, if the owner is not the applicant or appellant;
- (3) The owner of property adjacent or contiguous to the property that is the subject of the application or appeal; and
- (4) Any other person who claims a direct, present injury or prejudice to any personal or property right or interest that was prejudiced by the decision or order appealed from, or claims such injury or prejudice will occur if the application is approved or denied.
- (5) Any individual who is entitled to receive specific notice from the Board or City Council.

A person authorized to appear and be heard may:

- (1) Present his or her position, arguments and contentions;
- (2) Offer and examine witnesses and present evidence in support of his or her position, arguments, and contentions;
- (3) Cross-examine witnesses purporting to refute his or her position, arguments, and contentions;
- (4) Offer evidence and testimony to refute evidence and testimony offered in opposition to his or her position, arguments, and contentions;
- (5) Proffer any evidence or testimony into the record if such evidence or testimony has not been admitted by the Board.

In addition to those individuals who may appear before the Board, the City shall, through the appropriate administrative individual, appear to address any questions as the Board may determine necessary or appropriate as a consequence of any comments presented to the Board under Section 1211.01.

Hearings of the Board on such matters are open to the public but are not public hearings. Only those individuals who have standing to participate in a particular hearing shall participate in a hearing conducted pursuant to this chapter. The Board of Zoning Appeals, at the time of the hearing of an application, shall determine who has standing to participate in that hearing. Any witness offering testimony or presenting evidence at a hearing shall be placed under oath prior to offering testimony or evidence. Hearings shall be recorded for later transcription if necessary relative to an appeal of the decision of the Board.  
(Ord. 2007-3785. Passed 8-20-07.)

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

Written notice of the public hearing to be held for a variance or appeal application shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed variance or appeal. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Board of Zoning Appeals. (Ord. 2017-4298. Passed 11-20-17.)

#### **1211.11 ACTION BY BOARD OF ZONING APPEALS.**

Within thirty days after the hearing required in Section 1211.09, the Board of Zoning Appeals shall either approve, approve with supplementary conditions or disapprove the appeal or request for variance. The determination of the Board shall be in writing and shall be served upon those individuals or their representatives who participated in the hearing conducted by the Board.

The written decision of the Board shall set forth therein the reasoning of the Board in approving, approving with conditions, or denying the appeal or application. The Board of Zoning Appeals shall provide a copy of its decision and findings to the Clerk who shall forward the decision as set forth in this section. For purposes of further appeal by any party aggrieved by a decision of the Board, the decision of the Board shall be deemed as final upon transmittal by the Clerk by ordinary mail service.

If, within thirty days after the public hearing, the Board has not taken action on the application, the application shall be presumed to be denied.  
(Ord. 2007-3785. Passed 8-20-07.)

#### **1211.12 ACTION BY BOARD OF ZONING APPEALS.**

(EDITOR'S NOTE: Former Section 1211.12 was repealed by Ordinance 2007-3785, passed August 20, 2007.)

## CHAPTER 1213 Similar Uses

### 1213.01 Similar uses.

#### CROSS REFERENCES

Similar use defined - see P. & Z. 1203.03

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### **1213.01 SIMILAR USES.**

A. Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of the use regulations of the zoning district and not as a variance applying to a particular situation. Any use found similar shall thereafter be included in the enumeration of uses permitted by right in subsequent issues of the text of the Zoning Code.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this chapter, shall be submitted to the Planning and Zoning Commission.

Prior to taking action on the inclusion of a use as a similar use, the Planning and Zoning Commission shall hold a public hearing. The public hearing shall be advertised according to the requirements of Section 1217.08.

Within thirty (30) days after the public hearing, the Planning and Zoning Commission shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Planning and Zoning Commission shall find that all of the following conditions exist:

1. Such use is not listed as a permitted or conditional use in another zoning district.
2. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
3. Such use creates no danger to health and safety and creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from uses listed in the classification to which it is to be added.
4. Such use does not create traffic to a greater extent than uses listed in the classification to which it is to be added.
5. Such use is consistent with the affected zone in the Comprehensive Plan.



## CHAPTER 1215 Conditional Uses

1215.01	Procedures and requirements for approval of conditional use permits.	1215.06	Supplementary conditions and safeguards.
1215.02	General provisions.	1215.07	Procedure for hearing; notice.
1215.03	Contents of application for conditional use permit.	1215.08	Action by the Board of Zoning Appeals.
1215.04	General standards applicable to all conditional uses.	1215.09	Expiration and revocation of conditional use permit.
1215.05	Specific criteria for conditional uses.	1215.10	Exception.

### CROSS REFERENCES

Conditional use defined - see P. & Z. 1203.03

Board of Zoning Appeals to grant permits - see P. & Z. 1207.07

### **1215.01 PROCEDURES AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS.**

Conditional uses shall conform to the procedures and requirements of Sections 1215.02 through 1215.09, inclusive.

### **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. The Planning and Zoning Commission has defined such uses to exist as conditional uses where these unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Code.

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

A. Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses provided for by this Code in the Zoning District in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector who shall forward within five (5) days a copy to the Board of Zoning Appeals. At a minimum the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of proposed conditional use and of the property as listed in the Licking County Recorder's Office.
3. Description of existing use.

4. Present zoning district
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board or Commission may require to determine if the proposed conditional use meets the intent and requirements of this chapter on a copy of a map certified by the County Engineer's office showing the property in question and surrounding areas.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
8. Such other information as may be required in Section 1215.05, including legal owner's consent if applicant is not the legal owner or satisfactory showing of applicant's legal or equitable interest.
9. A fee as established by City Council according to Section 1207.09. (Ord. 2017-4298. Passed 11-20-17.)

**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.

**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:

A. Protection of Surrounding Properties and Neighborhoods.

1. Such uses shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.
2. All structures and activity areas should be located at least 100 feet from all property lines.
3. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
4. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
5. Such uses should be properly landscaped to be harmonious with surrounding residential uses in accordance with Chapter 1283.
6. The area of use shall be completely enclosed by a fence sufficient for screening and appropriately landscaped to be harmonious with surrounding properties.
7. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
8. There shall be no more than one sign oriented to each abutting street identifying the activity.
9. All lighting and lighting used for advertising purposes shall be directed away from surrounding and nearby residential properties by a suitable screen of evergreen shrubs of at least 10 feet in width and 4 feet in height, or a wall at least 6 feet in height above finished grade.
10. Sound from loudspeakers which can be detected beyond the premises shall not be permitted.
11. The buildings shall be designed so as to conform with the architectural character of the neighborhood.

12. Structures must be located at least 50 feet from any other lot in any R District.
  13. Structures must be located at least 25 feet from any lot in any R-District.
- 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.
  2. Hours may be limited further depending upon the surrounding land uses.
  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.
  4. The facility shall be operated so that guests reside at the home for no longer than one contiguous week.
  5. The facility shall contain not more than four (4) sleeping rooms for guests.
  6. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
  7. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
  8. The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals and outdoor exercise runs.
  9. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
  10. Outdoor playgrounds, tot lots, exercise areas etc., shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.
- C. Excavation.
1. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.
  2. All excavations shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids, to secure:
    - (1) That the excavating area shall not collect or permit to remain therein stagnant water.
    - (2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.
- D. Mining.
1. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.



2. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
  3. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the City Director of Services, and must also comply with Ohio Administrative Code Chapter 3745-17.
- E. Access.
1. All points of entrance or exit should be located no closer than 400 feet from the intersection of two arterial thoroughfares or no closer than 200 feet from the intersection of an arterial street and a local or collector street.
  2. Structures should have primary access to a collector thoroughfare.
  3. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
  4. Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
  5. Such developments should be located on or immediately adjacent to state highways.
  6. Truck parking areas, maneuvering lands, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. 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.
  7. Such use should be subject to the restrictions outlined in Chapter 1259, Transportation Corridor Overlay District.
  8. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall, if applies, provide a safe drop off point for pedestrians that will not impede other traffic.  
(Ord. 2001-3397. Passed 8-20-01.)
- F. Production, Processing and Retailing of Marijuana.
1. The production, processing and retailing of marijuana is and remains illegal under Federal law. Nothing herein or as provided elsewhere in the Ordinances of the City of Pataskala is an authorization to circumvent Federal law. Only licensed producers, processors and retailers may locate within the City and only to the extent required by State law. Any violation of this Section is declared to be a public nuisance per se subject to abatement as provided in the Ordinances of the City or State law. Unless otherwise specifically mandated by State law the production, processing and retailing of marijuana shall be located a minimum of 1,000 feet from the following:
    - a. Bar.
    - b. Firearm sales or range.
    - c. School.
    - d. Public Park.
    - e. Playground.
    - f. Recreational facility.

- g. Daycare.
  - h. Adult entertainment facility.
  - i. Religious institution.
  - j. Restaurant.
  - k. Library.
- 2. The production, processing and retailing of marijuana shall conform to all local and permissible state regulations.
- G. 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.  
(Ord. 2015-4237. Passed 10-5-15.)

#### **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.

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

Written notice of the public hearing to be held for a conditional use application shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Board of Zoning Appeals. (Ord. 2017-4298. Passed 11-20-17.)

#### **1215.08 ACTION BY THE BOARD OF ZONING APPEALS.**

Within 30 days after the public hearing required in Section 1215.07 the Board shall either approve, approve with supplementary conditions as specified in Section 1215.06, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

If, within forty-five (45) days after the public hearing, the Board has not taken action on the application, the application shall presume to be approved.

#### **1215.09 EXPIRATION AND REVOCATION OF CONDITIONAL USE PERMIT.**

The approval of the conditional use permit issued in accordance with Section 1215.08 shall become null and void if such use is not carried out within six (6) months after date of approval. The City may, following notice to the applicant and a hearing, revoke the zoning permit upon written complaint by any resident or official of the City of violation of this Code and/or the written terms and conditions upon which approval was granted.

If the conditional use is not carried out within six (6) months after the date of approval, the Board of Zoning Appeals may grant one extension of a conditional use permit issued in accordance with Section 1215.08 for an additional period of six (6) months.

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one year.

**1215.10 EXCEPTION.**

Notwithstanding any provision herein to the contrary, the Planning and Zoning Commission shall have the authority to approve conditional uses as part of a Planned Development District. The Planning and Zoning Commission may permit such uses if it determines the uses are consistent with the general intent of the Planned Development District. (Ord. 2002-3432. Passed 5-6-02.)



## CHAPTER 1217 Amendments

<b>1217.01</b>	<b>General provisions.</b>	<b>1217.08</b>	<b>Notice of public hearing in newspaper.</b>
<b>1217.02</b>	<b>Initiation of zoning amendments.</b>	<b>1217.09</b>	<b>Notice to property owners by Planning and Zoning Commission.</b>
<b>1217.03</b>	<b>Contents of application.</b>	<b>1217.10</b>	<b>Recommendation by Planning and Zoning Commission.</b>
<b>1217.04</b>	<b>General standards for all zoning amendments.</b>	<b>1217.11</b>	<b>Public hearing by Council.</b>
<b>1217.05</b>	<b>Transmittal of ordinance to Planning and Zoning Commission.</b>	<b>1217.12</b>	<b>Display of relevant materials.</b>
<b>1217.06</b>	<b>Submission to City Administrator and Director of Services.</b>	<b>1217.13</b>	<b>Action by Council.</b>
<b>1217.07</b>	<b>Public hearing by Planning and Zoning Commission.</b>	<b>1217.14</b>	<b>Zoning of newly-annexed land.</b>

### CROSS REFERENCES

Zoning amendments - see CHTR. 4.11  
Statutory provisions - see Ohio R.C. 713.10

#### **1217.01 GENERAL PROVISIONS.**

Whenever the public necessity, convenience, general welfare or good zoning practices require, Council may, by ordinance, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by the Zoning Code or amendments thereof. The Planning and Zoning Commission shall submit its recommendation regarding all applications or proposals for amendments or supplements that come before the Commission to Council.

#### **1217.02 INITIATION OF ZONING AMENDMENTS.**

A. In addition to the provisions of the City of Pataskala Charter, amendments to this Code may be initiated in one of the following ways:

1. By a member of Council submitting a proposed Code amendment to the Commission for consideration.
2. By the adoption of a motion by the Planning and Zoning Commission submitting the proposed amendment to City Council.
3. By the filing of a zoning amendment application by at least one (1) owner of property, or his designated agent, within the area proposed or affected by said amendment.

**1217.03 CONTENTS OF APPLICATION.**

A. An application pursuant to Section 1217.02A.3. for amendment shall be transmitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

1. Name, address, daytime telephone number and, if applicable, facsimile number of the applicant(s) and at least one legal owner of the property.
2. Proposed amendment to the text or legal description of the property affected and any deed restrictions running with the property.
3. Present use and district.
4. Proposed use and district.
5. Twenty-five (25) copies of a vicinity map drawn at a scale no smaller than 1:60 showing the following:
  - a. Property lines, ownership, and property dimensions.
  - b. Streets, street names, alleys, and thoroughfares.
  - c. Existing zoning district boundaries and designations.
6. Twenty-five (25) copies of site maps and diagrams at a scale no smaller than 1:60, showing proposed changes to zoning district boundaries and designations, including but not limited to:
  - a. Size (footprint, dimensions), location and use of all existing structures and proposed structures and land for the subject property.
  - b. Size (footprint, dimensions), location and use of all existing structures on adjacent property within 500 feet of the perimeter of the subject property.
  - c. Number and dimensions of any existing and any proposed parking and/or loading spaces.
  - d. Off-street parking spaces, aisles, and accesses.
  - e. Proposed streets and traffic accesses.
  - f. Yard dimensions.
  - g. Existing and proposed utility rights of way.
  - h. Refuse and service areas.
  - i. Landscape features and plans, including the location and trunk diameter of existing trees of 8 inches or greater measured 5 feet from ground level in accordance with Section 1283.03.
  - j. Site drainage patterns and facilities, including but not limited to drain tiles 4 inches in diameter or larger, cisterns, and ponds, waterways, floodways, and floodplains.
  - k. Location and names of soils.
  - l. Open spaces.
  - m. Improved walkways, pathways, and trails.
  - n. Uses of land.
  - o. Drawings and dimensions of signs.
7. A statement on the ways in which the proposed amendment relates to and is consistent with the comprehensive plan.

8. A list of all property owners within 200 feet or two (2) parcels from any point of the perimeter of the property line of the parcel(s) proposed to be rezoned, whichever method provides for a greater number of owners, and their mailing addresses as appearing on the Licking County Auditor's current tax list. The applicant shall also provide a list of addresses of all property owners within the above reference boundaries. Applicant must sign and submit the acknowledgement form regarding completeness of the list of property owners within 200 feet or two properties.
9. A statement as to how the proposed amendment will impact adjacent and proximate properties.
10. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of the Zoning Code.
11. Owner's consent to application or satisfactory showing of applicant's legal or equitable interest in said property. Each application for a proposed amendment to the Zoning Map shall be verified by at least one of the property owners within the area proposed to be rezoned, attesting to the truth and correctness of all facts and information presented in the application.
12. A fee as established by Council plus all notification mailing costs as determined by the Planning and Zoning Clerk.  
(Ord. 2017-4298. Passed 11-20-17.)

**1217.04 GENERAL STANDARDS FOR ALL ZONING AMENDMENTS.**

A. The following general standards may be considered as criteria for approval of all zoning amendments:

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.

**1217.05 TRANSMITTAL OF ORDINANCE TO PLANNING AND ZONING COMMISSION.**

Upon referral of the proposed ordinance by Council, or the filing of an application by at least one (1) owner or lessee of the property, or their designated agent, said proposed amendment or application shall be transmitted to the Planning and Zoning Commission.

**1217.06 SUBMISSION TO CITY ADMINISTRATOR AND DIRECTOR OF SERVICES.**

Before any zoning amendment is considered by the Commission affecting any land for which changes are proposed by the applicant, the Commission shall give written notice at least ten (10) days prior to the public hearing to the City Administrator and Director of Services concerning such requested zoning change. The City Administrator and Director of Services shall provide written comments to the Commission on any anticipated effects on the infrastructure that the proposed zoning change might cause.

**1217.07 PUBLIC HEARING BY PLANNING AND ZONING COMMISSION.**

The Planning and Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a proposed amendment from Council, or the filing of an application for zoning amendment. Said hearing shall be not less than 20 nor more than 60 days from the date of adoption of such motion, transmittal of such proposed amendment, or the filing of such application. The Commission may continue a public hearing.  
(Ord. 2006-3733. Passed 12-18-06.)

**1217.08 NOTICE OF PUBLIC HEARING IN NEWSPAPER.**

Before holding the public hearing as required in Section 1217.07, notice of such hearing shall be given by the Planning and Zoning Commission by at least one publication in one or more newspapers of general circulation of the City at least 10 days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, the time, and state the name of the person responsible for giving notice of public hearing and place where the motion, resolution, or application proposing to amend the Zoning Code will be available for examination for a period of at least 10 days prior to the public hearing, and a statement that after the conclusion of such public hearing the matter will be referred to Council for further determination.

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

If the proposed amendment will effect change in the Zoning Map, written notice of the public hearing to be held for an amendment application shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed amendment. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Planning and Zoning Commission.  
(Ord. 2017-4298. Passed 11-20-17.)



**1217.10 RECOMMENDATION BY PLANNING AND ZONING COMMISSION.**

Within 30 days after the public hearing required by Section 1217.07, the Planning and Zoning Commission shall recommend to Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. Failure of the Commission to take action on the application within 30 days shall be deemed a recommendation for approval of the proposed amendment, and the application will be sent to Council.

**1217.11 PUBLIC HEARING BY COUNCIL.**

Before the proposed ordinance may be passed, Council shall hold a public hearing, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the City. Notice of such public hearing in a newspaper, and contiguous property owners, shall be given by the Clerk of Council as specified in Sections 1217.08 and 1217.09.

**1217.12 DISPLAY OF RELEVANT MATERIALS.**

During such thirty (30) days, the text or copy of the text of the proposed ordinance, together with maps, plans, and reports submitted by the Planning and Zoning Commission shall be on file, for public examination, in the City Hall.

**1217.13 ACTION BY COUNCIL.**

Council shall either adopt or deny the recommendation of the Planning and Zoning Commission pursuant to Article IV of the Charter of the City of Pataskala, Ohio.

**1217.14 ZONING OF NEWLY-ANNEXED LAND.**

A. Unless Council acts under Section 4.11 of the City Charter, the following procedure shall apply for zoning of land being annexed to the City.

1. The Planning and Zoning Commission shall be notified of all proposed newly-annexed land accepted by the County Commissioners within ten (10) days of receipt by the City. The applicant for the annexation shall file an application for zoning review with the Commission. Such application shall include:
  - a. An annexation map of the property at a scale no smaller than 1:60.
  - b. The property's zoning classification under the previous jurisdiction and current uses.
2. The Planning and Zoning Commission shall recommend a Pataskala zoning classification to Council that is most appropriate to the property's zoning classification under the previous jurisdiction with consideration given to the current and any proposed uses of the property, and use of adjacent parcels within Pataskala.
3. The Planning and Zoning Commission's zoning classification recommendation shall be made to Council not later than forty-five (45) days after notification by the Clerk of Council.

4. The Planning and Zoning Commission will hold at least one public hearing with ten days' notice by publication of the time, date, and place of the hearing of a newspaper of general circulation within the City. Notice of such public hearing in a newspaper and notice to contiguous property owners shall be given by the Zoning Clerk as specified in Sections 1217.08 and 1217.09.
5. After receiving a zoning classification recommendation in the form of a proposed zoning amendment from the Planning and Zoning Commission, and before the adoption of the amendment, Council may develop a zoning classification amendment for public consideration. Council shall hold a public hearing on the Commission's recommendation and any Council-made proposed amendments. At least thirty days' notice of the time, date, and place of the hearing shall be given by publication in a newspaper of general circulation within the City, as specified in Section 1217.08.

### **TITLE THREE - Zoning Districts and Regulations**

- Chap. 1221. General Regulations.
- Chap. 1223. Distressed Properties.
- Chap. 1225. Agricultural District (AG).
- Chap. 1227. Rural Residential District (RR).
- Chap. 1229. Medium-Low Density Residential District (R-87).
- Chap. 1231. Medium Density Residential District (R-20).
- Chap. 1233. Medium-High Density Residential District (R-15).
- Chap. 1235. High Density Residential District (R-10).
- Chap. 1237. Village Single Family Residential District (R-7).
- Chap. 1239. Multi-Family Residential District (R-M).
- Chap. 1241. Manufactured Home Residential District (R-MH).
- Chap. 1243. Professional Research-Office District (PRO).
- Chap. 1245. Downtown Business District (DB).
- Chap. 1247. Local Business District (LB).
- Chap. 1249. General Business District (GB).
- Chap. 1251. Light Manufacturing District (M-1).
- Chap. 1253. Planned Manufacturing District (PM).
- Chap. 1255. Planned Development Districts.
- Chap. 1257. Flood Plain Overlay District (FP).
- Chap. 1259. Transportation Corridor Overlay District (TC).
- Chap. 1261. Plan Districts in General.
- Chap. 1263. Olde Towne Pataskala District.
- Chap. 1265. Uses Defined by the North American Industrial Classification System (NAICS).

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### **CHAPTER 1221 General Regulations**

<b>1221.01</b>	<b>Compliance with regulations.</b>	<b>1221.04</b>	<b>Vending machines.</b>
<b>1221.02</b>	<b>Intent of district regulations.</b>	<b>1221.05</b>	<b>Accessory building regulations.</b>
<b>1221.03</b>	<b>Landscaping at driveway and street intersections.</b>	<b>1221.06</b>	<b>Demolition requirements.</b>
		<b>1221.07</b>	<b>Decks and patios.</b>
		<b>1221.09</b>	<b>Porches and balconies.</b>

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**1221.01 COMPLIANCE WITH REGULATIONS.**

A. The following regulations for each district established in this Code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the requirements specified for the district in which it is located, except as provided in Sections 1211.05 to 1211.07.
2. No building or other structure shall be erected or altered:
  - a. To provide for greater height or bulk.
  - b. To accommodate or house a greater number of families.
  - c. To occupy a greater percentage of lot area.
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
3. No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements, except as provided in Sections 1211.05 to 1211.07. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements, except as provided in Sections 1211.05 to 1211.07.

**1221.02 INTENT OF DISTRICT REGULATIONS.**

It is the intent of these regulations to identify the permitted uses, the conditionally permitted uses, and general requirements of each district, and other regulations as they pertain, in general, to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as such are governed by other chapters of this Code. Standards and requirements not specifically included for each district but which are contained in this chapter and which are applicable to each district or use shall be applied as if stated in full in each of the chapters in Title Three of this Planning and Zoning Code.

Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector or Board of Zoning Appeals as permitted or conditionally permitted in a district shall be referred to the Planning and Zoning Commission for determination, pursuant to Section 1213.01.

**1221.03 LANDSCAPING AT DRIVEWAY AND STREET INTERSECTIONS.**

A. To ensure that landscape materials do not constitute a vehicular or pedestrian hazard, a "sight triangle" shall be observed for all street intersections or intersections of driveways and streets. Within this sight triangle, no landscape material, except for grass or other ground cover shall be permitted. Within the sight triangle, trees may be permitted as long as, except during early growth stages, only the tree trunk (no leaves, limbs, etc) is visible between the ground and eight feet above the ground (as measured in relation to the centerline elevation of the intersecting streets), or otherwise does not present a traffic visibility hazard. The sight triangle is defined and illustrated below:

1. Driveway Intersection Sight Triangle. At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point connecting these points.
2. Street Intersection Sight Triangle. At street intersections, the sight triangle shall be formed by measuring at least thirty-five (35) feet along curb lines and connecting these points.

**1221.04 VENDING MACHINES.**

Vending machines located outside of the main building in excess of three (3) shall require an individual permit per machine to be obtained through the Zoning Inspector.  
(Ord. 2005-3600. Passed 3-21-05.)

**1221.05 ACCESSORY BUILDING REGULATIONS.**

A. Number: The maximum number of accessory buildings on a single lot shall not exceed two (2).

B. Size:

1. The maximum total amount of square footage for accessory buildings on a single lot less than two (2) acres shall be determined by multiplying the gross acreage of the lot by 600, adding 120 and multiplying by two (2). This formula is expressed as an equation below:

$$((\text{Gross acreage of lot}) \times 600) + 120) \times 2 = \text{Maximum permitted square footage.}$$

Example:  $((1 \text{ acre} \times 600) + 120) \times 2 = 1,440 \text{ square feet.}$

2. Lots two (2) acres or greater in size shall not have a maximum permitted square footage.

C. Height: The height of an accessory building shall be measured from the floor surface to the peak of the roof in accordance with Section 1205.05.

1. The maximum height of an accessory building for lots less than two (2) acres shall be 18 feet.
2. The maximum height of an accessory building for lots two (2) acres or greater shall be 25 feet.

D. Location:

1. An accessory building shall be located even with or behind the front of a principal structure within the side or rear yard.
2. An accessory building shall not be located within a recorded easement.
3. An accessory building shall not infringe on sanitary or water systems and shall comply with all applicable Licking County Health Department and/or Ohio Environmental Protection Agency regulations.
4. An accessory structure shall not be located on a lot without a principal structure.

E. Setbacks:

1. An accessory building shall be set back from the side and rear property lines a minimum of five (5) feet for lots less than two (2) acres.
2. An accessory building shall be setback from the side and rear property lines a minimum of 10 feet for lots two (2) acres or greater.

F. Appearance: An accessory building shall have an exterior that is compatible with the principal building on the lot.

G. Commercial Use: No commercial use shall be permitted from an accessory building on a residentially zoned lot unless approved as part of a home occupation as outlined in Chapter 1267.

H. Off-Site Impact: An accessory building shall not adversely affect neighboring properties so as to result in its loss of value or interfere with its use or enjoyment.  
(Ord. 2017-4293. Passed 10-2-17.)

### **1221.06 DEMOLITION REQUIREMENTS.**

All structures over 200 square feet shall be subject to the demolition regulations provided in this Chapter.

- (a) Permit Required: No person, firm, corporation, or other entity shall commence demolition of any building, structure, or part thereof over 200 square feet without first obtaining a permit from the Planning and Zoning Department. A demolition permit shall be valid for a period of ninety (90) days after it is issued.
- (b) Demolition Requirements:
  - (1) All utility services shall be disconnected prior to demolition.
  - (2) All demolition debris shall be quickly removed from the site. On-site burning and/or burying of materials is prohibited.
  - (3) No walls or parts thereof shall remain standing.
  - (4) If the building or structure has a basement, the basement shall be filled upon completion of the demolition.
  - (5) Immediately following demolition and cleanup, the finished grade shall be restored to original ground level, seeded and strawed.
  - (6) The contractor shall schedule work only when the dust from the demolition can be controlled, and if necessary, the contractor shall use water as a means to control the movement of dust. A nuisance shall not be created as a result of dust, noise, or any other means.
  - (7) All applicable State and City laws, ordinances, rules, and regulations shall be strictly complied with before, during, and after demolition.
  - (8) The City Administrator or their designee may waive any of these requirements for just cause shown.
- (c) Application for Zoning Permit:
  - (1) A site plan showing the location of the structure to be demolished in respect to property lines, public right-of-way lines, other buildings on site, and off site if applicable, shall be submitted for review to the Planning and Zoning Department.
  - (2) A policy or certificate of insurance evidencing that the person, firm, corporation, or other entity performing the demolition has a current policy of liability insurance of not less than \$300,000 for the protection of adjacent owners and other members of the public shall be submitted to the Planning and Zoning Department unless otherwise determined by the City Administrator or their designee.
  - (3) Any other information deemed necessary by the City Administrator or their designee. (Ord. 2017-4288. Passed 7-24-17.)

### **1221.07 DECKS AND PATIOS.**

- (a) Permitted: Decks and patios shall be permitted in all zoning districts.
- (b) Setbacks:
  - (1) Residential Districts.
    - i. Front: Decks and patios shall meet all front yard setbacks of the zoning district in which they are located.
    - ii. Rear: Decks and patios shall not extend more than 50 percent into the required rear yard setback of the zoning district in which they are located.
    - iii. Side: Decks and patios shall meet the required side yard setbacks of the zoning district in which they are located or shall not extend further into the side yard setback than the principal structure on the lot, whichever is less.

(2) Commercial and Industrial Districts.

- i. Front: Decks and patios shall meet all front yard setbacks of the zoning district in which they are located.
- ii. Rear: Decks and patios shall not extend more than 50 percent into the required rear yard setback of the zoning district in which they are located.
- iii. Side: Decks and patios shall not extend more than 50 percent into the required side yard setback of the zoning district in which they are located.

(c) Height: The floor of decks and patios shall not be higher than the highest floor level of the principal structure on the lot.

(d) Appearance: Decks and patios shall have a finish that is compatible with the principal structure on the lot to be determined by the Zoning Inspector.

(e) Location:

- (1) Decks and patios shall not be located in a recorded easement.
- (2) Decks and patios shall not infringe on sanitary or water systems and shall comply with all applicable Licking County Health Department and/or Ohio Environmental Protection Agency regulations.

(f) Commercial Use: No commercial use shall be permitted from decks or patios on a residentially zoned lot unless approved as part of a home occupation pursuant to Chapter 1267.

(g) Off-Site Impacts: Decks and patios shall not adversely affect neighboring properties so as to result in its loss of value to be determined by the Zoning Inspector.

(h) Materials: All materials for decks and patios shall be approved materials recognized by the Ohio Building Code.

(i) Maintenance: Decks and patios shall be maintained in good repair at all times.  
(Ord. 2016-4267. Passed 10-3-16.)

**1221.09 PORCHES AND BALCONIES.**

(a) Permitted: Porches and balconies shall be permitted in all zoning districts.

(b) Setbacks: Porches and balconies shall meet all required setbacks for a principal structure in the zoning district in which they are located.

(c) Height: The floor of a porch or balcony shall not be higher than the highest floor level of the principal structure on the lot.

(d) Appearance: Porches and balconies shall have a finish that is compatible with the principal structure on the lot to be determined by the Zoning Inspector.

(e) Location:

- (1) Porches and balconies shall not be located in a recorded easement.
- (2) Porches and balconies shall not infringe on sanitary or water systems and shall comply with all applicable Licking County Health Department and/or Ohio Environmental Protection Agency regulations.

(f) Commercial Use: No commercial use shall be permitted from a porch or balcony on a residentially zoned lot unless approved as part of a home occupation pursuant to Chapter 1267.

(g) Off-Site Impacts: Porches and balconies shall not adversely affect neighboring properties so as to result in its loss of value to be determined by the Zoning Inspector.

(h) Materials: All materials for porches and balconies shall be approved materials recognized by the Ohio Building Code.

(i) Maintenance: Porches and balconies shall be maintained in good repair at all times.  
(Ord. 2016-4267. Passed 10-3-16.)



## CHAPTER 1223 Distressed Properties

1223.01	Purpose.	1223.06	Joint responsibility.
1223.02	Definitions.	1223.07	Enforcement.
1223.03	Applicability.	1223.08	Abatement by the person in charge.
1223.04	Declaration of distressed property.	1223.10	Exceptions.
1223.05	Maintenance and security standards.	1223.11	Supplemental code provisions.
		1223.99	Penalty.

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### 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.  
(Ord. 2020-4358. Passed 3-2-20.)

### 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.

**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. (Ord. 2020-4358. Passed 3-2-20.)

#### **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.

(Ord. 2020-4358. Passed 3-2-20.)

#### **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. (Ord. 2020-4358. Passed 3-2-20.)

#### **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 ten 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.  
(Ord. 2020-4358. passed 3-2-20.)

#### **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.  
(Ord. 2020-4358. Passed 3-2-20.)

**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.

(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 ten days to correct the violation. For purposes of this chapter, service of the notice is complete upon such mailing. (Ord. 2020-4358. Passed 3-2-20.)

**1223.08 ABATEMENT BY THE PERSON IN CHARGE.**

Within ten 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. (Ord. 2020-4358. Passed 3-2-20.)

**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 ten 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 fourteen 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. (Ord. 2020-4358. Passed 3-2-20.)

**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. (Ord. 2020-4358. Passed 3-2-20.)

**1223.11 SUPPLEMENTAL CODE PROVISIONS.**

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.  
(Ord. 2020-4358. Passed 3-2-20.)

**1223.99 PENALTY.**

Whoever violates any provision of this chapter shall be subject to the penalties in Section 1209.99 of the Pataskala Code of Ordinances.  
(Ord. 2020-4358. Passed 3-2-20.)



## **CHAPTER 1225**

### **Agricultural District (AG)**

- 1225.01 Purpose.**
- 1225.02 Short name.**
- 1225.03 Permitted uses.**
- 1225.04 Conditionally permitted uses.**
- 1225.05 General requirements of the AG District.**

#### **CROSS REFERENCES**

Animal control - see GEN. OFF. Ch. 505  
 Agriculture defined - see P. & Z. 1203.03  
 Uses defined by the North American Industrial Classification  
 System (NAICS) - see P. & Z. Ch. 1265  
 Fences - see P. & Z. Ch. 1279

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#### **1225.01 PURPOSE.**

The purpose of the Agricultural District is to preserve and protect the decreasing amount of prime agricultural land, preserve and protect open space, wildlife habitat, forestry, water resources, and rural lifestyle. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas which adversely affects agricultural operations. Land within this district shall not be viewed as land waiting to be developed, but instead, land that is currently being used for a viable purpose intended by this Code.

#### **1225.02 SHORT NAME.**

The short name and map symbol of the Agricultural district is AG.

#### **1225.03 PERMITTED USES.**

1. Agriculture.
2. Single-family dwellings.
3. Public parks and playgrounds.
4. Private stables and private kennels.
5. Accessory buildings and structures and their related uses.
6. Small-scale animal husbandry.
7. All uses marked as "Permitted Uses" in the Agricultural District as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

#### **1225.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals or as noted in the following descriptions:

1. Commercial stables and commercial kennels, if they are no less than 20 acres.
2. Veterinaries/animal hospitals or clinic.
3. Agricultural implement sales and repairs.

4. Feed and seed sales.
5. Fertilizer and agricultural chemical sales.
6. Home occupations. Refer to Section 1215.05B.2. and Chapter 1267.
7. Transient uses of the land (flea markets, carnivals, or other uses involving the use of mobile, non-permanent structures), provided such land use activity ceases to exist and any non-permanent structures are removed within thirty (30) days. The BZA shall establish a maximum number of days per year for the transient use. Refer to Section 1215.05A.3., 9. and 10.
8. Mining of oil or natural gas. Refer to Section 1215.05D.
9. Airports - heliports (private and governmental). Refer to Section 1215.05B.2.
10. Agriculture (provided that the operation is on less than 5 acres).
11. Religious institutions.
12. All uses marked as "Conditional Uses" in the Agricultural District as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

### **1225.05 GENERAL REQUIREMENTS OF THE AG DISTRICT.**

A. Maximum Building Height: Forty (40) feet for buildings. Silos, windmills, or any other structure listed as a permitted, accessory, or conditional use may exceed this height provided such structures maintain a distance equal to their height to any adjacent property or zoning district. No structure shall exceed a maximum of 75 feet in height above grade.

B. Lot Area and Width: Every lot shall have a minimum width of 250 feet throughout and a minimum lot area of not less than ten (10) acres, exclusive of road right-of-way.

C. Setbacks and Yards. For all lots of record, see Section 1285.05C.

1. Front Yard: There shall be a front yard of not less than 100 feet in depth.
2. Side Yard: There shall be side yards of not less than 50 feet (each side) for dwelling structures.
3. Rear Yard: There shall be a rear yard of not less than 100 feet for dwelling structures.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for non-residential uses shall be 15%.

E. Parking Requirements: Parking requirements shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.

G. Dwelling Area: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as herein specified.

1. Single-Family Dwelling

With basement	1,300 square feet
Without basement	1,450 square feet

Basements are not required for any single family dwelling. If a basement is included as part of the home plans, at the time of permitting, then a minimum square footage of 600 square feet of floor area shall be required.

Single-family dwellings shall not be less than 24 feet in width and depth.



H. Health Regulations: The single-family dwelling unit must meet the requirements of the Board of Health having jurisdiction within the City and/or those of other authorities before being issued zoning permits.

I. Accessory Uses or Structures: Editor's Note: Former subsection I. was deleted by Ordinance 2015-4228.

J. Agricultural Exemptions: Ohio R.C. 3781.06 confers no power on any board of zoning appeals to prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure. (Ord. 2006-3733. Passed 12-18-06.)



## CHAPTER 1227 Rural Residential District (RR)

- 1227.01 Purpose.**
- 1227.02 Short name.**
- 1227.03 Permitted uses.**
- 1227.04 Conditionally permitted uses.**
- 1227.05 General requirements of the RR District.**

### CROSS REFERENCES

General prohibitions - see GEN. OFF. Ch. 521

Definitions - see P. & Z. 1203.03

Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04

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### **1227.01 PURPOSE.**

The purpose of the Rural Residential District (RR) is to encourage the establishment of low density single-family residential development along public roads so as to limit the number of curbcuts and thereby minimize traffic interference along said roads. The single-family dwelling unit must meet the County Board of Health's requirements and/or that of other authorities before being issued sewage and zoning permits.

### **1227.02 SHORT NAME.**

The short name and map symbol of the Rural Residential District is RR.

### **1227.03 PERMITTED USES.**

1. Agriculture (provided that the operation is on five acres or more).
2. Single-family dwellings.
3. Public parks and playgrounds.
4. Cemeteries. (Ord. 2008-3843. Passed 7-21-08.)
5. Accessory buildings and structures and their related uses. (Ord. 2015-4228. Passed 5-18-15.)
6. All uses marked as "Permitted Uses" in the Rural Residential District as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1227.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals or as noted in the following descriptions:

1. Private stables and private kennels, provided they are on greater than five acres.
2. Home occupations. Refer to Section 1215.05B.2 and Chapter 1267.
3. Religious institutions.
4. Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals. Refer to Section 1215.05E as applies.
5. Governmental Buildings.
6. All uses marked as "Conditional Uses" in the Rural Residential District (RR) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

#### **1227.05 GENERAL REQUIREMENTS OF THE RR DISTRICT.**

- A. Maximum Building Height: No building shall be erected or enlarged to exceed 35 feet.
- B. Lot Area and Width: Every lot shall have a minimum width of 250 feet throughout and a minimum lot area of not less than five (5) acres exclusive of road right-of-way.
- C. Setbacks and Yards: For all lots of record, see Section 1285.05C.
  1. Front Yard: There shall be a front yard of not less than 100 feet in depth.
  2. Side Yard: There shall be side yards of not less than 50 feet (each side) for dwelling structures.
  3. Rear Yard: There shall be a rear yard of not less than 100 feet for dwelling structures.
  4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.
- D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for non-residential uses shall be 15%.
- E. Parking Requirements: Parking requirements shall be as regulated in Chapter 1291.
- F. Signs: Sign shall be as regulated in Chapter 1295.
- G. Dwelling Area: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages and cellars or basements as herein specified.
  1. Single-Family Dwelling
 

With basement	1,300 square feet
Without basement	1,450 square feet

Basements are not required for any single family dwelling. If a basement is included as part of the home plans, at the time of permitting, then a minimum square footage of 600 square feet of floor area shall be required. Single-family dwellings shall not be less than the 24 feet in width and depth.

- H. Health Regulations: The single-family dwelling unit must meet the requirements of the Board of Health having jurisdiction within the City and/or those of other authorities before being issued zoning permits.  
(Ord. 2006-3733. Passed 12-18-06.)



## **CHAPTER 1229**

### **Medium-Low Density Residential District (R-87)**

- 1229.01 Purpose.**
- 1229.02 Short name.**
- 1229.03 Permitted uses.**
- 1229.04 Conditionally permitted uses.**
- 1229.05 General requirements of the R-87 District.**

#### **CROSS REFERENCES**

- General prohibitions - see GEN. OFF. Ch. 521
  - Definitions - see P. & Z. 1203.03
  - Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04
  - Home occupations - see P. & Z. Ch. 1267
  - Fences - see P. & Z. Ch. 1279
  - Landscaping and screening - see P. & Z. Ch. 1283
  - Signs - see P. & Z. Ch. 1295
  - Swimming pools - see P. & Z. Ch. 1297
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#### **1229.01 PURPOSE.**

The purpose of the R-87 District is to encourage the establishment of low-to-medium density single-family dwellings not to exceed one dwelling unit per two acres. The R-87 Districts are associated with those areas to be served by collector, local, and cul-de-sac streets.

#### **1229.02 SHORT NAME.**

The short name and map symbol of the Medium-Low Density Residential District is R-87.

#### **1229.03 PERMITTED USES.**

1. Single-family dwellings.
2. Public parks and playgrounds provided that any principal public building or public swimming pool shall be located not less than 100 feet from any other lot in any R-District. (Ord. 2008-3843. Passed 7-21-08.)
3. Accessory buildings and structures and their related uses. (Ord. 2015-4228. Passed 5-18-15.)
4. Agriculture (on more than five acres).
5. All uses marked as "Permitted Uses" in the Medium-Low Density Residential District (R-87) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

**1229.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Home occupations. Refer to Section 1215.05B.2. and Chapter 1267.
2. Religious institutions.
3. Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals. Refer to Sections 1215.05A. and E. (as applies).
4. Libraries, museums, art galleries. Refer to Section 1215.05A.13., and Section 1215.05A. (as applies), and Section 1215.05E. (as applies).
5. Governmental buildings. Refer to Sections 1215.05A. and E. (as applies).
6. Private stables/kennels as an accessory use, provided the portion of any lot or tract in such use shall not be less than five acres in area.
7. Agriculture (on less than five acres).
8. All uses marked as "Conditional Uses" in the Medium-Low Density Residential District (R-87) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

**1229.05 GENERAL REQUIREMENTS OF THE R-87 DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 40 feet.

B. Lot Area and Width: Every lot shall have a minimum width of 200 feet throughout the lot, and a minimum lot area of not less than two acres (87,120 sq. ft.), exclusive of road right-of-way.

C. Setbacks and Yards: For all lots of record, see Section 1285.05C.

1. Front Yard: There shall be a front yard of not less than 75 feet in depth.
2. Side Yard: Side yards shall not be less than 25 feet on each side.
3. Rear Yard: There shall be a rear yard of not less than 75 feet.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for non-residential uses shall be 15%.

E. Parking Requirements: Parking requirements shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.

G. Dwelling Area: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as herein specified.



1. Single-Family Dwelling

With basement 1,300 square feet

Without basement 1,450 square feet

Basements are not required for any single family dwelling. If a basement is included as part of the home plans, at the time of permitting, then a minimum square footage of 600 square feet of floor area shall be required.

Single-family dwellings shall not be less than 24 feet in width and depth.

H. Health Regulations: The single-family dwelling unit must meet the requirements of the Board of Health with jurisdiction in the City and/or those of other authorities before being issued zoning permit.  
(Ord. 2006-3733. Passed 12-18-06.)



## **CHAPTER 1231**

### **Medium Density Residential District (R-20)**

- 1231.01 Purpose.**
- 1231.02 Short name.**
- 1231.03 Permitted uses.**
- 1231.04 Conditionally permitted uses.**
- 1231.05 General requirements of the R-20 District.**

#### **CROSS REFERENCES**

General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Home occupations - see P. & Z. Ch. 1267  
 Fences - see P. & Z. Ch. 1279  
 Landscaping and screening - see P. & Z. Ch. 1283  
 Signs - see P. & Z. Ch. 1295  
 Swimming pools - see P. & Z. Ch. 1297

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#### **1231.01 PURPOSE.**

The purpose of the R-20 District is to permit the establishment of medium-density single family units, and to serve as a transition district between medium-low density to medium density. The R-20 Districts are associated with those areas to be served by local and cul-de-sac streets. All dwelling units and uses must be supplied with public water and sewer.

#### **1231.02 SHORT NAME.**

The short name and map symbol of the Medium Density Residential District is R-20.

#### **1231.03 PERMITTED USES.**

1. Single family detached dwellings.
2. Public parks and playgrounds provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any R-District.
3. Accessory buildings and structures and their related uses.
4. Essential services.
5. Dishes or other devices for the reception or transmission of electromagnetic signals, provided such device is for the sole use of the occupants of the principal use of the property on which the device is located, provided such device meets the requirements of Chapter 1293.
6. All uses marked as "Permitted Uses" in the Medium Density Residential District (R-20) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1231.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Home occupations. Refer to Section 1215.05B.2. and Chapter 1267.
2. Daycare facilities, institutions, or nursing homes located not less than 50 feet from any other lot in any R-District. Refer to Section 1215.05B.10. and E.8. (as applies).
3. Religious institutions.
4. Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals. Refer to Section 1215.05A. and E. (as applies).
5. Libraries, museums, art galleries, and recreational facilities. Refer to Section 1215.05E. as applies.
6. Governmental buildings. Refer to Section 1215.05A. and E. (as applies).
7. All uses marked as "Conditional Uses" in the Medium Density Residential District (R-20) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1231.05 GENERAL REQUIREMENTS OF THE R-20 DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 35 feet.

B. Lot Area and Width: Every lot shall have a minimum width of 100 feet throughout the lot, and a minimum lot area of not less than 20,000 sq. ft., exclusive of road right-of-way. (Ord. 2006-3733. Passed 12-18-06.)

C. Setbacks and Yards (Principal Structure): For all lots of record, see Section 1285.05C.

1. Front Yard: There shall be a front yard of not less than 50 feet in depth.
2. Side Yard: Side yards shall not be less than 20 feet on each side.
3. Rear Yard: There shall be a rear yard of not less than 25 feet.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard. (Ord. 2008-3884. Passed 1-5-09.)

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for non-residential uses shall be 25%.

E. Parking Requirements: Parking requirements shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.

G. Dwelling Area: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as herein specified.

1. Single-Family Dwelling

With basement 1,300 square feet

Without basement 1,450 square feet

Basements are not required for any single family dwelling. If a basement is included as part of the home plans, at the time of permitting, then a minimum square footage of 600 square feet of floor area shall be required. Single-family dwellings shall not be less than 24 feet in width and depth.

H. Health Regulations: The single-family dwelling unit must meet the requirements of the Board of Health with jurisdiction in the City and/or those of other authorities before being issued zoning permits. (Ord. 2006-3733. Passed 12-18-06.)

I. Open/Play Area: For each five (5) lots or portion thereof, there shall be provided an open green space or park/recreation area of not less than 1,500 square feet in size. Recreational and/or play equipment shall be provided pursuant to a proposal submitted by the developer and shall be subject to the approval of the Director of Planning. Examples include, but are not limited to, park benches, picnic tables, play sets, basketball and tennis courts. Such area shall be maintained in perpetuity by the owner of the lot of record. Landscaping, screening, required setback areas, and parking areas shall not be included in the calculation of the open/play area. (Ord. 2006-3733. Passed 12-18-06; Ord. 2015-4228. Passed 5-18-15.)



## **CHAPTER 1233**

### **Medium-High Density Residential District (R-15)**

- 1233.01 Purpose.**  
**1233.02 Short name.**  
**1233.03 Permitted uses.**  
**1233.04 Conditionally permitted uses.**  
**1233.05 General requirements of the R-15 District.**

#### **CROSS REFERENCES**

General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Home occupations - see P. & Z. Ch. 1267  
 Fences - see P. & Z. Ch. 1279  
 Landscaping and screening - see P. & Z. Ch. 1283  
 Signs - see P. & Z. Ch. 1295  
 Swimming pools - see P. & Z. Ch. 1297

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#### **1233.01 PURPOSE.**

The purpose of the R-15 District is to permit the establishment of medium-high density single family units, and to serve as a transition district between medium density and high density. The R-15 Districts are associated with those areas to be served by local and cul-de-sac streets. All dwelling units and uses must be supplied with public water and sewer.

#### **1233.02 SHORT NAME.**

The short name and map symbol of the Medium-High Density Residential District is R-15.

#### **1233.03 PERMITTED USES.**

1. Single family detached dwellings.
2. Public parks and playgrounds provided that any principal building or swimming pool shall be located not less than 100 feet from any other lot in any R-District.
3. Accessory buildings and structures and their related uses.
4. Essential services.
5. Dishes or other devices for the reception or transmission of electromagnetic signals, provided such device is for the sole use of the occupants of the principal use of the property on which the device is located, provided such device meets the requirements of Chapter 1293.
6. All uses marked as "Permitted Uses" in the Medium-High Density Residential District (R-15) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1233.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Home occupations. Refer to Section 1215.05B.2. and Chapter 1267.
2. Daycare facilities, institutions, or nursing homes located not less than 50 feet from any other lot in any R-District. Refer to Section 1215.05B.10. and E.8. (as applies).
3. Religious institutions.
4. Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals. Refer to Section 1215.05A. and E. (as applies).
5. Libraries, museums, art galleries, and recreational facilities. Refer to Section 1215.05E. as applies.
6. Governmental buildings. Refer to Section 1215.05A. and E. (as applies).
7. Two-Family Residential Dwelling.
8. All uses marked as "Conditional Uses" in the Medium-High Density Residential District (R-15) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1233.05 GENERAL REQUIREMENTS OF THE R-15 DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 35 feet.

B. Lot Area and Width: Every lot for a single-family dwelling shall have a minimum width of at least 100 feet throughout and a minimum lot area of not less than 15,000 square feet. All lot area measurements shall be exclusive of road right-of-way.

C. Setbacks and Yards: For all lots of record, see Section 1285.05C.

1. Front Yard: There shall be a front yard of not less than 35 feet in depth.
2. Side Yard: There shall be a side yard of not less than 20 feet on each side.
3. Rear Yard: There shall be a rear yard of not less than 25 feet.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for non-residential uses shall be 30%.

E. Parking Requirements: Parking requirements shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.



G. Dwelling Area: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as herein specified.

1. Single-Family:  
With basement 1,300 square feet  
Without basement 1,450 square feet
2. Two-Family:  
With basement 1050 square feet per dwelling unit  
Without basement 1200 square feet per dwelling unit

Basements are not required for any single-family or two-family dwellings. If basement is included as part of the plans, at the time of permitting, then a minimum square footage of 600 square feet of floor area shall be required for single-family dwellings and 375 square feet of floor area shall be required for each unit of a two-family dwelling.

Single/two-family dwellings shall not be less than 24 feet in width and depth.

H. Health Regulations: The single-family dwelling unit must meet the requirements of the Board of Health with jurisdiction in the City and/or those of other authorities before being issued zoning permits.

I. Conversion of Dwelling to More Units: A residence may not be converted to accommodate an increased number of dwelling units unless all of the following criteria are met:

1. The yard dimensions still meet the yard dimensions required for new structures in this zoning district;
2. The lot area per family equals the lot area requirements for new structures in this zoning district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in this zoning district; and
4. The conversion is in compliance with all other relevant codes for such structures.

J. Open/Play Area: For each five (5) lots or portion thereof, there shall be provided an open green space or park/recreation area of not less than 1,500 square feet in size. Recreational and/or play equipment shall be provided pursuant to a proposal submitted by the developer and shall be subject to the approval of the Director of Planning. Examples include, but are not limited to, park benches, picnic tables, play sets, basketball and tennis courts. Such area shall be maintained in perpetuity by the owner of the lot of record. Landscaping, screening, required setback areas, and parking areas shall not be included in the calculation of the open/play area. (Ord. 2006-3733. Passed 12-18-06; Ord. 2015-4228. Passed 5-18-15.)



## **CHAPTER 1235**

### **High Density Residential District (R-10)**

- 1235.01 Purpose.**
- 1235.02 Short name.**
- 1235.03 Permitted uses.**
- 1235.04 Conditionally permitted uses.**
- 1235.05 General requirements of the R-10 District.**

#### **CROSS REFERENCES**

General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Home occupations - see P. & Z. Ch. 1267  
 Fences - see P. & Z. Ch. 1279  
 Landscaping and screening - see P. & Z. Ch. 1283  
 Signs - see P. & Z. Ch. 1295  
 Swimming pools - see P. & Z. Ch. 1297

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#### **1235.01 PURPOSE.**

The purpose of the R-10 District is to permit the establishment of high density single and two family dwellings. The R-10 Districts are associated with those areas to be served by local and cul-de-sac streets. All dwelling units and uses must be supplied with public water and sewer.

#### **1235.02 SHORT NAME.**

The short name and map symbol of the High Density Residential District is R-10.

#### **1235.03 PERMITTED USES.**

1. Single-family dwelling units.
2. Religious institutions.
3. Public parks and playgrounds.
4. Accessory buildings and structures and their related uses.
5. All uses marked as "Permitted Uses" in the High Density Residential District (R-10) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1235.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Home occupations. Refer to Section 1215.05B.2. and Chapter 1267.
2. Governmental buildings. Refer to Section 1215.05A. and E. as applies.
3. Daycare facilities, nursing homes. Refer to Section 1215.05B.10. and E.8. as applies.
4. Neighborhood or community recreational facilities. Refer to Section 1215.05B. (4., 5., 6., 10.) and Section 1215.05E.8. as applies.
5. Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals. Refer to Section 1215.05E. (as applies).
6. Two-family residential dwelling.
7. All uses marked as "Conditional Uses" in the High Density Residential District (R-10) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1235.05 GENERAL REQUIREMENTS OF THE R-10 DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 35 feet.

B. Lot Area and Width: Every lot for a single-family dwelling shall have a minimum width of at least 75 feet throughout and a minimum lot area of not less than 10,000 square feet. All lot area measurements shall be exclusive of road right-of-way.

C. Setbacks and Yards: For all lots of record, see Section 1285.05C.

1. Front Yard: There shall be a front yard of not less than 35 feet in depth.
2. Side Yard: There shall be a side yard of not less than 8 feet on either side, and a minimum sum of side yard widths of not less than 20 feet.
3. Rear Yard: There shall be a rear yard of not less than 25 feet.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for non-residential uses shall be 50%.

E. Parking Requirements: Parking requirements shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.

G. Dwelling Area: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as herein specified.

1. Single-Family:
 

With basement	1,300 square feet
Without basement	1,450 square feet

2. Two-Family:  
With basement 1050 square feet per dwelling unit  
Without basement 1200 square feet per dwelling unit

Basements are not required for any single-family or two-family dwellings. If a basement is included as part of the plans, at the time of permitting, then a minimum square footage of 600 square feet of floor area shall be required for single-family dwellings and 375 square feet of floor area shall be required for each unit of a two-family dwelling.

Single/two-family dwellings shall not be less than 24 feet in width and depth. (Ord. 2006-3733. Passed 12-18-06.)

H. Health Regulations: The single-family dwelling unit must meet the requirements of the Board of Health with jurisdiction in the City and/or those of other authorities before being issued zoning permits.

I. Conversion of Dwelling to More Units: A residence may not be converted to accommodate an increased number of dwelling units unless all of the following criteria are met:

1. The yard dimensions still meet the yard dimensions required for new structures in this zoning district;
2. The lot area per family equals the lot area requirements for new structures in this zoning district.
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in this zoning district; and
4. The conversion is in compliance with all other relevant codes for such structures.

J. Open/Play Area: For each five (5) lots or portion thereof, there shall be provided an open green space or park/recreation area of not less than 1,500 square feet in size. Recreational and/or play equipment shall be provided pursuant to a proposal submitted by the developer and shall be subject to the approval of the Director of Planning. Examples include, but are not limited to, park benches, picnic tables, play sets, basketball and tennis courts. Such area shall be maintained in perpetuity by the owner of the lot of record. Landscaping, screening, required setback areas, and parking areas shall not be included in the calculation of the open/play area. (Ord. 2005-3600. Passed 3-21-05; Ord. 2015-4228. Passed 5-18-15.)



## **CHAPTER 1237**

### **Village Single Family Residential District (R-7)**

- 1237.01 Purpose.**  
**1237.02 Short name.**  
**1237.03 Permitted uses.**  
**1237.04 Conditionally permitted uses.**  
**1237.05 General requirements of the R-7 District.**

#### **CROSS REFERENCES**

General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Home occupations - see P. & Z. Ch. 1267  
 Fences - see P. & Z. Ch. 1279  
 Landscaping and screening - see P. & Z. Ch. 1283  
 Signs - see P. & Z. Ch. 1295  
 Swimming pools - see P. & Z. Ch. 1297

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#### **1237.01 PURPOSE.**

The purpose of the R-7 District is to permit the establishment of high density single family dwellings within the boundaries of the former Village of Pataskala as of December 31, 1995. The R-7 Districts are associated with those areas to be served by local and cul-de-sac streets. All dwelling units and uses must be supplied with public water and sewer.

#### **1237.02 SHORT NAME.**

The short name and map symbol of the Village Single Family Residential District is R-7.

#### **1237.03 PERMITTED USES.**

1. Single-family dwelling units.
2. Religious institutions.
3. Public parks and playgrounds.
4. Accessory buildings and structures and their related uses.
5. All uses marked as "Permitted Uses" in the Village Single Family Residential District (R-7) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1237.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Home occupations. Refer to Section 1215.05B.2. and Chapter 1267.
2. Governmental buildings. Refer to Section 1215.05A. and E. as applies.
3. Daycare facilities, nursing homes. Refer to Section 1215.05B.10. and E.8. as applies.
4. Neighborhood or community recreational facilities. Refer to Section 1215.04B.(4., 5., 6., 10.) and Section 1215.05E.8. as applies.
5. Public and private schools for academic instruction either state accredited or
6. All uses marked as "Conditional Uses" in the Single Family Residential District (R-7) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1237.05 GENERAL REQUIREMENTS OF THE R-7 DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 35 feet.

B. Lot Area and Width: Every lot for a single-family dwelling shall have a minimum width of at least 60 feet throughout and a minimum lot area of not less than 7,000 square feet. All lot area measurements shall be exclusive of road right-of-way.

C. Setbacks and Yards: For all lots of record, see Section 1285.05C.

1. Front Yard: There shall be a front yard of not less than 25 feet in depth.
2. Side Yard: There shall be a side yard of not less than 7 feet on each side, and a minimum sum of side yard widths of not less than 15 feet.
3. Rear Yard: There shall be a rear yard of not less than 35 feet.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for non-residential uses shall be 50%.

E. Parking Requirements: Parking requirements shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.

G. Dwelling Area: Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as herein specified.

1. Single-Family Dwelling

With basement	1,300 square feet
Without basement	1,450 square feet
2. Two-Family Dwelling:
 

With basement	1,050 square feet per dwelling unit
Without basement	1,200 square feet per dwelling unit.



Basements are not required for any single-family or two-family dwellings. If a basement is included as part of the plans, at the time of permitting, then a minimum square footage of 600 square feet of floor area shall be required for single-family dwellings and 375 square feet of floor area shall be required for each unit of a two-family dwelling.

Single/two-family dwellings shall not be less than 24 feet in width and depth.

H. Health Regulations: The single-family dwelling unit must meet the requirements of the County Board of Health and/or those of other authorities before being issued zoning permit.

I. Conversion of Dwelling to More Units: A residence may not be converted to accommodate an increased number of dwelling units unless all of the following criteria are met:

1. The yard dimensions still meet the yard dimensions required for new structures in this zoning district;
2. The lot area per family equals the lot area requirements for new structures in this zoning district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in this zoning district; and
4. The conversion is in compliance with all other relevant codes for such structures.

J. Development Location: R-7 developments must be located within the boundaries of the former Village of Pataskala that were in effect on December 31, 1995. (Ord. 2006-3733. Passed 12-18-06; Ord. 2015-4228. Passed 5-18-15.)



## CHAPTER 1239 Multi-Family Residential District (R-M)

- 1239.01 Purpose.**
- 1239.02 Short name.**
- 1239.03 Permitted uses.**
- 1239.04 Conditionally permitted uses.**
- 1239.05 General requirements of the R-M District.**

### CROSS REFERENCES

General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Home occupations - see P. & Z. Ch. 1267  
 Fences - see P. & Z. Ch. 1279  
 Landscaping and screening - see P. & Z. Ch. 1283  
 Signs - see P. & Z. Ch. 1295  
 Swimming pools - see P. & Z. Ch. 1297

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### **1239.01 PURPOSE.**

The purpose of the R-M District is to permit the establishment of high density multi and two family dwellings. More than one principal building (multi-family or two family) is allowed per lot in the R-M District. The R-M District will serve as a transitional District between High Density Residential uses and non-residential, commercial uses. The R-M Districts are associated with those areas with primary direct access to an arterial roadway. All dwelling units and uses must be supplied with and utilize public water and sewer.

### **1239.02 SHORT NAME.**

The short name and map symbol of the Multi-family Residential District is R-M.

### **1239.03 PERMITTED USES.**

1. Two-Family and Multi-Family dwelling units, except condominiums (notwithstanding that Section 1203.03 defines "Dwelling - Multi-Family" to include condominiums, which definition shall continue to apply for all purposes other than Division 1 of Section 1239.03).
2. Religious institutions.

3. Public parks and playgrounds.
4. Accessory buildings and structures and their related uses.
5. All uses marked as "Permitted Uses" in the Multi-Family Residential District (R-M) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1239.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Daycare facilities, nursing homes. Refer to Section 1215.05B. and E. as applies.
2. Neighborhood or community recreational facilities. Refer to Section 1215.04B. (4., 5., 6.) and 1215.05E.8. as applies.
3. Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals. Refer to Section 1215.04E., as applies.
4. Condominiums.
5. All uses marked as "Conditional Uses" in the Multi-Family Residential District (R-M) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### **1239.05 GENERAL REQUIREMENTS OF THE R-M DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 45 feet.

B. Lot Area and Width: Every lot or tract of land upon which there is erected a two-family or multiple-family dwelling, or other permitted and/or conditionally permitted use, shall have a minimum width of at least 90 feet throughout and a minimum lot area of not less than 13,000 square feet. All lot area measurements shall be exclusive of road right-of-way.

No building structure shall be erected or altered except on a lot of record with an area of at least 4356 sq. ft. per dwelling unit.

C. Setbacks and Yards: For all lots of record, see Section 1285.05C. Multi-Family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group, as a unit, shall require one front, one rear, and two side yards as specified below. The rear and side yard requirements between adjacent buildings may be reduced up to 50% of the requirements listed below; the total square footage of all side and rear yard reductions shall be added to the total required setback area for the entire group of dwellings.

1. Front Yard: There shall be a front yard of not less than 50 feet in depth, exclusive of road right-of-way.
2. Side Yard: There shall be a side yard of not less than 15 feet on each side.
3. Rear Yard: There shall be a rear yard of not less than 25 feet.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied shall be 60% exclusive of road right-of-way.

E. Parking Requirements and Setbacks: Parking requirements and setbacks shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.

G. Dwelling Area: All dwelling area requirements for the R-M District are to be determined from outside dimensions exclusive of porches, garages, and cellars or basements.

1. Single Multi-Family and/or Two-Family Dwelling  
One Bedroom = 900 square feet  
Two Bedroom = 1,100 square feet  
Three Bedroom = 1,300 square feet
2. All buildings shall not be less than 24 feet in width and depth.

H. Health Regulations: The multi-family dwelling unit must meet the requirements of the Board of Health with jurisdiction in the City and/or those of other authorities before being issued zoning permits.

I. Conversion of Dwelling to More Units: A residence may not be converted to accommodate an increased number of dwelling units unless all of the following criteria are met:

1. The yard dimensions still meet the yard dimensions required for new structures in this zoning district.
2. The lot area per family equals the lot area requirements for new structures in this zoning district.
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in this zoning district.
4. The conversion is in compliance with all other relevant codes for such structures.

J. Required Trash Areas: Required trash areas shall be as regulated in Section 1283.06.

K. Lighting: Lighting shall be regulated as stated in Chapter 1291.

L. Landscaping/Screening: Landscaping/screening shall be regulated as stated in Chapter 1283.

M. Open/Play Area: For each 5 units or portion thereof, there shall be provided an open green space or park/recreation area of not less than 1,000 square feet in size. Recreational and/or play equipment shall be provided pursuant to a proposal submitted by the developer and shall be subject to the approval of the Zoning Inspector. A minimum of one (1) piece of heavy duty recreational equipment for each 1,000 square feet; examples would include, but are not limited to, park benches, picnic tables, play sets, basketball and tennis courts. Such area shall be maintained in perpetuity by the owner of the lot of record. Landscaping, screening, required setback areas, and parking areas shall not be included in the calculation of open/play area. (Ord. 2006-3733. Passed 12-18-06; Ord. 2015-4228. Passed 5-18-15.)

## **CHAPTER 1241**

### **Manufactured Home Residential District (R-MH)**

- 1241.01 Purpose.**
- 1241.02 Short name.**
- 1241.03 Permitted uses.**
- 1241.04 Jurisdiction.**
- 1241.05 General requirements of the R-MH District.**

#### **CROSS REFERENCES**

Manufactured home parks - see Ohio R.C. Ch. 3733  
 Manufactured home definitions - see P. & Z. 1203.03  
 General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Use during construction - see P. & Z. 1298.03

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#### **1241.01 PURPOSE.**

The Manufactured Home Residential District is established to provide areas for manufactured home parks which will be located, designed, and improved so as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection for adjacent residential properties, access for vehicular traffic without undue traversing of minor streets in adjoining residential neighborhoods, and overall accessibility equivalent to that for other forms of permitted residential development.

#### **1241.02 SHORT NAME.**

The short name and map symbol of the Manufactured Home Residential District is R-MH.

#### **1241.03 PERMITTED USES.**

1. One- and two-family detached, and attached dwellings.
2. Manufactured home parks.
3. Public or private parks or playgrounds.
4. Essential services.
5. Accessory uses and structures, including common areas, community/recreational facilities, and offices for rental and management of units therein.
6. All uses marked as "Permitted Uses" in the Manufactured Home Residential District (R-MH) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

#### 1241.04 JURISDICTION.

Where other regulations exist, such as Ohio R.C. Chapter 3733, the more stringent regulations shall apply. Plan approvals issued under Ohio R.C. 3733 do not exempt a mobile home park from land use and building requirements of the City. (ORC 3733.021F)

#### 1241.05 GENERAL REQUIREMENTS OF THE R-MH DISTRICT.

The following standards for the arrangement and development of land and buildings are required in the Manufactured Home Residential District:

- A. Maximum Building Height: No building shall be erected or enlarged to exceed 25 feet.
- B. Lot Area and Width:
  1. Lot Area:
    - a. The minimum lot area for any manufactured home park shall be ten (10) acres.
    - b. For all permitted uses, lots shall be not less than 10,890 square feet.
  2. Lot Width:
    - a. The minimum lot width for any manufactured home park shall be not less than 250 feet. Frontage shall be provided on a publicly dedicated and improved street. The ratio of width to depth shall not exceed one to five (1:5).
    - b. The minimum individual lot width shall be not less than 75 feet.
- C. Setbacks and Yards: For all lots of record, see Section 1285.05C.
  1. Front Yard: The minimum individual front yard depth shall be not less than 35 feet.
  2. Side Yard:
    - a. The minimum side yard width for any manufactured home park shall be not less than 35 feet.
    - b. For any individual lot, there shall be a minimum side yard of not less than eight (8) feet, and a minimum sum of side yard widths of not less than 20 feet.
  3. Rear Yard:
    - a. The minimum rear yard depth for any manufactured home park shall be not less than 35 feet.
    - b. The minimum rear yard depth for any individual lot shall be not less than twenty-five (25) feet.
  4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.
- D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings shall be 40% of any individual lot.
- E. Parking Requirements and Setbacks: Off-street parking for all uses in the Manufactured Home Residential District shall be provided as required in Chapter 1291.  
 Additionally, in manufactured home parks, parking spaces shall be provided for two (2) vehicles for each manufactured home. Such parking spaces shall be located either on the same lot as the dwelling which they serve, or in specially provided common areas located not more than 200 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the park.
- F. Signs: Signs shall be as regulated in Chapter 1295.



- G. Lots and Locations of Dwellings on Lots; Occupancy. Lots intended for placement of dwellings in manufactured home parks shall be so located with respect to streets as to make practical the placement of such dwellings for occupancy. In determinations concerning the satisfaction of this requirement, the Planning and Zoning Commission shall consider the proposed manner of placement of manufactured homes on individual lots.  
Location on the lot shall be suitable for the type of dwelling proposed, considering size, required open spaces, and manner of support.  
Any improvements on the lot, including those necessary for the support or anchoring of the dwelling as required by this Code, shall be provided to the dwelling prior to the granting of a certificate of occupancy.  
The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.
- H. Health Regulations: The manufactured home development must meet the requirements of the applicable Board of Health and/or those of other authorities before being issued zoning permits.
- I. Underground Utilities: All utility lines, including electricity, gas, telephone, and cable television shall be located underground.
- J. Required Trash Areas: All trash and garbage shall be stored in container systems which are located and enclosed in a manner which provides ease of access to individual manufactured home lots, while effectively screening them from view.  
Required trash areas shall be regulated as stipulated in Section 1283.06.
- K. Lighting: Lighting shall be regulated as stated in Section 1291.03.
- L. Landscaping/Screening: Landscaping/screening shall be regulated as stated in Chapter 1283. All landscaping/screening required by this Code shall be in place within one year or prior to the granting of a Certificate of Occupancy.
- M. Required Open Space and Recreational Areas:
1. At least 15 percent (15%) of the gross land area for any manufactured home park shall be developed as common recreational areas, including facilities such as playgrounds, swimming pools, pedestrian paths, and/or similar facilities. Such recreational areas shall not include streets or parking areas, shall be closed to motorized traffic except for maintenance and service vehicles, and shall be landscaped, improved and maintained for the uses intended.
  2. At least 10 percent (10%) of the gross land area of each individual manufactured home lot shall be provided as an outdoor living area. Such outdoor living area shall not be counted as any portion of the required common recreational area referenced in subsection N.1. above. Such outdoor living area shall be properly drained, located for optimum use, and landscaped to provide for reasonable privacy. A portion of the outdoor living area may be covered by a roof or outdoor storage shed, provided the Maximum Lot Occupancy is not exceeded.
- N. Buffer Zone: A buffer zone of not less than 35 feet shall be required along all property lines around the perimeter of any manufactured home development.

- O. Anchors and Skirting: Each manufactured home lot shall be provided with anchors and tie-downs suitable to insure the securing and stability of the manufactured home. Each manufactured home shall be provided with a suitable skirt, entirely enclosing the area below the floor of the structure to the ground.
- P. Storm Protection: Each manufactured home development must provide substantial tornado protection structure(s) with sufficient space to accommodate the anticipated maximum number of persons who may reside in the development. This structure must be centrally located in the development and must be handicap accessible.
- Q. Access: All manufactured home parks shall have direct access to collector streets with a right-of-way of not less than 60 feet in width. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No lot within the park shall have direct vehicular access to a street bordering the development.
- R. Streets and Street Layout.  
All streets, whether private or dedicated to the City, providing access to the individual lots in a manufactured home park shall be dimensioned and improved in accordance with the standards and requirements of the Subdivision Regulations of the City of Pataskala.  
The proposed layout of streets within a manufactured home park shall be approved by the City Engineer. All costs associated with such approval shall be paid by the applicant prior to issuance of Certificates of Occupancy.
- S. Water and Sewer Provision.  
All manufactured home parks shall provide a water and sanitary sewer distribution system, serving each individual manufactured home lot, which is connected to a public water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency, the City Engineer, and the City Director of Utilities. All costs associated with such approvals shall be paid. by the applicant prior to the issuance of Certificates of Occupancy.  
The developer may be required to extend the necessary improvements across the frontage of the development to the boundary to serve adjoining unsubdivided land, as recommended by the City Engineer and/or the City Utilities Director, and determined by the Planning and Zoning Commission.
- T. Storm Drainage: All areas within a manufactured home park shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches are prohibited. Where an adequate public storm sewer is available at the development boundary, the developer shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as determined by the City Engineer and approved by the Planning and Zoning Commission. Paved gutters or storm sewers shall be required if velocities of flow are greater than specified in Section 1121.20 of the Pataskala Subdivision Regulations, or will cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.
- U. Fire Protection: Within each manufactured home park there shall be provided a fire protection system approved by the local fire authority. Standard fire hydrants shall be located within 400 feet of all individual lots, or another system constructed which in the opinion of the local fire authority provides an equal or greater measure of protection. (Ord. 2015-4228. Passed 5-18-15.)

## **CHAPTER 1243**

### **Professional-Research-Office District (PRO)**

- 1243.01 Purpose.**
- 1243.02 Short name.**
- 1243.03 Permitted uses.**
- 1243.04 Conditionally permitted uses.**
- 1243.05 General requirements of the PRO District.**

#### **CROSS REFERENCES**

Research facilities defined - see P. & Z. 1203.03  
 General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04

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#### **1243.01 PURPOSE.**

The purpose of the PRO District is to encourage the establishment of groups of professional, research, executive, administrative, accounting, clerical, stenographic, and similar uses. The PRO District is also designed to act as a buffer between more intense non-residential uses and residential uses.

#### **1243.02 SHORT NAME.**

The short name and map symbol of the Professional-Research-Office District is PRO.

#### **1243.03 PERMITTED USES.**

1. Medical or medical-related offices or clinics.
2. Law offices.
3. Insurance and real estate offices.
4. Banks and finance establishments.
5. Utility company offices.
6. Research facilities and/or laboratories.
7. Governmental offices.
8. Planning, architect, or engineering offices, but excluding outside storage.
9. Other professional offices.
10. Veterinary offices and clinics, but excluding facilities for outside boarding or exercising of animals.
11. All uses marked as "Permitted Uses" in the Professional-Research-Office District (PRO) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

**1243.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Nursing homes (extended care).
2. Hospitals. Refer to Section 1215.05A.(1., 8.), E. (4., 5., 7.), F. 1.
3. Theaters. Refer to Section 1215.05A.3.
4. Daycare facilities. Refer to Sections 1215.05B. 10. and E.8.
5. Institutions.
6. All uses marked as "Conditional Uses" in the Profession-Research-Office (PRO) District as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

**1243.05 GENERAL REQUIREMENTS OF THE PRO DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 35 feet.

B. Lot Area and Width: Every lot shall have a minimum width of 200 feet throughout, and a minimum lot area of not less than two acres (87,120 square feet), exclusive of road right-of-way. A minimum lot size of 20,000 square feet with a minimum frontage of 75 feet shall be allowed when lot is serviced by public water and sewer.

C. Setbacks and Yards: For all lots of record, see Section 1285.05C.

1. Front Yard: There shall be a front yard of not less than 75 feet in depth (50 feet in depth with central water and sewer).
2. Side Yard: There shall be a side yard of not less than 25 feet (15 feet in depth with central water and sewer).
3. Rear Yard: There shall be a rear yard of not less than 25 feet.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for commercial uses shall be 80%.

E. Parking and Loading: Parking and loading requirements shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.

G. Bulk Requirements: All structures shall have a minimum of 600 square feet per business unit with no more than four business units (units sharing at least one common wall) per 10,890 square feet. All structures shall not be less than 24 feet in width and depth. All structure requirements for the PRO District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

H. Trash and Garbage Control: All 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.

I. Screening/Buffer Yards Requirements: Screening/buffer yards shall be required as specified in Chapter 1283.



## CHAPTER 1245 Downtown Business District (DB)

- 1245.01 Purpose.**  
**1245.02 Short name.**  
**1245.03 Permitted uses.**  
**1245.04 Conditionally permitted uses.**  
**1245.05 General requirements of the DB District.**

### CROSS REFERENCES

Business definitions - see P. & Z. 1203.03  
 General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Off-street parking - see P. & Z. Ch. 1291  
 Signs - see P. & Z. Ch. 1295

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### **1245.01 PURPOSE.**

The Downtown Business District is established to encourage the orderly development of community-oriented retail and commercial facilities in the downtown area, in consideration of constraints to development which exist in the downtown area.

### **1245.02 SHORT NAME.**

The short name and map symbol of the Downtown Business District is DB.

### **1245.03 PERMITTED USES.**

1. Administrative, business and professional offices as permitted uses in Section 1243.03.
2. Retail stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods:
  - a. Food and food products, for example: grocery stores, meat and fish markets, fruit stores and vegetable markets, and specialty food stores such as candy or confectionery.
  - b. General merchandise, for example: limited price variety stores and hardware stores.
  - c. Apparel, for example: clothing, furnishings, and accessory items for men, women, and children.

- d. Miscellaneous retail stores, for example: proprietary drug stores, florists, gift, antique or second-hand stores, books and newspapers, jewelry, or optical goods.
- 3. Personal services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption, including:
  - a. Restaurants, but not including restaurants with drive-through facilities.
  - b. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
  - c. Barber and beauty shops.
  - d. Funeral services.
  - e. Public and private parking areas.
  - f. On-premises duplication and reproduction services.
- 4. Business services engaged in providing of services to business establishments on a fee or contract basis, such as advertising, mailing services, management or consulting services, protective services, office equipment rental and leasing, commercial research and development.
- 5. Essential services.
- 6. Libraries, museums, art galleries.
- 7. All uses marked as "Permitted Uses" in the Downtown Business District (DB) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

#### **1245.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

- 1. Institutions.
- 2. Religious institutions.
- 3. One, two, three, or four-family residential dwelling units.
- 4. Restaurants with drive-through facilities.
- 5. Banks, savings and loans, and credit agencies with drive-through facilities.
- 6. All uses marked as "Conditional Uses" in the Downtown Business District (DB) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2007-3763. Passed 5-7-07; Ord. 2008-3843. Passed 7-21-08.)

#### **1245.05 GENERAL REQUIREMENTS OF THE DB DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 40 feet.

B. Lot Area and Width:

1. Lot Area:

- a. No minimum lot size is required; however, lot size shall be adequate for parking and yard requirements.
- b. Residential uses must meet the requirements of the least restrictive residential district permitting that use.



2. Lot Width:
  - a. No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street or highway, and shall have adequate width to provide for yard space and parking requirements pursuant to this section and Chapter 1291.
  - b. Residential uses must meet the requirements of the least restrictive residential district permitting that use.
- C. Setbacks and Yards: For all lots of record, see Section 1285.05C.
  1. Front Yard: The front yard setback shall be 10 feet as measured from the curb.
  2. Side Yard: For interior lots, no minimum side yard is required; for corner lots, ten (10) feet as measured from the curb is required for new structures. These yard requirements shall apply, provided that sufficient space is provided to meet parking requirements pursuant to Chapter 1291. Residential uses must meet the requirements of the least restrictive residential district permitting that use.
  3. Rear Yard: Fifteen (15) feet from any paved area or structure adjacent to any district where residences are a permitted use, provided that sufficient space is provided to meet parking requirements pursuant to Chapter 1291.
  4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.
- D. Maximum Lot Coverage: At least 5 percent (5%) of the lot area, exclusive of parking areas and public rights-of-way, shall be devoted to yard space, or pedestrian space.
- E. Parking and Loading: Parking and loading requirements shall be as regulated in Chapter 1291.
- F. Signs: Signs shall be as regulated in Chapter 1295.
- G. Trash and Garbage Control: All 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.



## **CHAPTER 1247**

### **Local Business District (LB)**

- 1247.01 Purpose.**  
**1247.02 Short name.**  
**1247.03 Permitted uses.**  
**1247.04 Conditionally permitted uses.**  
**1247.05 General requirements of the LB District.**

#### **CROSS REFERENCES**

Business definitions - see P. & Z. 1203.03  
 General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Service stations - see P. & Z. Ch. 1281

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#### **1247.01 PURPOSE.**

The purpose of the LB District is to encourage the establishment of local businesses and services which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall reduce parking and traffic congestion as well as discourage large regional oriented businesses or other businesses and services that would affect the neighborhood character of the district. These districts shall be strategically located with direct access to a collector thoroughfare as specified in the Major Thoroughfare Plan. Strip development shall be discouraged.

#### **1247.02 SHORT NAME.**

The short name and map symbol of the Local Business District is LB.

#### **1247.03 PERMITTED USES.**

1. Religious institutions.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. Cemeteries.
6. Local retail business or service supplying commodities or performing services primarily for the residents of a local community; for example, fruit-vegetable stores, meat markets, drug stores, barbers or beauty shops, clothes cleaning and laundry pickup stations; laundromats, shoe stores.

7. Nurseries (plant materials) and/or greenhouses.
8. Restaurants without entertainment or drive-thru facilities.
9. Antique stores.
10. Libraries, museums, and art galleries.
11. Grocery under 10,000 square feet.
12. All uses marked as "Permitted Uses" in the Local Business District (LB) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

#### **1247.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Clinic and daycare facilities. Refer to Section 1215.05A.9., B.10., E.8. as applies.
2. Public or private commercial swimming pool. Refer to Section 1215.05A.(3., 6., 8., 9., 10.).
3. Grocery store larger than 10,000 square feet. See definition, refer to Section 1215.05A.(8., 9., 10.), B.(2., 3.), E. (as applies), and F.1.
4. Funeral homes, provided that there are no cremation facilities on the premises. Refer to Section 1215.05A.11. and E.8.
5. Theaters. Refer to Section 1215.05A.3.
6. Auto accessory store provided there is no outside storage.
7. Automobile service station pursuant to Chapter 1281, Gasoline Service Stations, provided operations involving major repairs, body and fender work, and painting, are not conducted on the premises; provided all pumps are set back at least forty (40) feet from the right-of-way line of all abutting streets; and provided parking and/or services areas are separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six (6) feet in height above finished grade.
8. Contractor's office provided there is no outside storage of construction vehicles, equipment, or materials on the premises.
9. Pet shop, provided all animals are housed within the principal buildings. Refer to Section 1215.05A.5. and E. (as applies).
10. Veterinary clinic. Refer to Section 1215.05A.5. and E. (as applies).
11. Research facilities. Refer to Section 1215.05A.5. and E. (as applies), see definitions.
12. Lodge and fraternal organizations.
13. Medical or medical-related offices or clinics.
14. Law offices.
15. Insurance and real estate offices.
16. Banks and finance establishments.
17. Utility company offices.
18. Planning, architect, or engineering offices.
19. Other professional offices.
20. Accessory uses and structures.
21. Restaurants with drive-thru facilities.
22. All uses marked as "Conditional Uses" in the Local Business District (LB) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

**1247.05 GENERAL REQUIREMENTS OF THE LB DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 35 feet.

B. Lot Area and Width: Every lot shall have a minimum width of 200 feet at the road frontage, and a minimum lot area of not less than two acres (87,120 square feet), exclusive of road right-of-way. A minimum lot size of 10,000 square feet with a minimum lot frontage of 75 feet on a dedicated street shall be allowed when lot is serviced by public water and sewer.

C. Setbacks and Yards: For all lots of record, see Section 1285.05C.

1. Front Yard: There shall be a front yard of not less than 75 feet in depth (50 feet in depth with central water and sewer).
2. Side Yard: There shall be a side yard of not less than 25 feet (15 feet with central water and sewer).
3. Rear Yard: There shall be a rear yard of not less than 25 feet.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for commercial uses shall be 85%.

E. Parking and Loading: Parking and loading requirements shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.

G. Trash and Garbage Control: All 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.

H. Bulk Requirements: All structures shall have a minimum of 600 square feet and shall not exceed 3,000 square feet per business unit with no more than four business units (units sharing at least one common wall) per 10,890 square feet. All structures shall not be less than 24 feet in width and depth. All structure requirements for the LB District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

I. Screening/Buffer Yards Requirements: Screening/buffer yards shall be required as specified in Chapter 1283.



## **CHAPTER 1249**

### **General Business District (GB)**

- 1249.01 Purpose.**
- 1249.02 Short name.**
- 1249.03 Permitted uses.**
- 1249.04 Conditionally permitted uses.**
- 1249.05 General requirements of the GB District**

#### **CROSS REFERENCES**

Business definitions - see P. & Z. 1203.03  
 General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Service stations - see P. & Z. Ch. 1281  
 Parking and loading - see P. & Z. Ch. 1291  
 Signs - see P. & Z. Ch. 1295  
 Temporary activities - see P. & Z. Ch. 1298

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#### **1249.01 PURPOSE.**

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.

#### **1249.02 SHORT NAME.**

The short name and map symbol of the General Business District is GB.

#### **1249.03 PERMITTED USES.**

1. Restaurants without entertainment or drive-thru facilities.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. Theaters.
6. Religious institutions.
7. Auto and/or farm implement sales.
8. Trade or commercial schools.
9. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted entirely in an enclosed building.
10. Public garages.
11. Building trade equipment material sales including concrete, electrical, masonry, sheet metal, plumbing, heating, and other building supplies, if conducted in an entirely enclosed building when no processing, fabrication or assembly is involved.

12. Furniture and appliance stores and repair.
13. Motion picture or recording studios.
14. Grocery stores.
15. All permitted uses as allowed in the PRO and LB Districts.
16. All uses marked as "Permitted Uses" in the General Business District (GB) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

#### **1249.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Hospital. Refer to Section 1215.05A.(1.,8.), E. (4.,5.,7. as applies), F.1., standards outlined in Sec. 916-d (1-5).
2. Watercraft and/or recreational vehicle storage. Refer to Section 1215.05A.9.
3. Electronic communications broadcasting station and towers (applies to commercial stations and equipment only).
4. Automobile service station, provided all pumps are set back at least forty (40) feet from the right-of-way line of the street, and parking and/or service areas are separated from adjoining residential properties by suitable visual screen or solid fence or wall at least six (6) feet in height. Refer to Section 1215.05E. (as applies) and Chapter 1281, Gasoline Service Stations.
5. Motor vehicle garage for the repair and servicing of vehicles, provided all operations are conducted within a fully enclosed building and there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.
6. Newspaper publishing plant, provided that the requirements for parking, loading, and unloading conform to those for industrial buildings.
7. Vehicle carwash, provided off-street paved parking area, capable of accommodating not less than one-half (1/2) of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises, and for such space to contain at least two hundred (200) square feet per waiting vehicle; and no safety hazard or impediment to traffic movement is created by the operation of such an establishment.
8. Veterinary or kennel (commercial), provided any structure shall be no closer than two hundred (200) feet to any residential zoning perimeter or residential dwelling; provided all boarding arrangements are maintained within the facility, and it will not be audible beyond the property line from the use of outside runs or exercise areas. Refer to Section 1214.04B.6. et seq.
9. Wholesale stores. Refer to Section 1215.05A.(8.,9.,10.), B.3., E. (as applies).
10. Outlet and discount stores. Refer to Section 1215.05A.(8.,9.,10.), B.3., E. (as applies).
11. Supermarkets/department stores - provided that the facilities do not create undue traffic congestion. Refer to Section 1215.05A.(3.,9.,10.,11.), B.3.,E. (as applies).
12. Building trade equipment materials and sales including concrete, electrical, masonry, sheet metal, plumbing, heating and other building shops, if conducted in an entirely enclosed building.



13. Boarding houses.
14. Mini-storage facilities.
15. Welding shops.
16. Accessory uses and buildings.
17. All conditionally permitted uses as allowed in the PRO and LB Districts.
18. Restaurants with entertainment or drive-thru facilities.
19. All uses marked as "Conditional Uses" in the General Business District (GB) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

**1249.05 GENERAL REQUIREMENTS OF THE GB DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 35 feet.

B. Lot Area and Width: Every lot shall have a minimum width of 250 feet throughout lot, and minimum lot area of not less than two acres (87,120 square feet), exclusive of road right-of-way. A minimum lot size of 20,000 square feet with a minimum frontage of 100 feet shall be allowed when lot is serviced by public water and sewer.

C. Setbacks and Yards: For all lots of record, see Section 1285.05C.

1. Front Yard: There shall be a front yard of not less than 75 feet in depth (50 feet in depth with central water and sewer).
2. Side Yard:
  - a. When abutting a non-residential zoning district: Twenty-five (25) feet for structures, ten (10) feet for paved areas.
  - b. When abutting a residential zoning district: Thirty-five (35) feet for structures, twenty-five (25) feet for paved areas.
3. Rear Yard:
  - a. When abutting a non-residential zoning district: Thirty (30) feet for structures, ten (10) feet for paved areas.
  - b. When abutting a residential zoning district: Thirty-five (35) feet for structures, twenty-five (25) feet for paved areas.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for commercial uses shall be 85%.

E. Parking and Loading: Parking and loading requirements shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.

G. Trash and Garbage Control: All 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.

H. Bulk Requirements: All structures shall have a minimum of 600 square feet per building unit and not be less than 24 feet in width and depth. All structure requirements for the GB District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

I. Screening/Buffer Yards Requirements: Screening/buffer yards shall be required as specified in Chapter 1283.  
(Ord. 2006-3733. Passed 12-18-06.)

## **CHAPTER 1251**

### **Light Manufacturing District (M-1)**

- 1251.01 Purpose.**
- 1251.02 Short name.**
- 1251.03 Permitted uses.**
- 1251.04 Conditionally permitted uses.**
- 1251.05 General requirements of the M-1 District.**

#### **CROSS REFERENCES**

General prohibitions - see GEN. OFF. Ch. 521  
 Manufacturing defined - see P. & Z. 1203.03  
 General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Oil and gas well regulations - see P. & Z. Ch. 1289

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#### **1251.01 PURPOSE.**

The purpose of the M-1 District is to encourage the development of manufacturing establishments which are clean and quiet. These establishments must be free of elements which create a nuisance or hazard, such as noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions beyond the premises. Manufacturing operations within the M-1 District shall operate entirely within enclosed structures and shall generate minimum industrial traffic. This district is further designed to act as a transitional use between Planned Manufacturing uses and other less intense businesses. (Ord. 2006-3734. Passed 12-18-06.)

#### **1251.02 SHORT NAME.**

The short name and map symbol of the Light Manufacturing District is M-1.

#### **1251.03 PERMITTED USES.**

1. Agriculture.
2. Public parks and playgrounds.
3. Recreational sporting facilities.
4. Nurseries, horticulture and forestry facilities.
5. Furniture and office equipment manufacturing.
6. Clothing goods, apparel, and accessory manufacturing.
7. Fur and personal leather goods manufacturing.

8. Publishing, commercial printing, bookbinding, and related industries.
9. Glass products manufacturing, made of purchased glass.
10. Utility facilities.
11. Electronic components, photographic equipment, computers, accessories, and communication equipment manufacturing.
12. Engineering, medical, laboratory, scientific and research instruments and associated equipment manufacturing.
13. General warehousing (excluding biohazardous, toxic, or explosive materials).
14. All uses marked as "Permitted Uses" in the Light Manufacturing District (M-1) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

#### **1251.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Metal cans and containers manufacturing.
2. Building materials.
3. Household appliance maintenance.
4. Vehicle service, storage, and maintenance.
5. Food products processing.
6. Sign manufacturing.
7. Any other industrial use, including operations incidental to such use, which involves manufacturing, processing, packaging, assembly, storage; provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to create a nuisance beyond the premises.
8. Airports - heliports (private and governmental). Refer to Section 1215.05B.2.
9. Mining of oil or natural gas. Refer to Section 1215.05D.
10. All uses marked as "Conditional Uses" in the Light Manufacturing District (M-1) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

#### **1251.05 GENERAL REQUIREMENTS OF THE M-1 DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 45 feet.

B. Lot Area and Width: Lots serviced by public water and sewer shall have a minimum lot size of 20,000 square feet with a minimum frontage of 100 feet (exclusive of road right of way). In those cases when central water and sewer is not available, two acres (exclusive of road right-of-way) with 200 feet of frontage shall be required.

C. Setbacks and Yards: For all lots of record, see Section 1285.05C.

1. Front Yard: There shall be a front yard of not less than 50 feet in depth (75 feet in depth without central water and sewer).

2. Side Yard: There shall be a side yard of not less than 25 feet.
3. Rear Yard: There shall be a rear yard of not less than 50 feet.
4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.

D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for commercial uses shall be 90%.

E. Parking and Loading: Parking and loading requirements shall be as regulated in Chapter 1291.

F. Signs: Signs shall be as regulated in Chapter 1295.

G. Trash and Garbage Control: All 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.

H. Bulk Requirements: All structures shall have at least 600 square feet per business unit and not be less than 24 feet in width and depth. All structure requirements for the M-1 District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

I. Screening/Buffer Yards Requirements: Screening/buffer yards shall be required as specified in Chapter 1283.

J. Performance Standards: All uses in the M-1 District, including operations incidental to the primary use (except those conditional uses permitted otherwise), shall operate entirely within enclosed structures. Uses in the M-1 District shall not create or emit any noise, vibration, smoke, gas, fumes, odor, glare, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions sufficient to create a nuisance beyond the premises.

K. Siting Criteria. When a use permitted in this district abuts a residential use or district, the structure must be located a minimum of 100 feet from such parcels.  
(Ord. 2006-3734. Passed 12-18-06.)



## **CHAPTER 1253**

### **Planned Manufacturing District (PM)**

- 1253.01 Purpose.**
- 1253.02 Short name.**
- 1253.03 Permitted uses.**
- 1253.04 Conditionally permitted uses.**
- 1253.05 General requirements of the PM District.**
- 1253.06 Performance standards of the PM District.**
- 1253.07 Site design approval.**

#### **CROSS REFERENCES**

General prohibitions - see GEN. OFF. Ch. 521  
 Manufacturing defined - see P. & Z. 1203.03  
 General prohibitions - see GEN. OFF. Ch. 521  
 Definitions - see P. & Z. 1203.03  
 Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04  
 Oil and gas well regulations - see P. & Z. Ch. 1289

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#### **1253.01 PURPOSE.**

The purpose of the PM District is to encourage the development of major manufacturing, processing, warehousing, and major research and testing operations. These activities require extensive community facilities including adequate utility services, and direct access to arterial thoroughfares. Uses in this district may have extensive open storage and service areas, and generate heavy traffic but shall be prohibited if they create nuisances which exceed the limitations set up by the Planning and Zoning Commission and/or Board of Zoning Appeals.

#### **1253.02 SHORT NAME.**

The short name and map symbol of the Planned Manufacturing District is PM.

#### **1253.03 PERMITTED USES.**

1. Agriculture.
2. General warehousing (excluding biohazardous, toxic, or explosive materials).
3. Public parks and playgrounds.
4. Leather goods manufacturing not elsewhere classified.
5. Sheet metal work and fabrication.
6. Machine shops, jobbing, and repair.

7. Equipment and household appliances manufacturing.
8. Electric lighting and wiring manufacturing.
9. Miscellaneous electrical machinery, equipment, and supplies manufacturing.
10. Musical instruments and parts manufacturing.
11. Toys, amusements, sporting and athletic goods manufacturing.
12. Pens, pencils, and other office and artist materials manufacturing.
13. Research and Testing Operations.
14. Paper processing activities, such as printing, excluding paper production.
15. All permitted uses in the M-1 District.
16. All uses marked as "Permitted Uses" in the Planned Manufacturing District (PM) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08.)

**1253.04 CONDITIONALLY PERMITTED USES.**

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Bulk storage, provided that all outdoor storage is screened from view of neighboring properties and roads.
2. Farm equipment, auto, or aircraft manufacturing.
3. Wiring manufacturing.
4. Beverage industries.
5. Textile manufacturing.
6. Floor covering manufacturing.
7. Steel manufacturing.
8. Nonferrous foundries.
9. Recycling industries (indoor operations only).
10. Professional or semi-professional sporting facilities.
11. Sawmill operations.
12. Adult entertainment facilities.
13. Mining, processing, and storage.
14. Airports and heliports (private and governmental). Refer to Section 1215.05B.2.
15. Facilities or areas utilized for the production, processing or sale of marijuana.
16. All conditional uses in the M-1 District.
17. All uses marked as "Conditional Uses" in the Planned Manufacturing District (PM) as listed in the NAICS Classification and Zoning District Matrix.  
(Ord. 2008-3843. Passed 7-21-08; Ord. 2015-4237. Passed 10-5-15.)

**1253.05 GENERAL REQUIREMENTS OF THE PM DISTRICT.**

A. Maximum Building Height: No building shall be erected or enlarged to exceed 50 feet.

B. Lot Area and Width: Every lot shall have a minimum width of 500 feet throughout, and a lot area of not less than five acres (217,800 square feet) in area, exclusive of road right-of-way.



- C. Setbacks and Yards: For all lots of record, see Section 1285.05C.
1. Front Yard: There shall be a front yard of not less than 50 feet in depth.
  2. Side Yard: There shall be a side yard of not less than 50 feet.
  3. Rear Yard: There shall be a rear yard of not less than 50 feet.
  4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.
- D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for commercial uses shall be 65%.
- E. Parking and Loading: Parking and loading requirements shall be as regulated in Chapter 1291. On-street parking shall be prohibited at all times.
- F. Signs: Signs shall be as regulated in Chapter 1295.
- G. Trash and Garbage Control: All 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.
- H. Bulk Requirements: All structures shall have 625 square feet per business unit and not be less than 25 feet in width and depth. All bulk requirements for the PM District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.
- I. Screening/Buffer Yards Requirements: Screening/buffer yards shall be required as specified in Chapter 1283 and when required shall not provide less than eight feet of visual screening when installed (for example, a four foot high berm topped with four foot evergreens).
- J. Access: No access to any use within this district shall be from Mill Street or Columbia Road.
- K. Siting Criteria:
1. When a use permitted in this district other than adult entertainment facilities abuts a residential use or district, the structure must be located a minimum of 100 feet from such parcels.
  2. When an adult entertainment facility abuts a residential use or district, the structure must be located a minimum of 1,500 feet from such parcels.
- L. Drainage: The amount and rate of runoff from a developed site shall be no greater after development than it was prior to development. The method used to determine this shall be in accordance with the latest version of "Water Management and Sediment Control for Urbanizing Areas" (Available from the U.S. Soil Conservation Service).  
(Ord. 2006-3733. Passed 12-18-06.)

**1253.06 PERFORMANCE STANDARDS OF THE PM DISTRICT.**

- A. The following performance standards shall apply for all lots in the PM Zoning District:
1. No industry or other business shall be established, maintained, or permitted which produces objectionable light smoke, dust, noise, odor, or vibration resulting in a nuisance to abutting property owners or to the public in general, pursuant to the criteria in Chapter 1287.

2. No property in the district shall be left in an unsightly condition.
3. All buildings must be serviced by public water and sewer prior to occupancy.
4. Before any operation begins, and in order to continue, the facility must meet any and all other local, county, state and federal regulations (including, but not limited to: health, safety, transportation and environmental requirements).

**1253.07 SITE DESIGN APPROVAL.**

A. All Zoning Permits within the PM District shall be approved or denied within ninety (90) days from the date in which a complete application has been submitted. Zoning Permit applications within the PM District will be processed in the following manner:

1. The Zoning Inspector shall review all zoning permit applications to ensure all requirements of Section 1209.04 and this chapter have been submitted.
2. If the Zoning Inspector determines that the application is complete, the Zoning Inspector shall forward the application to the Planning Director for review by the Planning Commission (PC). The PC shall schedule a meeting for review of the application at the next available date. This meeting shall be open to the public, and notice of such meetings shall be provided to the applicant and/or his representative, news media, and any other interested parties as defined by Sections 1211.10 and 1211.11. The PC shall review the zoning permit application and provide a recommendation to the Planning Director whether to approve or deny the zoning permit application. The PC shall recommend approval if the requirements of the Code have been met.  
(Ord. 2013-4167. Passed 9-16-13.)

**CHAPTER 1255**  
**Planned Development Districts**

<b>1255.01</b>	<b>Purpose.</b>	<b>1255.12</b>	<b>Pre-application meeting.</b>
<b>1255.02</b>	<b>Planned district related definitions.</b>	<b>1255.13</b>	<b>Zoning amendment request.</b>
<b>1255.03</b>	<b>Provisions governing Planned Development Districts.</b>	<b>1255.14</b>	<b>Final development plans.</b>
<b>1255.04</b>	<b>Conflict and interpretation.</b>	<b>1255.15</b>	<b>Planned district application contents.</b>
<b>1255.05</b>	<b>Relationship to City of Pataskala Subdivision Regulations.</b>	<b>1255.16</b>	<b>Concept plan contents, pre-application meeting.</b>
<b>1255.06</b>	<b>Project ownership.</b>	<b>1255.17</b>	<b>Contents of Zoning Amendment application with Preliminary Development Plan.</b>
<b>1255.07</b>	<b>Establishment of a new Planned Development District.</b>	<b>1255.18</b>	<b>Final development plan contents.</b>
<b>1255.08</b>	<b>Permitted uses/conditional uses.</b>	<b>1255.19</b>	<b>Criteria for approval of a preliminary.</b>
<b>1255.09</b>	<b>Minimum project area.</b>	<b>1255.20</b>	<b>Criteria for approval of the final plan.</b>
<b>1255.10</b>	<b>Development standards.</b>	<b>1255.21</b>	<b>Supplementary conditions and safeguards.</b>
<b>1255.11</b>	<b>Procedure.</b>		

**CROSS REFERENCES**

Planned development defined - see P. & Z. 1203.03  
Home occupations - see P. & Z. Ch. 1267  
Conditional uses - see P. & Z. 1215.10

**1255.01 PURPOSE.**

(a) Planned Development Districts shall include residential, industrial, retail, service, and commercial uses: or a combination of such uses, with appurtenant common areas and accessory uses, customary and incidental to the predominant uses, such as: Planned Residential Development (PRD), Planned Industrial Districts (PID), Planned Commercial Districts (PCD) and Planned Mixed Use Districts (PMD), to promote the progressive development of land and construction thereon; further the purposes of the Planned Development District regulations are to:

- (1) Provide for maximum choice of living environments by allowing a variety of housing and building types and permitting dwelling-unit density per acre and lot dimensions, yards, building setbacks, and area requirements which are defined in an individual set of development and operations standards, agreed on by the developer(s) and the City.

- (2) Provide for supporting community facilities and allowing a mix of land uses otherwise not permitted within the standard municipal zoning classifications.
- (3) Provide a more useful pattern of open space and recreation areas, more convenience in the location of accessory commercial and industrial uses and services, and reducing automotive traffic congestion.
- (4) Provide a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns using sound landscape architecture and engineering practices.
- (5) Provide for more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- (6) Provide a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.
- (7) Provide unified developments that utilize creativity in planning and design that may not be achieved through standard zoning districts or subdivision regulations, but maintain consistency with all applicable community plans, including but not limited to the Comprehensive Plan.
- (8) Provide for imaginative architectural design, and flexibility in building styles and types.

(b) The City also is prepared to consider a greater population density through density bonuses in undeveloped areas than reflected by present zoning, provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of the development. (Ord. 2010-3962. Passed 3-8-10.)

#### **1255.02 PLANNED DISTRICT RELATED DEFINITIONS.**

(a) Planned Development District (PDD): A PDD (includes PRD, PCD and PID designations) means an area of land in which a variety of housing types and/or commercial facilities may be accommodated in a pre-planned environment under more flexible standards than those restrictions that would normally apply under this Zoning Code.

(b) Subarea. A subarea is a distinct area of land within a PDD. Each Subarea shall designate acreage, land use, development standards, architectural standards, landscape standards, thoroughfare Subarea standards, conceptual road alignments, gross density and such other standards as may be required by the Planning and Zoning Commission and Council.

(c) Master Site Plans. A master site plan is a preliminary development plan for a large scale Planned Development with greater complexity than smaller developments. A master plan is more likely to contain mixtures of many uses; to also reserve land for community facilities and services like churches, schools, emergency services, and government buildings; to provide for layouts of new transportation corridors, not just local circulator streets for the development. A master planned community could almost function as a fully contained, self-sufficient community.

(d) Preliminary Development Plan. A predevelopment plan is the first required submission to the Planning and Zoning Commission for rezoning to a Planned Development and must contain the elements specified in Section 1255.17. It will contain a basic plan for the entire area to be rezoned and contain sufficient detail to convey the character and intensity of use of the proposed development.

(e) Final Development Plan. A final development plan is prepared after the successful rezoning of a property to a Planned Development. It shall contain detailed engineering specifications pursuant to the results of all required technical studies such as, but not limited to, traffic, environmental conditions and storm water management, and shall show in sufficient detail how issues illuminated by the technical studies have been addressed and mitigated if necessary. The final development plan shall demonstrate all required changes agreed to during the rezoning process. The final development plan submission is submitted prior to the development of each phase of development, as phasing was shown in the preliminary plan or master site plan. The final development plan shall contain the required elements specified in Section 1255.18.

(Ord. 2010-3962. Passed 3-8-10.)

### **1255.03 PROVISIONS GOVERNING PLANNED DEVELOPMENT DISTRICTS.**

(a) In accordance with Section 1201.03, this chapter is declared to be the minimum requirements applicable to Planned Development Districts in any interpretation and promotion of the public health, safety and general welfare of the community.

(b) Each Planned Development District shall be considered a separate and unique zoning district wherein a preliminary development plan, including associated text depicting the specific development standards, is adopted simultaneously with the amendment of the zoning map to apply the Planned District designation. The preliminary development plan shall apply only to the property within that particular Planned Development District. The minimum requirements and the special standards described in the Planned Development Text shall be the applicable standards regarding the layout, uses, and development of the Planned Development District. The Planned Development Text shall become a part of the permanent record of development and maintained in the Planning and Zoning Department.

(c) Existing Planned Development Districts:

- (1) Planned Development Districts and all associated development plans and supporting documentation adopted prior to the effective date of these Planned Development District regulations shall continue in effect and be considered legally conforming under this code subject to the provisions of 1255.13, part 13.
- (2) Developers of Planned Development Districts and all associated development plans and supporting documentation adopted, but with construction incomplete, prior to the effective date of these Planned Development District regulations, at their option may elect to modify their development plans consistently with these regulations which were passed subsequently to their approvals, and shall be reviewed according to the procedures for the changes to a preliminary development plan, or a final development plan, as appropriate, and now set forth in Section 1255.14, 1255.18 and 1255.20.

(d) **Terms:** For the purposes of this Planned Development code, plans including all supporting documentation adopted at the time of Planned Development rezoning shall be referred to as preliminary development plans, or master site plans for large complex communities, and plans including all supporting documentation approved subsequent to such rezoning shall be referred to as final development plans.

(e) **Changes to Preliminary Development Plans:** A change to an adopted preliminary development plan shall be considered to be a zoning amendment and shall be reviewed according to the procedures set forth in Section 1255.13.

(f) **Final Development Plans for Planned Districts already in Progress:**

- (1) A final development plan shall be required for each phase of development in a Planned Development District. If the construction drawings for a particular phase have already been approved as of the effective date of this subchapter, the completion and submission of a final plat in accordance with Chapter 1113, Subdivision Regulations shall complete that portion of the project.
- (2) An application for review of a final development plan for a Planned development District established prior to the effective date of these Planned Development District regulations shall follow the procedural steps set forth in these: Section 1255.11, shall include the submission requirements set forth in Section 1255.18, and shall be evaluated according to the plan approval criteria set forth in Section 1255.20.
- (3) Final subdivision plats. Applications for final subdivision plats for phases of Planned Development Districts that are yet to be approved or for changes to previously approved plats shall be reviewed according to the subdivision review procedures in Chapter 1113. (Ord. 2010-3962. Passed 3-8-10.)

#### **1255.04 CONFLICT AND INTERPRETATION.**

Because of special characteristics of Planned Development Districts, special provisions governing the development of land for this purpose are required. Whenever there is conflict or difference between the provisions of this chapter and those of the other chapters of this Code, the provisions of this chapter shall govern. The Planned Development District regulations assist in accomplishing its stated purposes by establishing review steps that combine the request for a zoning with the development plan review process and where applicable the subdivision process. Subsequent plan review following the zoning amendment also requires simultaneous review of subdivision plats for the project. (Ord. 2010-3962. Passed 3-8-10.)

#### **1255.05 RELATIONSHIP TO CITY OF PATASKALA SUBDIVISION REGULATIONS.**

The provisions of the City of Pataskala Zoning Code are in addition to any requirements, procedures and regulations as contained in the City Subdivision Regulations. Nothing in these regulations shall be interpreted as nullifying or superseding the subdivision platting requirements as defined in Ohio R.C. 711.001, and as further defined, administered and regulated in the City Subdivision Regulations. (Ord. 2010-3962. Passed 3-8-10.)

**1255.06 PROJECT OWNERSHIP.**

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations so that all property owners are applicants. Such ownership may be by a public or private corporation. Any transfer of land within the development resulting in ownership within the development by two or more parties after an application has been filed shall not alter the applicability of the regulations contained herein. A preliminary development plan approved in accordance with these or previous regulations for a Planned Development District shall be binding upon the owners, their successors and assigns and shall limit and control the issuance and validity of all certificates of zoning compliance.

(Ord. 2010-3962. Passed 3-8-10.)

**1255.07 ESTABLISHMENT OF A NEW PLANNED DEVELOPMENT DISTRICT.**

Planned Development Districts adopted after the effective date of these regulations shall be established according to the following:

- (a) All rezoning to a Planned Development District shall be designated as a Planned Development District (PDD).
- (b) The owner must make a written application to rezone the land to a Planned Development District.
- (c) The preliminary development plan shall be reviewed by the Planning and Zoning Commission, followed by the City Council, according to Section 1255.11 and 1255.13 and the preliminary development plan and supporting documentation shall be adopted at the time of rezoning.
- (d) Detailed final development plans shall be reviewed and acted upon by the Planning and Zoning Commission according to Sections 1255.14, 1255.18, and 1255.20.

(Ord. 2010-3962. Passed 3-8-10.)

**1255.08 PERMITTED USES/CONDITIONAL USES.**

(a) PRD: Planned Residential Development. Planned Residential Districts- All permitted, conditional, accessory, incidental and common area uses for the development, including whether or not those uses are confined to subareas of the development, shall be described and listed in the development text. Subareas shall be shown on the submitted Development Plan Drawings. Planned Residential Districts shall have a minimum of 60% of developable area devoted to residential uses.

(b) PCD: Planned Commercial Districts. Planned Commercial Districts shall include permitted, conditional, accessory, incidental and common area uses for the development, including whether or not those uses are confined to subareas of the development, as described and listed in the development text. Subareas shall be shown on the submitted Development Plan Drawings. Planned Commercial Districts shall have a minimum of 60% of developable area devoted to commercial, retail and service uses.

(c) PID: Planned Industrial Districts. Planned Industrial Districts shall include permitted, conditional, accessory, incidental and common area uses for the development, including whether or not those uses are confined to subareas of the development, as described and listed in the development text. Subareas shall be shown on the submitted Development Plan Drawings. Planned Industrial Districts shall have a minimum of 60% of developable area devoted to industrial uses.

(d) PMD: Planned Mixed Use Districts. All permitted, conditional, accessory, incidental and common area uses for the development, including whether or not those uses that may be confined to subareas of the development, shall be described and listed in the development text. Subareas shall be shown on the submitted Development Plan Drawings. Planned Mixed Use Districts shall have a maximum of 50% of developable area devoted to any given use.  
(Ord. 2010-3962. Passed 3-8-10.)

**1255.09 MINIMUM PROJECT AREA.**

There shall be no minimum size subject to the Planning and Zoning Commission's approval and assessment of project feasibility and appropriateness.  
(Ord. 2010-3962. Passed 3-8-10.)

**1255.10 DEVELOPMENT STANDARDS.**

(a) Density.

- (1) Tracts of land shall have the same applicable gross density of dwellings per acre, as prescribed by the base zoning classification(s) associated with the property prior to rezoning to a Planned Development.
- (2) Density bonuses may be approved by the Planning and Zoning Commission according to an adopted Density Bonus Policy, which from time to time may be revised as appropriate. Density bonuses may be awarded to compensate the developer for the additional costs associated with the provision of important or needed community amenities, which might include but not be limited to: additional open space, donations of land or assets to the public schools, donations of land or assets for community facilities, public art, recreational equipment, enhanced landscaping, use of energy saving, pollution reduction or waste reduction in planning and construction of the development.

(b) Common Open Space.

- (1) Area Required: A minimum of 35%, depending upon type of feature being preserved, of the land developed in any Planned Development District project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. No acreage associated with PDD property perimeter setbacks may be counted toward the open space requirement. No more than 10% of the open space requirement may be comprised of acreage designed for use by storm water detention, storm water retention or storm water quality structures.
- (2) Disposition of Open Space: The required amount of common open space land reserved under Planned Development Districts may be held in joint ownership by owners of the project; be dedicated to the City, public school district(s), or other taxing authority, and retained as common and public open space for parks, recreation, and related uses. All land dedicated to the City, or school district(s) must meet the Planning and Zoning Commission's requirements as to size, shape and location. Public utility and similar easements and rights of way for watercourses and private deed restricted open space (yards) may be acceptable for common open space unless such land or right-of-way is not usable as trail or other similar purpose as approved by the Planning and Zoning Commission. The responsibility for



the maintenance of all open spaces shall be specified by the developer in the Development Text before approval of the final development plan. The Development Text shall also include exit strategies, or "Plan B" strategies for maintenance, in the event of business failure of the designated maintenance agency, or in the event of non-performance of the designated maintenance agency.

(c) Arrangement of Residential Lots to Abut Upon Common Open Space in PDD's. A minimum of 50% of dwellings in PDD's shall have direct access to or abut common open space. A clustering of dwellings is encouraged.

(d) Arrangement of Commercial Uses. In Planned Commercial Districts, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

(e) Arrangement of Industrial Uses.

- (1) In a Planned Industrial District, industrial uses shall be developed utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A Planned Industrial District shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as the area requires. Use of thoroughfares shall be kept to a minimum throughout a Planned Industrial District in order to reduce through traffic.
- (2) Side yards must have a minimum of 50 feet and a rear yard of 100 feet feet shall be required if the project is located adjacent to any residential uses (on the side that abuts the residential use). All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.
- (3) Industrial areas adjacent to residential areas shall be separated by dense plantings and decorative fencing of at least 7 feet in height.

(f) Utility Requirements. New utilities, including telephone, electrical systems, and central water and sewer systems, are required to be constructed underground within the limits of the Planned Development District. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning and Zoning Commission approves. The responsibility for the maintenance of all utility easements shall be specified by the developer, through submission of proposed agreements, contracts, operating plans and other such documents as may be required, before approval of the final development plan.

(g) Minimum Lot Sizes.

- (1) The minimum lot area per dwelling unit shall be provided by the developer in the "development text" subject to provision of sufficient evidence to the Planning and Zoning Commission and the City Council that the overall development demonstrates appropriateness in design by properly considering: significant and meaningful open space, significant natural and historic features, topography, natural drainage patterns, roadway access and circulation, surrounding land uses, the enhancement of the general welfare of the public, and aesthetically desirable land development. Attractive landscape buffers shall be provided between incompatible land use and activities.
- (2) Lot widths shall be varied to allow for a variety of structural designs. Setbacks proposed shall be appropriate to the development and its surroundings as approved at the discretion of the Planning and Zoning Commission. Minimum side yards between structures shall be sufficient for adequate access by emergency vehicles, no less than 16 feet between buildings.

(h) Height Requirements. Building heights over 35 feet shall require increased yard depths in the district, such that,

- (1) Each additional foot in building height over 35 feet, shall require the addition of one foot to the minimum side yard between buildings
- (2) Buildings over 35 feet shall have a minimum rear yard, exclusive of paving and parking lots, equaling the height of the building, subject to requirements for maximum impervious surfaces in subsection (i), below.

(i) Maximum Impervious Surfaces:

- (1) For each area proposed for residential uses in the development, the amount of impervious surface coverage must not exceed 50% of each residential area
- (2) For areas proposed for commercial, office, or uses mixed in vertical arrangement, in the development, the amount of impervious surface coverage must not exceed 80% of each such area:
- (3) For all areas proposed or industrial uses in the development, the amount of impervious surface coverage must not exceed 85% of total industrial area and at least 5% of the lot area, exclusive of parking areas and public rights-of-way shall be devoted to yard space, or pedestrian space.
- (4) Impervious surfaces include but are not limited to, parking areas, loading areas, and rooftops. Use of pervious concrete pavers and other pervious surfaces in parking areas, sidewalks and plazas is encouraged and may be applied as a proportional offset to meet the total area of pervious cover requirement up to 30%. Additional pervious surfaces may be approved by the Planning and Zoning Commission as a basis for density bonuses as deemed appropriate. Thus use of pervious surfaces in 25% of total area of parking, sidewalks and plazas, may be used to reduce by 25% the required pervious areas defined in paragraphs (1), (2) or (3) above, but in no case shall reduce the 5% yard or pedestrian space required in paragraph (3) above.

(j) **Parking.** Off-street parking, loading, and service areas shall be adequate to serve the needs of the development. Parking lots shall have vegetative or decorative fencing screens of 30" tall between the lot and the street. Parking areas serving non-residential areas shall provide 100% opaque screens of minimum 7 feet in height if abutting residential areas, other residential zones or uses. However, off-street parking and loading areas shall not be permitted within 25 feet of any residential area, except those serving multifamily areas within the development.

(k) Trash handling areas for all non-residential and multifamily use shall be set on paved pads and enclosed by masonry walls on three sides, with lockable 100% opaque gates. (Ord. 2010-3962. Passed 3-8-10.)

#### **1255.11 PROCEDURE.**

(a) The owner(s) or Lessee(s) of a tract of land may make application to amend the Zoning District Map to include the tract in the Planned Development District in accordance with the provisions of Chapters 1217 and 1255.

(b) The process in a PDD shall consist of:

- (1) Pre-Application meeting
- (2) Rezoning Application which includes the Preliminary Development Plan (or a Master Site Plan for large developments of 100 acres or more).
- (3) Final Development Plan which shall consist of detailed development and engineering plans for a subarea or portion of a subarea.
- (4) The contents of each stage of the PDD process are put forth in Section 1255.15, 1255.16, 1255.17 and 1255.18.

(c) **Plat required.** Any proposed planned development that includes the subdivision of land shall be subject to the requirements of the plat approval process in accordance with Chapter 1113, Subdivision Regulations. The preliminary plat approval and preliminary plan approval may proceed simultaneously. Final plat approval and final development plan approval shall proceed simultaneously, unless a final plat has already been approved, or is not required. (Ord. 2010-3962. Passed 3-8-10.)

#### **1255.12 PRE-APPLICATION MEETING.**

A developer shall meet with Planning and Zoning Department staff prior to the submission of the Application for Zoning Amendment and Preliminary Plan. At the Pre-application meeting the developer will present a Concept Plan; a conceptual plan that outlines the basic scope, character and nature of a proposed project. The review is to allow for input in the formative stages of design. The contents of the Concept Plan are indicated in Section 1255.16.

- (a) The purpose of this meeting is to discuss early and informally the purpose and effect of this Code and the criteria and standards contained herein, and to familiarize the developer with the comprehensive plan, and master thoroughfare plan, the parks and public open space plan, the Subdivision Regulations, and the drainage, sewer, and water systems of the City of Pataskala. No statements by City officials made in such informal meetings shall be binding on either party, nor shall any opinions or suggestions provided on any aspect of the pre-application meeting be relied upon by the applicant to indicate subsequent approval or disapproval by the City.

- (b) Planning and Zoning Department Staff shall forward projects to the Planning and Zoning Commission for their review and feedback. This opportunity to review is not a public hearing, and need only be included on the meeting agenda.
- (c) The applicant may request review and feedback from the Planning and Zoning Commission and/or City Council prior to preparing the Preliminary Development Plan and Application for Zoning Amendment regardless of project size. This opportunity to review is not a public hearing and feedback does not constitute legislative action. (Ord. 2010-3962. Passed 3-8-10.)

### **1255.13 ZONING AMENDMENT REQUEST.**

(a) Zoning Amendment Request (rezoning application). An application for rezoning to a PDD shall be submitted according to the basic hearing and notification processes of Chapter 1217 however only the requirements for submission outlined in Chapter 1255.17 shall apply. Generally, in addition to the requirements for rezoning applications, there shall be submitted a Preliminary Development Plan (or Master Plan) for the total development, Development Standards Text and supporting documentation as required. Council must approve the zoning change, Preliminary Plan and Development Standards Text in order for rezoning to a PDD becomes effective.

(b) Review Procedures. The Preliminary Development Plan or Master Plan as applicable, the Zoning Amendment Request and all submission requirements as set forth in Section 1255.17 shall be reviewed and distributed according to the following procedures. A preliminary subdivision plat may be reviewed simultaneously provided all the required plat information is submitted.

- (1) Staff Review. Staff shall determine if an application is complete according to this Chapter, after which, staff shall forward the application to the appropriate City departments and if necessary professional consultants for review and comment.
- (2) The application shall be reviewed for compliance with the City Comprehensive Plan and other adopted plans or studies, the requirements of this code and other applicable City codes.
- (3) During the review process, staff may meet with the applicant to review the application, and the applicant may revise the Preliminary Development Plan or Master Plan as applicable, and Zoning Amendment application in response to staff's comments.
- (4) Within 45 days of the application being deemed complete or an extended time if agreed to by the applicant, the application shall be placed on the agenda for a public hearing during a regularly scheduled meeting of the Planning and Zoning Commission, and the application and all supporting documents shall be transmitted to the Commission.  
(Ord. 2010-3962. Passed 3-8-10.)
- (5) Written notice of the public hearing to be held for a zoning amendment request shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed zoning amendment request. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Planning and Zoning Commission.  
(Ord. 2017-4298. Passed 11-20-17.)

- (6) Review by Planning and Zoning Commission. The Planning and Zoning Commission shall review the application to determine if it complies with the approval criteria set forth in Section 1255.19. The Planning and Zoning Commission will take into consideration any submitted staff reports, comments and other expert opinions when reviewing the application.
- (7) Additional Information. The Planning and Zoning Commission may request additional information they deem necessary to adequately review and evaluate the proposed development, and/or may require the applicant to revise elements of the application. In this event, the Planning and Zoning Commission may table the application.
- (8) Request for Fixed Hearing Date. After the elapse of 30 days after the Planning and Zoning Commission tables a PDD case, the applicant may make a written request to the Director of Planning for a fixed hearing date. The case will be scheduled for the next regular meeting of the Planning and Zoning Commission. If an applicant requests to table their application at this stage, it must be brought back to the Planning and Zoning Commission within six (6) months of the meeting. If the applicant fails to bring the matter back to the Commission within six months, the Commission may deny the application and future action would require a new updated application to be filed. The Zoning Clerk shall make reasonable effort to provide the applicant a written 30 day notice that the six month period is about to expire.
- (9) Action by Planning and Zoning Commission. The Planning and Zoning Commission shall recommend to City Council one of the following:
  - A. That the Zoning Amendment, consistent with the Preliminary Development Plan/ or Master Plan and its supporting documentation be approved as submitted (including as revised to that date);
  - B. Or, that the Zoning Amendment, consistent with the Preliminary Development Plan/ or Master Plan, and its supporting documentation be approved with specific conditions set forth by the Planning and Zoning Commission, and agreed to by the applicant, to further protect and improve the proposed and surrounding developments; such agreement documented by a signature on a typed document detailing the conditions; or,
  - C. Or, that the Zoning Amendment, and its Preliminary Development Plan/ or Master Plan be disapproved.
- (10) Transmission to City Council. The Planning and Zoning Commission shall transmit the Zoning Amendment application and the Preliminary Development Plan/ or Master Plan in the form of an ordinance along with all appropriate documentation, including their recommendation to City Council, within 15 days of taking action, unless otherwise requested by the applicant.
- (11) Action by City Council. City Council shall review and act on the proposed ordinance(s) including conducting a public hearing, in accordance with City Council procedures and public notice provisions set forth in Chapter 1217 of the Zoning Code.
  - A. City Council shall review the ordinance(s) as recommended by the Planning and Zoning Commission.

- B. Disapproval by City Council shall terminate the process. Another zoning amendment application pertaining to the land included in the disapproved application shall not be accepted within one year from the date of disapproval unless there has been substantial change to warrant reconsideration.
  - C. Approval of the Planned Development District/ Preliminary Development Plan shall result in the adoption of the ordinance(s) and shall constitute a rezoning of the property included in the Preliminary Development Plan and all associated commitments become binding on the applicant as outlined in subsection (b)(11)E. below.
  - D. The official Zoning Map shall be amended to reflect the zoning change.
  - E. If City Council approves the Preliminary Development Plan portion of the application with modifications, the applicant shall incorporate such modifications in the appropriate documents and file the revised Preliminary Development Plan with the staff. No final development plan application will be processed until the revised preliminary development plan is submitted and approved.
- (12) Effect of Plan Approval. Approval, or approval with recommended modifications of the application for Zoning Amendment with Preliminary Development Plan for a Planned District by the City Council shall:
- A. Establish the appropriate Planned District zoning on the property together with the development framework for the project, including the general location of open space, use sub-areas, densities, unit types, recreational facilities, and street alignments.
  - B. Permit the applicant to proceed with detailed planning and engineering of the final development plan;
  - C. Authorize the applicant to apply for other regulatory approvals for the project or subsequent phases thereof.
- (13) Expiration of Preliminary/Master Plan Approval. Given the nature of the Planned Development District process and the unique standards simultaneously adopted, the Preliminary/Master Plan approved specific to the Planned Development District designation shall remain valid for twelve months from the date of City Council approval. During that time the applicant shall prepare and submit a Final Development Plan for review in compliance with Section 1255.18 below. In the event progress on the Preliminary Plan, or plans for the PDD is discontinued, the City may begin procedures to rezone the property to the zoning district in place prior to the Planned Development District or to another district as may be determined appropriate.
- For the purpose of this section, progress shall be considered discontinued when:
- A. The Final Development Plan for the PDD, or for the first phase of the PDD, is not submitted within twelve months after approval by City Council of the Preliminary Development Plan;
  - B. The Final Development Plan for the PDD, or for the latest phase of the PDD is approved , but construction authorized by such final development plan is not begun within twelve months after approval of the Final Development Plan; or

- C. A Final Development Plan for the PDD is approved, and actual construction work is discontinued for a period of twenty-four months or for a longer period as may be agreed to as part of the PDD zoning amendment.
- D. At any time, City Council may grant an extension to the above stated timeframes for good cause if shown. A request for time extension shall be made in writing to City Council, with copies to the Planning and Zoning Commission, stating the good cause for the delay and plans for resumption of the project. City Council may request additional information as prudent to protect the interests of the City and as relevant to the project.
- E. At the time of adoption of this chapter, any PDD projects with discontinued progress as defined in this section and with approved Preliminary or Final Development Plans, or with discontinued construction per A. B. or C. above, shall retain such approvals, but subject to consideration that the applicable date of this ordinance shall be considered the most recent approval, or start of construction as applicable. At any time from the passage of this ordinance till the expiration of the step described in either A. B. or C. above, the applicant may submit a request for an extension as described in part D, above. The Zoning Clerk shall notify the developers of all PDD projects with discontinued progress at the time of this ordinance of this amended ordinance. Further, the Zoning Clerk shall then notify these projects at least 30 days prior to the expiration of this time period if progress remains discontinued, advising them of the need to apply for an extension per part D. above.  
(Ord. 2010-3962. Passed 3-8-10.)

#### **1255.14 FINAL DEVELOPMENT PLANS.**

An application for Final Development Plan review shall include the submission requirements set forth in Section 1255.14 and 1255.18, and shall be submitted for review according to the following. A Final Development Plan for each phase of development must be approved by the Planning and Zoning Commission. The applicant shall also submit a final subdivision plat for simultaneous review unless a final plat has already been approved, or is not required for the completion of the project.

Any changes approved during the processes outlined in this section shall be indicated on an amended final development plan. An application for an amended final development plan shall follow the review procedures for final development plan review as set forth in Section 1255.14(c) of this Chapter. Approved amendments to final development plans shall supersede the originally approved final development plan.

- (a) The area included in the application for Final Development Plan review shall be in substantial compliance with the phasing plan approved as part of the preliminary development plan.

- (b) The application shall be reviewed according to the following procedures:
- (1) Staff Review. Staff shall determine that an application is complete according to Section 1255.18, upon which staff shall forward the application to the appropriate City departments, and if determined necessary, professional consultants for review and comment.
    - A. The application shall be reviewed for compliance with the approved Preliminary Development Plan, the other requirements of this code and other applicable codes.
    - B. Staff may further meet with the applicant during review to consider the application, and the applicant may revise the final development plan application in response to staff comments.
    - C. The application, supporting documents, staff comments, any other reports and accompanying documents (such as, but not limited to, letters from residents and maps) shall be transmitted to the Planning and Zoning Commission.
  - (2) Planning Commission Prescreening. The Planning and Zoning Commission shall review the application to determine if it complies with the approval criteria set forth in Section 1255.20. This step does not require a public hearing. The Commission shall take into consideration any submitted staff reports when reviewing the application.
    - A. The Planning and Zoning Commission may request additional information they deem necessary to adequately review and evaluate the proposed Final Development Plan, and may request the applicant to revise elements of the application. In this event, the Commission may table the application.
    - B. Tabled cases. After the elapse of 30 days of a tabled case, the applicant may provide written request to the Zoning Clerk for a fixed hearing date. The case will be scheduled for the next regular meeting of the Planning and Zoning Commission.
    - C. Conditional use review. Requests to include conditional uses shall be considered by the Planning and Zoning Commission as authorized in Section 1215.10.
    - D. Compliance with Preliminary Development Plan/ or Master Plan. The Planning and Zoning Commission shall determine if the Final Development Plan substantially complies with all specific requirements, the purposes, intent and basic objectives of the Preliminary Development Plan, and any commitments made or conditions agreed to with the adoption of the Preliminary Development Plan, and whether it represents an expansion and delineation of the approved Preliminary Development Plan.
  - (3) Detailed Review. If the Planning and Zoning Commission determines that the proposed Final Plan complies with the approved Preliminary Plan it shall conduct a review of the Final Development Plan in accordance with the procedures of this section.



- A. The Planning and Zoning Commission may, during its review of the Final Development Plan, approve a modification of a provision of the development standards text if they determine that all of the following provisions are satisfied:
    - 1. That for this Planned Development District strict compliance with this code is not needed in order to ensure that the PDD is consistent with the City Comprehensive Plan and is compatible with existing, approved or planned adjacent development;
    - 2. That the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the City Comprehensive Plan;
    - 3. The proposed modification results in a development of equivalent or higher quality which could be achieved through strict application of the requirement(s);
    - 4. The principles of Section 1255.10 "General Development Standards" are achieved; and
    - 5. The development, as proposed on the Final Development Plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.
    - 6. Proposed modifications to the Preliminary Development Plan that fail to meet all the above shall require an amendment to the Preliminary Development Plan as a rezoning process.
  - B. Compliance with current City-wide standards. In the event that development or construction standards that apply City-wide are updated, all subsequently approved final development plans shall comply with the updated standards when the Planning and Zoning Commission determines that such updated standard(s) will not cause undue hardship.
- (4) Action. The Planning and Zoning Commission shall take one of the following actions:
- A. Approve the Final Development Plan as submitted;
  - B. Approve the Final Development Plan with modifications as agreed to by the applicant; or
  - C. Disapprove the Final Development Plan when the application does not demonstrate that the required standards have been met. Disapproval of the Final Development Plan shall terminate the process. The applicant may revise the final development to respond the Planning and Zoning Commission's concerns and resubmit the plan. Such action shall be considered a new application for review and shall contain all the information required for final development plan review, including payment of a new application fee.

(c) Modifications to approved final development plans. Applicant requests to modify approved final development plans will be reviewed according to the following:

- (1) Administrative approval. The Director of Planning, in administering approved final development plans may authorize minor design modifications, subject to the limitation of subsections (c)(2) or (3) below, that are required to correct any undetected errors and/or that are consistent with the purpose of the approved final development plan.
- (2) Such administrative modifications shall not allow increases in intensity of development or additions to the list of permitted or conditional uses. Such modifications shall be limited to:
  - A. Minor adjustments in lot lines provided no additional lots are created.
  - B. Minor adjustments in location of building footprints and parking lots provided the perimeter setbacks, yards and buffers remain in compliance.
  - C. Minor adjustments in building heights.
  - D. Substitution of landscaping materials.
  - E. Redesigning and/or relocating stormwater management facilities.
  - F. Redesigning and/or relocating mounds.
  - G. Minor modifications to the design of signs, including the sign face, and sign lighting, provided the color palette, maximum sign area and maximum sign height, approved in the final development plan are not exceeded.
  - H. Minor changes in building material that are similar to and have the same general appearance as the material approved on the final development plan.
- (3) The Director of Planning shall report any administrative approved modifications to the Planning and Zoning Commission.

(d) Planning and Zoning Commission. Modifications other than those listed in part (c)(1), or (c)(2) above shall be submitted to the Planning and Zoning Commission. If during their review they determine that the modifications are compatible with the surrounding development and that they are not requirements that are necessary to ensure consistency with the preliminary development plan, the Planning and Zoning Commission may approve such change.

(e) Zoning and Building Permits. Following the approval of the final development plan, and recording of the final subdivision plat if applicable, the applicant may proceed with the application process for certificate of zoning compliance and building permit process, consistent with approval as granted, including any conditions and modifications made by the Planning and Zoning Commission.

- (1) After approval of the final development plan, the applicant shall obtain a certificate of zoning compliance and building permits, prior to construction of any structures.
- (2) However, a certificate of zoning compliance shall not be issued until the appropriate final plat has been recorded and the City has accepted any applicable land areas that are to be dedicated to the City, including streets and utility improvements. No zoning certificate of occupancy shall be granted prior to the City's acceptance of public infrastructure serving that

structure. All required covenants, easements and restrictions shall be recorded prior to the approval of any construction permit in a location where such covenants, easements, or restrictions are intended to apply. The developer shall present a copy of the recorded documents prior to applying for any construction permits.

- (3) All construction and development under any building permit shall be compliant with the approved Final Development Plan, except as may be authorized under Parts (c), (d) or (e) above. Any unauthorized departure from the approved plans shall be cause for revocation of the certificate of zoning compliance. (Ord. 2010-3962. Passed 3-8-10.)

#### **1255.15 PLANNED DISTRICT APPLICATION CONTENTS.**

(a) The following described contents shall be provided to secure rezoning and approval for Planned Development District zoning. The basic process shall require submittal and approval of:

- (1) Pre-application meeting-Concept Plan.
- (2) Rezoning Application and Preliminary Development Plan/ or Master Site Plan (for large complex developments).
- (3) Final Development Plan (upon approval of the Preliminary Development Plan/ Master Site Plan).
- (4) Required fees, deposits and charges.

(b) Fees and Charges. The applicant shall be responsible for all reasonable expenses incurred by the City of Pataskala in reviewing the preliminary and final development plans or any modifications to those plans. Such expenses may include items such as the cost of professional services, including legal fees and the fees for the services of other professionals such as geologists, landscape architects, planners, engineers, environmental scientists, and architects, incurred in connection with the reviewing of the plans and prepared reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses attributable to the review of the plans. A base fee, as determined by the City of Pataskala should be established in accordance with the City of Pataskala Fee Schedule. (See Chapter 1207 Appendix). (Ord. 2015-4211. Passed 3-2-15.)

#### **1255.16 CONCEPT PLAN CONTENTS, PRE-APPLICATION MEETING.**

(a) The applicant and their representatives should schedule the pre-application meeting through the Planning Director, and should indicate that the purpose of the meeting is to review the concept plan for a proposed planned district. The materials submitted for the pre-application meeting should generally provide a conceptual overview of the proposed project. Information should be comprehensive enough to provide staff an understanding to the existing site conditions and the concept for the proposed development. The applicant should be prepared to discuss the nature of the proposed land uses including specific types (e.g. two-family dwellings, local businesses, golf course, etc.), and the clientele which it is designed to serve (e.g. public, residents only, retirees, etc.). The applicant shall submit five (5) copies as determined by the Director of Planning. If the project is complex enough to require referral to Planning and Zoning Commission at this stage as per 1255.10, (b) above, the applicant shall provide an additional ten (10) copies. The information provided should, at a minimum include the following: (inclusion of aerial photos and an electronic file in pdf format of submitted materials is highly encouraged):

- (1) A vicinity map; Show accurate boundaries of the entire project; North point and scale; Location of the site in the City; including general location of principal thoroughfares.
  - (2) A regional context map; indicating the proposed site and all areas within 2,000 feet in all directions; showing the basics of the proposed layout of the project and property lines of the adjacent areas on a drawing of 11 inches X 17 inches.
  - (3) An existing conditions map; with features drawn to scale, showing accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights of way and for 100 feet of property immediately adjacent thereto, indicating:
    - A. Existing location of any public improvements, and public or private utility systems, roads and thoroughfares;
    - B. General topography;
    - C. Existing buildings and permanent facilities;
    - D. Existing zoning district boundaries and jurisdictional boundaries;
    - E. Existing easements, rights-of-way, abutting property boundaries;
    - F. Physical features and natural conditions of the site including the location of open spaces, streams, ponds, substantial tree masses and preservation zones; or potentially historic structures;
    - G. Surface drainage and areas subject to flooding, including National Flood Hazard Designations; Wetland delineation as submitted to the Army Corps of Engineers;
- (b) The concept plan: drawn to scale and with accurate boundaries of the entire project, a north arrow, including the property proposed for development, all adjacent rights of way and 100 feet of property immediately adjacent thereto, indicating:
- (1) A subarea plan which shows proposed land uses, indicating acreage by land use, type and density of buildings or dwelling units;
  - (2) General location of any lands to be dedicated to any public entity;
  - (3) The general circulation pattern;
  - (4) The relationship of the proposed project and how it will functionally integrate with the surrounding area.
- (Ord. 2010-3962. Passed 3-8-10.)

**1255.17 CONTENTS OF ZONING AMENDMENT APPLICATION WITH  
PRELIMINARY DEVELOPMENT PLAN.**

- (a) The Zoning Amendment Application: an application for rezoning to a Planned District shall be submitted according to the processes of Chapter 1217, however only the requirements of submission listed in this Chapter shall apply.
- (1) The Zoning Amendment and Preliminary Development Plan Application for a Planned District shall be a single application step.
  - (2) Where requirements of this Section overlap with the requirements of Chapter 1217, a single set of maps and documents may be submitted as part of the Zoning Amendment and Preliminary Development Plan for a Planned District request.

- (3) The applicant shall submit 15 copies of the application materials, which shall include: (inclusion of aerial photos and an electronic file in pdf format of submitted materials is highly encouraged):
- A. Completed application form and application fee.
  - B. A vicinity map showing the relationship of the proposed Planned District to existing development and including existing; property lines, easements, utilities, and street rights-of-way of the subject property and property within 200 feet of the site, zoning district boundaries, and existing land uses and structures.
  - C. A regional context map; indicating the proposed site and all areas within 2,000 feet in all directions; showing the basics of the proposed layout of the proposed project and property lines of the adjacent areas on a drawing of 11 inches X 17 inches in size.
  - D. A legal description of the property including County Auditor parcel numbers.
  - E. A map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and north arrow, including:
    - 1. Boundaries of the area proposed for development, dimensions and total acreage;
    - 2. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
    - 3. Identification of any existing buildings or structures to be removed or demolished;
    - 4. Existing zoning district boundaries and jurisdictional boundaries;
    - 5. Existing utility systems and providers;
    - 6. The location of existing topography showing contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features and identifying any areas with slopes over 5%;
    - 7. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health and quality.
    - 8. Existing drainage patterns on the property including connections with farm tiles on adjacent properties,
    - 9. Locations of wetlands and potential wetlands, the 100 year floodplain, floodway boundary, 20 foot buffer beyond the floodway, and flood elevation as provided by the most recent Federal Emergency Management Agency mapping, including rivers and streams and their related river or stream bank, pond, and water courses,
  - F. The Preliminary Development Plan map shall include a plan for the entire area of the proposed Planned District Project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall also provide 13 copies or the number determined necessary by the Director of Planning. The Preliminary Development Plan portion of the application shall include:

1. The proposed location, use and size of sub-areas of residential, retail, office, industrial uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas and access points.
2. The general layout of the proposed internal road system, indicating the proposed vehicular right of way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements.
3. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
4. Environmental plan showing natural features and preservation zones
5. Natural areas and other natural, historic or significant features to be conserved and any required buffer areas;
6. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.
7. A summary table showing total acres of the proposed development; the number of acres devoted to each type of land use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building height(s) and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area; Estimated total population, size, employment or other measurements of the scale of the project at each phase and at buildout;
8. The provision of water, sanitary sewer;
9. The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas;
10. Proposed buffers between incompatible land uses and activities;
11. Included with the site plan shall be the proposed location and proposed character of all signs for the entire development (sign master plans are encouraged);
12. A letter of communication from the appropriate school district regarding any residential development included in the Planned Development District;
13. Space for signatures of the applicant and the Chair of the Planning and Zoning Commission, and for the dates of Planning and Zoning Commission and City Council approvals;

- G. Development Standards Text; a development standards text document including the special requirements that will govern the design and layout of the proposed Planned District, including: Architectural guidelines for each subarea, or phase;
  - 1. Architectural drawings demonstrating the prototypical design of the proposed buildings, to demonstrate the exterior design, character and general elements in sufficient detail to indicate the proposed visual character of the development.
  - 2. Including signature and date lines for the applicant, certifying the text
  - 3. Dimensions and or acreages illustrated on the development plan shall be described in the development standards text.
  - 4. Any provisions that depart from applicable standards set forth in the City of Pataskala Zoning Code addressing signage, landscaping, appearance and parking will be described and justified.
  - 5. Provision shall be made to establish a private organization (i.e. homeowners/ or master association) with direct responsibility to provide for the operation and maintenance of all common facilities and amenities that are part of the planned development, and in such instance the legal assurances demonstrating that the private organization is self-perpetuating.
- H. Preliminary Plat, if appropriate, designed in compliance with the subdivision regulations set forth in Chapters 1105 through 1123 of the City of Pataskala Codified Ordinances. The required subdivision plat information may be included with the Preliminary Development Plan.  
(Ord. 2010-3962. Passed 3-8-10.)

#### **1255.18 FINAL DEVELOPMENT PLAN CONTENTS.**

The applicant shall submit fifteen (15) copies of the text and map information outlined below. The applicant must be an owner, lessee, representative or agent of the property for which the Planned Development District is proposed. Final Development Plans are intended to be detailed refinements for the development and as such must be accurate, detailed representations of the total aspects of the approved Preliminary Development Plan. Contents of the Final Development Plan application shall include: (inclusion of an electronic file in pdf format of submitted materials is highly encouraged):

- (a) A completed application form together with the established application fee.
- (b) A detailed introductory statement of all uses proposed to be established indicated in the areas to be occupied by each use and the anticipated density of population and building density or square feet/acre;
- (c) A vicinity map showing the relationship of the area of final development to the entire Planned Development District including the relationship of the area of the final development plan to the entire Planned District and including existing structures, property lines, easements, utilities, and street rights of way of the subject property and property within 500 feet of the site.
- (d) A regional context map showing the proposed site and all areas within 2000 feet in all directions showing both the basics of the proposed layout contained in the application and the property liens of the adjacent areas on a drawing that is 11 inches by 17 inches in size.

- (e) The Final Subdivision Plat. If the proposed project includes the subdivision of land, and if a final plat has not already been approved, the final plat shall be submitted in accordance with Chapters 1105 through 1123 of the Pataskala Subdivision Regulations.
- (f) If a final subdivision plat is not required, the applicant shall provide a final legal description of the property, showing the boundaries of the property which is the subject of the Final Development Plan with accurate distances and bearings from an established monument of the project to the three nearest established street lines or official monuments;
- (g) A Final Development Plan map prepared by a licensed professional, and drawn to an appropriate scale indicating the following items, to the extent that the information is not already shown on the final subdivision plat or construction drawings for a subdivision:
  - (1) A bar scale, north point, legal description and total acreage of the area which is the subject of the Final Development Plan;
  - (2) Accurate location of all set monuments, which shall be concrete six inches by six inches by thirty inches with iron pipe cast in center, one such monument to be placed at each corner and at each change of direction of the boundary, at each street intersection and at the beginning and end of curves on one side of the street;
  - (3) The right of way lines of adjoining streets and alleys with their width and names and indicating the edge of pavement and centerlines;
  - (4) All lot lines and easements with their dimensions;
  - (5) Radii, arcs, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners;
  - (6) The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school site, open spaces, proposed pedestrian and bike path systems, the arrangement of internal and in-out traffic movement including access roads and drives, lane and other pavement markings to direct and control parking and circulation, connections to existing and future adjacent areas and developments, the location of signs related to parking and traffic control, and other public or private facilities;
  - (7) Location of existing and proposed structures including fences, walls, signs, and lighting;
  - (8) Location, screening and layout of all proposed and existing outdoor storage areas including storage of waste materials and trash receptacles;
  - (9) Accurate outlines, dimensions and legal descriptions of any areas to be dedicated or reserved for public use, provided those are acceptable to the City, and with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, and the acreage of such reserved areas, or indicating if it is to be dedicated or reserved and the proposed timing of dedication or reservation.
  - (10) A summary tabulation showing the total acres of the proposed development, the number of acres devoted to each type of use including streets, and open space, and the number of dwelling units by type, building square footage for non-residential structures, number of parking spaces, pavement coverage, impervious surface area and the exact acreage and area of each lot, reserve or other parcel shown on the plan such areas to be computed inclusive of and after the extension of lot or parcel lines to the center lines of contiguous public ways, such as streets and parking areas, private streets, and other public facilities;



- (11) Detailed engineering plans for the provisions of all site grading, development practices established by City Code, all streets and utilities including provisions for off-site connections and facilities necessary to serve the entire area which is the subject of the Final Development Plan; (This provision shall not apply to the final grading for the individual one or two family building sites within the development area)
- (12) A certificate by a surveyor registered in the State of Ohio that the plan represents a survey made by him and that the monuments shown actually exist and that all dimensional and geodetic details are correct;
- (13) All municipal, corporation, township and county lines and section lines traversing or immediately adjacent to the property which is the subject of the Final Development Plan, and adjacent subdivision boundaries within 200 feet of such property, accurately referenced to the boundaries of the project by bearings and distances;
- (14) Space for signatures of the owner, and applicant if different than the owner, and the Chair of the Planning and Zoning Commission and the date of Commission approval. Space for the signatures of all required municipal officials;
- (15) Topographic maps showing existing and proposed grading at two (2) foot contours, water courses, wetlands, flood plains and other flood hazard information, and proposed drainage facilities to include drainage patterns, proposed storm drain lines, detention/retention basins and structures, and the design storm used as the basis for sizing facilities and flood surcharge conditions that exceed the facilities design capacity shall be indicated and shown on the site grading plan to be approved by the City Engineer;
- (16) Detailed landscaping plans as required in Chapter 1283;
- (17) A tree preservation plan, tree survey and tree replacement plan required by Chapter 1283.
- (18) A lighting plan, including but not limited to light pole heights and locations, building accent lighting, pedestrian lighting, average footcandle calculations minimum footcandles and maximum foot-candles. Lighting shall not directly illuminate or produce glare on neighboring properties. "Dark skies" principles shall be applied.
- (19) Architectural drawings showing all exterior elevations and building floor plans, colors, materials and other details, demonstrating the design and character proposed for the development, of the proposed structures, buildings, uses and facilities and the physical relationship of all elements providing sufficient detail to indicate the architectural style proposed to demonstrate conformity with the appearance standards established in the development text approved as part of the Preliminary Plan, and to enable the Planning and Zoning Commission to make a decision. Drawings shall be prepared by a licensed architect.
- (20) All covenants, easements and other restrictions; including all proposed covenants, grants of easements or restrictions that will be imposed upon the use of the land, buildings, and structures, or reference made thereto and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions;
- (21) Evidence of ownership interests, including liens, easements, the nature of the developer's interest if not the owner, and that the applicant has sufficient control over the land in question to initiate the proposed project;

- (22) A certification to the effect that the owner will dedicate to public use the appropriate uses, streets, parks and other lands intended for public use, provided those areas are acceptable to the City;
- (23) Proposed utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, phone, etc. Approval of detailed water and sewer engineering plans by the appropriate public utility or other appropriate public entity, shall be obtained no later than during the review period;
- (24) Location, material, dimensions, shape, color(s) and type of illumination of all signs;
- (25) For projects that include any area for common use of or to be maintained by multiple property owners, the association's bylaws or code of regulations, which shall include provisions that comply with the following requirements:
  - A. Membership in the association shall be mandatory for all purchasers of lots in the development or units in a condominium;
  - B. The association shall be responsible for maintenance, control, and insurance of common areas;
  - C. The association shall have the power to impose assessments on members for the maintenance, control and insurance of common facilities, and have the power to place liens against individual properties for failure to pay assessments;
  - D. The association shall have the authority to enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, common facilities by such means as reasonable monetary fines, suspension of the right to vote and the right to use any common recreational facilities, the right to suspend any services provided by the association to any owner, and the right to exercise self-help to cure violations.
  - E. The conditions and timing of transfer of control from the developer to the unit or lot owners shall be specified.
  - F. The association shall convey to the City and other appropriate governmental bodies, after proper notice, the right to entrance to any common facilities for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. The City shall have the right, after proper notice to make improvements and perform maintenance functions. In addition, the City shall have the right to proceed against the association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and building lots.
  - G. The provisions and authority for any required architectural review that may control any aspect of the project beyond the City requirements.
- (26) Modifications from Preliminary Plan. Provide a statement identifying any aspect of the Final Development Plan for which the applicant is requesting a modification from the preliminary development plan, including justification for the change and the impact of such change, per Section 1255.14.

- (27) Table of Contents. Provide a Table of Contents or other index indicating where each of the plan submission requirements is located within the application package (e.g. the page number of a narrative or drawing). (Ord. 2010-3962. Passed 3-8-10.)

**1255.19 CRITERIA FOR APPROVAL OF A PRELIMINARY.**

As the Planning and Zoning Commission reviews proposed planned districts it shall determine whether or not the Preliminary Development Plan complies with the following criteria. In the event the Planning and Zoning Commission determines that the proposed preliminary development plan does not comply with a preponderance of these criteria, the Planning and Zoning Commission shall disapprove the application:

- (a) The proposed development advances the general health, and safety of the City of Pataskala and is consistent with the purpose and intent of the Zoning Code.
- (b) The proposed development is in conformity with the Comprehensive Plan, and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network.
- (c) The proposed development advances the general welfare of the City and immediate vicinity and will not impede the normal and orderly development and improvement of, and is otherwise compatible with, the surrounding areas.
- (d) The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded.
- (e) The proposed developments will have sufficient open space areas that meet the objectives of the Comprehensive Plan.
- (f) That the benefits, improved arrangements, and the design of the proposed development justify the deviation from the standard development requirements included in the City of Pataskala Zoning Code.
- (g) That there are adequate public services (e.g. utilities, fire protection, emergency service, etc.) available to serve the proposed development.
- (h) The applicant's contributions to the public infrastructure are consistent with all adopted plans and are sufficient to service the new development.
- (i) That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.
- (j) That the arrangement of land uses on the site properly considered topography, significant natural features, and natural drainage patterns, views, and roadway access.
- (k) That the clustering of development sites is shown to preserve any natural or historic features and provides usable common open space.
- (l) The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems, and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians.
- (m) That there are adequate buffers between incompatible land uses and the density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans contribute to the orderly development of land within the City.

- (n) That the relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the Planned District and the larger community and maintains the rural-village character of Pataskala.
- (o) The proposed architectural character is compatible with that of surrounding properties and promotes and enhances the community values expressed in the Comprehensive Plan.
- (p) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, watercourses and drainage areas.
- (q) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to yield the intended overall development and to insure that public facilities and amenities are provided as planned.
- (r) That any other items shown in the preliminary development plan or in the accompanying text be addressed to the Planning and Zoning Commission's satisfaction. (Ord. 2010-3962. Passed 3-8-10.)

**1255.20 CRITERIA FOR APPROVAL OF THE FINAL PLAN.**

- (a) The Planning and Zoning Commission may seek assistance in making its recommendation from any appropriate outside source.
- (b) The Planning and Zoning Commission shall review the proposed Final Development Plan in accordance with the following criteria:
  - (1) The Final Development Plan conforms in all pertinent respects to the approved Preliminary Development Plan, provided that the Planning and Zoning Commission may authorize plans amended as specified in Section 1255.14.
  - (2) That the proposed development advances the general health and safety of the City of Pataskala.
  - (3) That the Planning and Zoning Commission is satisfied that the developer has provided sufficient guarantees or demonstrates possession of the requisite financial resources to complete the project.
  - (4) That the interior road system, proposed parking, and any off-site improvements are suitable, safe, and adequate to carry anticipated vehicular and pedestrian traffic generated by and within the proposed development and to adjacent property.
  - (5) The development has adequate public services and open spaces.
  - (6) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with any applicable regulations.
  - (7) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity.
  - (8) Signs, as shown on the submitted sign plan, will be of a coordinated effect throughout the planned district, and with adjacent development; are of appropriate size, scale, design, and relationship with principal buildings the site and surroundings, so as to maintain safe and orderly pedestrian and vehicular circulation.

- (9) The landscape plan adequately enhances the principal buildings and site; maintains existing trees to the extent possible; buffers adjacent incompatible uses; breaks up large expanses of pavement with natural materials; and utilizes appropriate plant selections for the buildings, site and climate.
- (10) That the existing and proposed utilities, including water and sewer service, and drainage will be adequate for the population densities and nonresidential uses proposed in the Planned Development District and complies with applicable regulations established by the City or any other governmental entity which may have jurisdiction over such matters.
- (11) Phases of projects are planned so that these conditions are complied with to meet the needs of that phase upon its completion.
- (12) That any other items shown in the final development plan or in the accompanying text be addressed to the Planning and Zoning Commission's satisfaction. (Ord. 2010-3962. Passed 3-8-10.)

**1255.21 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.**

In approving any Planned Development District, the City of Pataskala may prescribe appropriate conditions and safeguards in conformity with this Code. Violations of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Code, and punishable under Section 1209.99. (Ord. 2010-3962. Passed 3-8-10.)



**CHAPTER 1257**  
**Flood Damage Prevention and Flood Plain Overlay District (FP)**

- 1257.01 Title, purpose and jurisdiction.**
- 1257.02 Definitions.**
- 1257.03 General provisions.**
- 1257.04 Administration.**
- 1257.05 Use and development standards for flood hazard reduction.**
- 1257.06 Appeals and variances.**
- 1257.07 Enforcement.**

**CROSS REFERENCES**

County flood control aid to governmental units - see Ohio R.C. 307.77  
 Basis of zoning districts - see Ohio R.C. 713.10  
 Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06  
 Flood hazards; marking flood areas - see Ohio R.C. 1521.14  
 Review of flood plain ordinances - see Ohio R.C. 1521.18

**1257.01 TITLE, PURPOSE AND JURISDICTION.**

(a) Statutory Authorization, Findings of Fact, Purpose and Methods. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Pataskala, State of Ohio, does ordain as follows:

(b) Findings of Fact. The City of Pataskala has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;

- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Losses. In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. 2004-3552. Passed 5-17-04.)

#### **1257.02 DEFINITIONS.**

(a) Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

- (1) "Accessory Structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (2) "Appeal" means a request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
- (3) "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.



- (4) "Base (100-Year) Flood Elevation (BFE)" means the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (5) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (6) "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (7) "Enclosure Below the Lowest Floor" See "Lowest Floor."
- (8) "Executive Order 11988 (Floodplain Management)" issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (9) "Federal Emergency Management Agency (FEMA)" means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (10) "Fill" means a deposit of earth material placed by artificial means.
- (11) "Flood or Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - A. The overflow of inland or tidal waters, and/or
  - B. The unusual and rapid accumulation or runoff of surface waters from any source.
- (12) "Flood Hazard Boundary Map (FHBM)" means the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (13) "Flood Insurance Rate Map (FIRM)" means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (14) "Flood Insurance Risk Zones" means zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
  - A. Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
  - B. Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
  - C. Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
  - D. Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

- E. Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
  - F. Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than one square mile; and areas protected by levees from the base flood.
  - G. Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.
- (15) "Flood Insurance Study (FIS)" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (16) "Flood Protection Elevation" means the Flood Protection Elevation, or FPE, is the base flood elevation plus zero feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (17) "Floodway" means a channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.  
The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (18) "Freeboard" means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (19) "Historic structure" means any structure that is:
- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

- C. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
  - D. Individually listed on the inventory of historic places maintained by Pataskala whose historic preservation program has been certified by the Ohio Historic Preservation Office.
- (20) "Hydrologic and hydraulic engineering analysis" means an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (21) "Letter of Map Change (LOMC)" means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:
- A. "Letter of Map Amendment (LOMA)" means a revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
  - B. "Letter of Map Revision (LOMR)" means a revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area
  - C. "Conditional Letter of Map Revision (CLOMR)" means a formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
- (22) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- (23) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

- (24) "Manufactured home park". As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park is any tract of land upon which three or more manufactured homes, used for habitation, are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
- (25) "National Flood Insurance Program (NFIP)" means a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
- (26) "New construction" means structures for which the "start of construction" commenced on or after the initial effective date of the City of Pataskala's Flood Insurance Rate Map, February 2, 1983, and includes any subsequent improvements to such structures.
- (27) "Person" means any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the General Assembly, the Controlling Board, the Adjutant General's Department, or any court.
- (28) "Recreational vehicle" means a vehicle which is:
  - A. Built on a single chassis,
  - B. 400 square feet or less when measured at the largest horizontal projection,
  - C. Designed to be self-propelled or permanently towable by a light duty truck, and
  - D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (29) "Registered Professional Architect" means a person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Ohio Revised Code.
- (30) "Registered Professional Engineer" means a person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.
- (31) "Registered Professional Surveyor" means a person registered as a professional surveyor under Chapter 4733 of the Ohio Revised Code.

- (32) "Special Flood Hazard Area" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year, also known as "Areas of Special Flood Hazard". Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- (33) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (34) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (35) "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (36) "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
  - A. Any improvement to a structure which is considered "new construction";
  - B. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

- C. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".
- (37) "Variance" means a grant of relief from the standards of these regulations consistent with the variance conditions herein.
- (38) "Violation" means the failure of a structure or other development to be fully compliant with these regulations.  
(Ord. 2007-3761. Passed 3-19-07.)

**1257.03 GENERAL PROVISIONS.**

(a) Lands to Which These Regulations Apply. This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Pataskala as identified in subsection (b) hereof, including any additional areas of special flood hazard annexed by the City of Pataskala.

(b) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

- (1) Flood Insurance Study for Licking County and Incorporated Areas effective May 2, 2007 and Flood Insurance Rate Map for Licking County and Incorporated Areas effective May 2, 2007.
- (2) Other studies and/or maps which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Pataskala as required in Section 1257.05(c), Subdivisions and Large Developments.
- (4) Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City of Pataskala Planning and Zoning Office, 621 West Broad Street, Pataskala, Ohio 43062.

(c) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances or resolutions, including Subdivision Regulations, Zoning or Building Codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not intend to impair any deed restriction covenant or easement, but the land subject to such interests shall also be governed by the regulations.

(d) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(e) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Pataskala, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(f) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.  
(Ord. 2007-3761. Passed 3-19-07.)

#### **1257.04 ADMINISTRATION.**

(a) Designation of the Floodplain Administrator. The Planning Director is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity, including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1257.03(b), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
  - A. Floodproofing certification for non-residential floodproofed structure as required in Section 1257.05(e).
  - B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1257.05(d)(5) are designed to automatically equalize hydrostatic flood forces.
  - C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1257.05(i)(3).
  - D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1257.05(i)(2).



- E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1257.05(i)(1).
- F. Generation of base flood elevation(s) for subdivision and large developments as required by Section 1257.05(c).
- (6) A floodplain development permit application fee set by the schedule of fees adopted by the City of Pataskala.
- (e) Review and Approval of a Floodplain Development Permit Application.
  - (1) Review.
    - A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in subsection (d) hereof has been received by the Floodplain Administrator.
    - B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.
  - (2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.
- (f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.
- (g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:
  - (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

- (2) For all development activities subject to the standards of subsection (j)(1) hereof, a Letter of Map Revision.

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Board of Zoning Appeals Variance in accordance with Section 1257.06.

(i) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:

- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- (2) Development activities in an existing or proposed manufactured home park. Such activities are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Chapter 3701.
- (3) Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the Ohio Revised Code.
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the Ohio Revised Code.
- (5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management. Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Pataskala flood maps, studies and other data identified in Section 1257.03(b) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- (1) Requirement to Submit New Technical Data.

A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard areas;
3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1257.05(c).
  - B. It is the responsibility of the applicant to have technical data, required in accordance with subsection (j)(1) hereof, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
  - C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
    1. Proposed floodway encroachments that increase the base flood elevation; and
    2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
  - D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to subsection (j)(1)A. hereof.
- (2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Administrator of the City of Pataskala, and may be submitted at any time.
- (3) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Pataskala have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Pataskala's Flood Insurance Rate Map accurately represents the City of Pataskala boundaries, include within such notification a copy of a map of the City of Pataskala suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Pataskala has assumed or relinquished floodplain management regulatory authority.
- (k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard: (1) In areas shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

- (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown in FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- (3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
  - A. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
  - B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceeds the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1257.06, Appeals and Variances.
- (5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

(1) Substantial Damage Determinations. Damages to structures may result from a variety of causes including tornado, wind, heavy snow, flood, fire, etc. After such a damage event, the Floodplain Administrator shall:

- (1) Determine whether damaged structures are located in special flood hazard areas;
- (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- (3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.  
(Ord. 2007-3761. Passed 3-19-07.)

**1257.05 USE AND DEVELOPMENT STANDARDS FOR FLOOD  
HAZARD REDUCTION.**

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1257.03(b) or 1257.04(k)(1):

(a) Use Regulations.

(1) Permitted uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Pataskala are allowed provided they meet the provisions of these regulations.

(2) Prohibited uses.

A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code.

B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.

(b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(c) Subdivisions and Large Developments.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

(5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1257.04(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by subsection (c)(4) hereof.

(d) Residential Structures.

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (subsection (d)(1) hereof) and construction materials resistant to flood damage (subsection (d)(2) hereof) are satisfied.
- (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
  - A. Be used only for the parking of vehicles, building access, or storage; and
  - B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
  - C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of subsection (d) hereof.

- (e) Nonresidential Structures.
  - (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (d)(1) to (3) and (5) to (7) hereof.
  - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation, or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
    - A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
    - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Floodproofing Certificate, that the design and methods of construction are in accordance with subsection (e)(2)A. and B. hereof.
- (f) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:
  - (1) They shall not be used for human habitation;
  - (2) They shall be constructed of flood resistant materials;
  - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;
  - (4) They shall be firmly anchored to prevent flotation;
  - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
  - (6) They shall meet the opening requirements of subsection (d)(5)C. hereof.
- (g) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:
  - (1) They shall not be located on sites in special Flood hazard areas for more than 180 days; or
  - (2) They must be fully licensed and ready for highway use; or
  - (3) They must meet all standards of subsection (d) hereof.
- (h) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

- (1) Development in floodways.
  - A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
  - B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
    - 1. Meet the requirements to submit technical data in Section 1257.04(j)(1);
    - 2. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
    - 3. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
    - 4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
    - 5. Concurrence of the City Administrator of the City of Pataskala and the Chief Executive Officer of any other communities impacted by the proposed actions.
- (2) Development in riverine areas with base flood elevations but no floodways.
  - A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or
  - B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than 1.0 (one) foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
    - 1. An evaluation of alternatives which would result in an increase of 1.0 (one) foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
    - 2. Section 1257.05(i)(1)B., items 1. and 3. to 5.



- (3) Alterations of a watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
  - B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
  - C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Pataskala specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
  - D. The applicant shall meet the requirements to submit technical data in Section 1257.04(j)(1)A.3. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.  
(Ord. 2007-3761. Passed 3-19-07.)

#### **1257.06 APPEALS AND VARIANCES.**

(a) Appeals and Variance Board.

- (1) The Board of Zoning Appeals as established by the City of Pataskala shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- (3) Those aggrieved by the decision of the Board of Zoning Appeals or any taxpayer, may appeal such decision to the Licking County Court of Common Pleas, as provided in Ohio R.C. Chapter 2506.
- (4) Authorize variances in accordance with this section.

(b) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(c) Public Variance Hearing. At such hearing the applicant shall present such statements and evidence as the Board of Zoning Appeals requires. In considering such variance applications, the Board of Zoning Appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- (1) The danger that materials may be swept onto other lands to the injury of others.
  - (2) The danger to life and property due to flooding or erosion damage.
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - (4) The importance of the services provided by the proposed facility to the community.
  - (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
  - (6) The necessity to the facility of a waterfront location, where applicable.
  - (7) The compatibility of the proposed use with existing and anticipated development.
  - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (d) Variances shall only be issued upon:
- (1) A showing of good and sufficient cause.
  - (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
  - (3) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
  - (4) A determination that the structure or other development is protected by methods to minimize flood damages.
  - (5) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

(e) Conditions for Variances.

- (1) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (2) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsection (c)(1) to (11) hereof have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(f) Procedure at Hearings.

- (1) All testimony shall be given under oath.
- (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- (4) The Administrator may present evidence or testimony in opposition to the appeal or variance.
- (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- (7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- (8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.  
(Ord. 2007-3761. Passed 3-19-07.)

**1257.07 ENFORCEMENT.**

(a) Compliance Required.

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1257.04(i)
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with subsection (c) hereof.

- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with subsection (c) hereof.

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefor and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action which, if taken, will effect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Pataskala. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Pataskala from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Pataskala shall prosecute any violation of these regulations in accordance with the penalties stated herein. (Ord. 2007-3761. Passed 3-19-07.)

**CHAPTER 1259**  
**Transportation Corridor Overlay District (TC)**

<b>1259.01 Purpose.</b>	<b>1259.05 Design standards.</b>
<b>1259.02 Short name.</b>	<b>1259.06 Site design submittal requirements.</b>
<b>1259.03 Jurisdictional boundaries.</b>	<b>1259.07 Site design approval.</b>
<b>1259.04 Permitted uses.</b>	

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**1259.01 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 City of Pataskala. 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 an overlay district. The TC Overlay District shall also require uniform signage, adequate screening, and landscaping in an effort to establish visual harmony and to promote aesthetic design in development within the district. (Ord. 2015-4242. Passed 1-19-16.)

**1259.02 SHORT NAME.**

The short name and map symbol of the Transportation Corridor Overlay District is TC. (Ord. 2015-4242. Passed 1-19-16.)

**1259.03 JURISDICTIONAL BOUNDARIES.**

A. The Transportation Corridor Overlay District is defined as all land with right-of-way frontage on any of the following corridor roadways, or any parcels within a 1/4 mile of any of these corridor roadways:

1. Broad Street (S.R. 16) within the corporate limits of the City.
2. Hazelton-Etna Road (SR 310) south of Mill Street to the City corporate line.
3. North Township Road/Hazelton-Etna Road (SR 310) north of Broad Street to the City corporate line.
4. Taylor Road from a point 200 feet south of Kennedy Road south to the City corporate line.
5. Mink Street from the railroad track south to the City corporate line.
6. Summit Road from the railroad track south to the City corporate line.

Planned Development Districts may be exempt from some of the requirements of this section at the discretion of the Planning and Zoning Commission. (Ord. 2015-4242. Passed 1-19-16.)

**1259.04 PERMITTED USES.**

All permitted uses within the underlying zoning district shall be allowed within the TC. Should there be a conflict between the TC and the underlying zoning district, the more restrictive requirements or the higher standards shall apply. (Ord. 2015-4242. Passed 1-19-16.)

**1259.05** **ZONING CODE**  
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**1259.05 DESIGN STANDARDS.**

A. Traffic Safety Measures. One or more of the following traffic safety measures shall be required in an effort to aid access and traffic management:

1. Access Road Requirements. Access roads shall be utilized to service

commercial development located along the corridor. Such roads will help prevent traffic interruptions on the thoroughfare.

2. Left Turn Lanes. Left turn lanes, which provide stacking lanes for those cars preparing to turn left, shall be utilized in an effort to help prevent traffic slow down and traffic hazards.
3. Acceleration/Deceleration Lanes. Acceleration/deceleration lanes shall be utilized to help prevent traffic slow-down and general interruptions, thereby avoiding potential traffic hazards.
4. Driveway Spacing. Access points shall be separated by a minimum distance of 600 feet (from edge to edge of driveway cuts) along Broad Street (SR 16) and shall be adjusted accordingly for other roads included in the TC based on their given speed limits (National Cooperative Highway Research Program, Access Management Guidelines for Activity Center, Washington, D.C., 1992).
5. Right-in / Right-out only turns. Points of access that allow only right in/right-out access shall be utilized in an effort to help prevent traffic slowdown and additional points of traffic conflicts.
6. Or other traffic safety measures as approved by the City engineers.

B. Setback Requirements. The front yard setback shall be based on the recommended right-of-way width as outlined in the Master Thoroughfare Plan. All yard setbacks shall be approved, approved with modifications or disapproved by the Planning and Zoning Commission with consideration given to recommendations from City staff.

C. Loading Areas. Commercial loading areas shall be located behind building(s) and screened from adjacent unlike uses.

D. Storage Areas. Storage areas and trash storage receptacles shall be totally enclosed by structures or opaque fences on four sides, screened from adjacent uses, and be located behind building(s).

E. Utility and Transmission Lines: New or upgraded utility, cable or other communications lines, and transmission lines located within the TC Overlay District (including those located along the rear property line) shall be located underground and be designed and located in such a manner that they will have minimum adverse visual and physical impact on the roadside.

F. Pedestrian/Handicap Access. Sidewalks shall be provided along each developed parcel or upon change in use of an existing developed parcel within the TC Overlay District if a sidewalk does not exist at the time of the development or change in use of the parcel. Sidewalks shall be designed to minimize conflict with motor vehicles and shall be installed pursuant to sidewalk design specifications in Section 1117.15 of the Pataskala Subdivision Regulations.

- G. 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 Chapter 1283, Trees and Landscaping for tree protection requirements.)
  2. Buffer zones shall be approved, approved with modifications or disapproved by the Planning and Zoning Commission with consideration given to recommendations from City staff.
  3. Parking requirements shall be approved, approved with modifications or disapproved by the Planning and Zoning Commission with consideration given to recommendations from City staff.
  4. Landscaping/ Design Requirements.
    - a. Distance between parking area and building: A minimum distance of 8 feet shall be maintained between any building, including any walkway immediately adjacent thereto, and the parking area. This space is to be reserved for plant material, either existing or planned, in accordance with the requirements of Chapter 1283.
    - b. Interior plantings. In addition to all other requirements, all commercial, business, institutional, or industrial parking areas for more than 20 vehicles (excluding parking structures), shall provide and maintain a minimum of a 300 square foot planting area with minimum dimensions of 7 feet wide for every 8 parking spaces (including handicapped spaces) located within the parking area. Planting areas shall:

- (1) Contain at least 2 "shade trees" which are at least 8 feet in height and 6 inches and 1/4 inches in circumference (2 inches in diameter) measured at 1/2 feet above grade for new planted trees and measured at 4 1/2 feet above grade for existing trees. ("Shade trees" as used herein means any tree, evergreen, or deciduous, whose mature height of its species can be expected to exceed 35 feet and which has an expected crown spread of 30 feet or more or is considered a shade tree in accordance with the American Association of Nurserymen.)
  - (2) Contain ground covering sufficient to cover otherwise exposed planting surface so that soil erosion will be minimized.
  - (3) Be located within the parking area as tree islands, at the end of parking bays, inside 7 foot wide or greater medians, or between rows of cars or as part of a continuous street or a transitional protective yard. No vehicular parking space shall be separated from a shade tree by an intervening building and be located farther than 50 feet from the tree trunk of a planting area. Landscaped planting areas shall be distributed in a uniform manner as to provide shade yet should also be positioned within the parking area in accordance with sound landscape design and parking lot circulation principles.
- c. Berms. In addition, earthen berms may be provided or the ground sloped. Any berms used to comply with this requirement shall have a minimum height of 1 1/2 feet and a minimum crown width of 2 feet and a total minimum width of 7 feet and shall be planted with a locally adapted species of shrubs which conform to the spirit of subsection G.5. hereof. However, shrubs may have a lesser height provided that the combined height of the berm and the plantings after 3 years is at least 30 inches high.
5. Screening. Any area used for service yards, utility meters, above ground tanks, and other such equipment shall be screened through landscaping (including a berm or opaque fence) so that such facilities are not visible from the highway/road or neighboring properties and shall be located not less than 10 feet from the side and/or rear property lines.  
(Ord. 2015-4242. Passed 1-19-16.)



**1259.06 SITE DESIGN SUBMITTAL REQUIREMENTS.**

Before a zoning permit for development or redevelopment of 50 percent or more of the site is issued in the TC District by the Pataskala Zoning Inspector, the developer shall submit plans, drawn at an appropriate scale to the Planning and Zoning Commission (PZC) for recommendations and approval. The Commission may, at its discretion, request additional studies or outside assistance from others, at the developer's expense, in its effort to review the development plan in an appropriate manner.

The following plans shall be submitted by the developer to the Pataskala Planning and Zoning Commission for review:

1. Site Plan: The plot plan shall show the following:
  - a. The boundaries and dimensions of the lot.
  - b. The size and location of existing and proposed structures.
  - c. The proposed use of all parts of the lot and structures.
  - d. All reserve parcels and anticipated development phases.
  - e. The use of land and location of structures on adjacent property, within 100 feet of the property line for which the zoning permit is being applied for.
  - f. Existing trees that are 6 inches or greater in diameter measured 5 feet above the ground located within the setback.
2. Development Plan: The Development Plan shall show the following:
  - a. Structures: All proposed structures shall be located, showing square footage for each structure, expected entrance(s), service, and pedestrian areas for each phase of the development.
  - b. Traffic concept: All points of ingress and egress onto public roadways and the overall traffic distribution scheme shall be shown, indicating traffic flow patterns and traffic control points. The requirements for a traffic study and the need for "Traffic Safety Measures" shall be at the discretion of the City Engineer and approved, approved with modifications or disapproved by the Planning and Zoning Commission.
  - c. Parking layout: A parking layout must be shown to include the following:
    - (1) Access points and expected movement for all transportation modes through and between separate parking lot areas;
    - (2) Expected pedestrian access routes from parking areas and bus stops to structures.
  - d. Landscaping: All proposed site landscaping, screening, and buffering shall be indicated as to type and size of material to be used, proposed locations, berming and other features in accordance with Section 1259.05G.
  - e. Proposed location, dimensions, and design of signs.  
(Ord. 2015-4242. Passed 1-19-16.)

**1259.07 SITE DESIGN APPROVAL.**

A. Zoning applications within the TC Overlay District for development or redevelopment of 50 percent or more of the site shall be approved, approved with modifications, or denied within ninety (90) days from the date on which a complete final application has been submitted. The Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Code. Zoning applications within the TC Overlay District will be processed in the following manner:

1. If the Zoning Inspector determines that the application is complete, the Zoning Inspector shall schedule within 30 days of receipt of the complete application a meeting of the Planning and Zoning Commission (PZC). This meeting shall be open to the public, and notice of such meetings shall be provided to the applicant and/or his representative, news media, and any other interested parties as defined by Section 1211.11. The Planning and Zoning Commission shall review the TC Overlay District applications and decide whether to approve or deny the application. The PZC shall recommend approval if the requirements of this Code have been met.
2. Site Design Submittal:
  - a. When a site design is submitted for any projects, the Planning and Zoning Commission shall review these as final applications.
3. The Zoning Inspector shall review all zoning permit applications to ensure all requirements of Section 1209.04 and this chapter have been submitted. (Ord. 2015-4242. Passed 1-19-16.)

## CHAPTER 1261 Plan Districts in General

<b>1261.01</b>	<b>Purpose.</b>	<b>1261.05</b>	<b>Adoption criteria.</b>
<b>1261.02</b>	<b>Establishment and removal of Plan Districts.</b>	<b>1261.06</b>	<b>Adoption process.</b>
<b>1261.03</b>	<b>Scope of Plan Districts.</b>	<b>1261.07</b>	<b>Review.</b>
<b>1261.04</b>	<b>Relationship to other regulations.</b>	<b>1261.08</b>	<b>Plan District Maps.</b>

### CROSS REFERENCES

Olde Town Pataskala District - see P. & Z. Ch. 1263

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#### **1261.01 PURPOSE.**

Plan districts address concerns unique to an area when other zoning mechanisms cannot achieve the desired results. An area may be unique based on natural, economic or historic attributes; be subject to problems from rapid or severe transitions of land use; or contain public facilities which require specific land use regulations for their efficient operation. Plan districts provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each plan district has its own nontransferable set of regulations. This contrasts with base zone and overlay zone provisions which are intended to be applicable in large areas or in more than one area. However, plan districts are not intended for areas smaller than two (2) acres.

#### **1261.02 ESTABLISHMENT AND REMOVAL OF PLAN DISTRICTS.**

A plan district may be established or removed as the result of an area planning study, presented for consideration of Council based upon a recommendation of the Commission.

#### **1261.03 SCOPE OF PLAN DISTRICTS.**

Plan district regulations are applied in conjunction with a base zone. The plan district provisions may modify any portion of the regulations of the base zone, overlay zone, or other regulations of this Code. The plan district provisions may apply additional requirements or allow exceptions to general regulations based upon the results of the area planning study.

#### **1261.04 RELATIONSHIP TO OTHER REGULATIONS.**

When there is a conflict between the plan district regulations and base zone, overlay zone, or other regulations of this Code, the plan district regulations control. The specific regulations of the base zone, overlay zones, or other regulations of this Code apply unless the plan district provides other regulations for the same specific topic.

**1261.05 ADOPTION CRITERIA.**

A plan district may be established if all the following adoption criteria are met:

- A. The area proposed for the plan district is two (2) acres or larger in size, and has special characteristics or problems of a natural, economic, historic, public facility, or transitional land use or development nature which are not common to other areas of the City;
- B. Existing base and overlay zone provisions are inadequate to achieve a desired public benefit or to address an identified problem in the area;
- C. The proposed plan district and regulations are the result of a legislative study or plan documenting the special characteristics or problems of the area and how a plan district will best address relevant issues; and
- D. The regulations of the plan district are in conformance with the Comprehensive Plan and continue to meet the general purpose and intent of the base zone and any overlay zones applied in the district, and do not prohibit uses or development allowed by the base zone without clear justification.

**1261.06 ADOPTION PROCESS.**

A plan district shall be adopted pursuant to the process defined in Chapter 1217.

**1261.07 REVIEW.**

Plan districts and their regulations will be reviewed by the Planning and Zoning Commission not less frequently than every five years to determine whether they are still needed, should be continued, or should be amended. Plan districts and their regulations will also be reviewed as part of the process for the update of the Comprehensive Plan.

**1261.08 PLAN DISTRICT MAPS.**

The boundaries of each plan district established will be shown as an overlay to the official Zoning Maps. The boundaries shall be identified in the area planning study by a registered survey of the district.

**CHAPTER 1263  
Olde Town Pataskala District**

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| <b>1263.01 Purpose.</b><br><b>1263.02 Where the regulations apply.</b> | <b>1263.03 Demolitions.</b> |
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CROSS REFERENCES  
Plan districts - see P. & Z. Ch. 1261

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**1263.01 PURPOSE.**

The Olde Towne Pataskala Plan District is intended to identify and create an old town district within the City of Pataskala; to retain the historical and architectural heritage of the area; improve the physical appearance of streets, public right-of-way areas and buildings; and provide guidelines for the consistent development for all new and existing uses.

**1263.02 WHERE THE REGULATIONS APPLY.**

The regulations of this chapter apply to the Olde Towne Pataskala Plan District. The boundaries of the plan district are shown on the Official Zoning Maps. The plan district standards for floor area ratio, height, required residential development, amount of parking, and Olde Towne Pataskala master plans control when in conflict with any base or overlay zone. For other regulations, in cases of conflict the most restrictive regulation controls. The information depicted on the Official Zoning Map is part of the plan district regulations and is subject to the same amendment procedures as amendments to the text of this chapter.

**1263.03 DEMOLITIONS.**

Landscaping. Site must be landscaped no later than 6 months after the finish grade is restored following demolition, unless there is an Approved Development for the site. Approved Development means issuance of a building permit. The landscaping required to comply with this Section must meet, at least, the L1 standard of Chapter 1283, Landscaping and Screening, except that no shrubs or trees are required. For additional requirements, refer to Section 1221.06 of the Pataskala Code. (Ord. 2017-4288. Passed 7-24-17.)



**CHAPTER 1265**  
**Uses Defined by The**  
**North American Industrial Classification System (NAICS)**

**1265.01 Purpose.****1265.02 NAICS Classifications and Zoning District Matrix.**

**CROSS REFERENCES**

General prohibitions - see GEN. OFF. Ch. 521

Definitions - see P. & Z. 1203.03

Permitted and Conditional Uses - see P. & Z. Ch. 1225.03, 1225.04, 1227.03, 1227.04, 1229.03, 1229.04, 1231.03, 1231.04, 1233.03, 1233.04, 1235.03, 1235.04, 1237.03, 1237.04, 1239.03, 1239.04, 1241.03, 1243.03, 1243.04, 1245.03, 1245.04, 1247.03, 1247.04, 1249.03, 1249.04, 1251.03, 1251.04, 1253.03, 1253.04

**1265.01 PURPOSE.**

(a) In order to simplify listing all permitted and conditionally permitted uses in agriculture, business, manufacturing, and residential districts of this Zoning Ordinance, the U.S. North American Industry Classification System (NAICS), published in 2007 and in effect as of May 2, 2007, is adopted for use by the City of Pataskala in January of 2008.

(b) Used as the industry classification system by the statistical agencies of the United States, NAICS is a unique, all-new hierarchical system for classifying business establishments. It is the first economic classification system to be constructed based on a single economic concept. Economic units that use like processes to produce goods or services are grouped together.

(c) As used in this chapter, permitted and conditionally permitted uses are categorized using the NAICS 2-digit Sector headings (20 Sectors) and 3-digit Subsector headings (100 Subsectors). Use of the 4-digit Industry Group headings (317), 5-digit NAICS Industry headings (725), and 6-digit National headings (1179) will occur whenever specific business establishments need to be clarified.

(d) By its nature, the NAICS hierarchical structure is ‘inclusive’; i.e., all business establishments contained under a particular 3-digit Subsector heading are permissible unless specifically excluded. Additional restrictions (size, noise, fumes, lighting, etc.) listed elsewhere, may prohibit other business establishments.

(e) A copy of the 2007 NAICS Manual will be kept in the office of the Planning Director. Additional information on the NAICS can be found on the World Wide Web at <http://www.census.gov/epcd/www/naics.html>.  
(Ord. 2008-3842. Passed 7-21-08.)

**1265.02 NAICS CLASSIFICATIONS AND ZONING DISTRICT MATRIX.**

(a) The NAICS Classifications and Zoning District Matrix is a table of NAICS classifications, showing permitted and conditional uses in each of the established zoning districts.

(b) In the event of conflict between the Zoning Code of the City of Pataskala as existing immediately prior to adoption of this chapter, and the Pataskala NAICS Classification and Zoning District Matrix, then the more restrictive requirements or the higher standards shall apply.  
(Ord. 2008-3842. Passed 7-21-08.)





### **TITLE FIVE - Additional Zoning Standards**

- Chap. 1267. Home Occupations.
  - Chap. 1269. Rental Units.
  - Chap. 1271. Adult Entertainment Facilities.
  - Chap. 1273. Bed and Breakfast Facilities.
  - Chap. 1275. Cluster Housing.
  - Chap. 1277. Hotels and Motels.
  - Chap. 1279. Fences.
  - Chap. 1281. Gasoline Service Stations.
  - Chap. 1283. Landscaping and Screening.
  - Chap. 1285. Nonconforming Uses and Structures.
  - Chap. 1287. Off-Site Impacts.
  - Chap. 1289. Oil and Gas Well Regulations.
  - Chap. 1291. Parking and Loading.
  - Chap. 1293. Wireless Telecommunication Facilities.
  - Chap. 1294. Impact Fees.
  - Chap. 1295. Signs.
  - Chap. 1296. Residential Appearance Standards.
  - Chap. 1297. Swimming Pools.
  - Chap. 1298. Temporary Activities.
  - Chap. 1299. Medical Marijuana Facilities.
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### **CHAPTER 1267 Home Occupations**

<b>1267.01</b>	<b>Purpose.</b>	<b>1267.04</b>	<b>Site-related standards.</b>
<b>1267.02</b>	<b>Description of Type A and Type B accessory home occupations.</b>	<b>1267.05</b>	<b>Impact-related standards.</b>
<b>1267.03</b>	<b>Use-related regulations.</b>	<b>1267.06</b>	<b>Type A and B home occupation permit.</b>

### **CROSS REFERENCES**

Home occupation defined - see P. & Z. 1203.03  
 Bed and breakfast facilities - see P. & Z. Ch. 1273

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#### **1267.01 PURPOSE.**

Accessory home occupations are activities accessory to uses in the Household Living category. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.

**1267.02 DESCRIPTION OF TYPE A AND TYPE B ACCESSORY HOME OCCUPATIONS.**

There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this chapter.

- A. Type A. A Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work.
- B. Type B. A Type B home occupation is one where either one employee or customers come to the site. Examples are counseling, tutoring, daycare, and hair cutting and styling.
- C. Bed and breakfast facility. Bed and breakfast facilities are exempt from the regulations of this chapter. The regulations for bed and breakfast facilities are stated in Chapter 1273.
- D. Family daycare. Family daycare for up to 6 children at one time and in which no more than 3 children may be under two years of age at one time (Type B family day-care home, Ohio R.C. 5104) is exempt from the regulations of this chapter.

**1267.03 USE-RELATED REGULATIONS.**

A. Allowed uses. The intent of the regulations of this chapter is to establish performance standards for all accessory home occupations rather than to limit the allowed uses to a specific list. Uses which comply with the standards of this chapter are allowed by right unless specifically listed in subsection B. below.

B. Prohibited uses.

- 1. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.
- 2. Accessory home occupations may not serve as dispatch centers where employees come to the site and are dispatched to other locations.
- 3. A Type B accessory home occupation is prohibited in a residence with an accessory rental unit.

C. Additional Type B home occupation regulations. The following additional regulations apply to Type B home occupations.

- 1. Hours. Customers may visit the site only during the hours of 7:00 a.m. to 9:00 p.m.
- 2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation. For the purpose of this chapter, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation. Variances to this subsection are prohibited.

3. Customers. Only twelve (12) customers or clients may visit the site in a day.
4. Retail sales. Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair cutting).
5. Number of Type B home occupations. More than one Type B home occupation per dwelling unit is prohibited.
6. Floor area. Total area devoted to a Type B home occupation may not exceed 15 percent (15%) of the square footage of the primary dwelling unit. A Type B home occupation located in an accessory building space shall be subject to the Conditional Use regulations as defined in Chapter 1215.

**1267.04 SITE-RELATED STANDARDS.**

A. Signs. External indication of such home occupation shall be limited to one nonilluminated sign, not more than two (2) square feet in area if located less than 15 feet from the public right of way, or not more than six (6) square feet in area if located 15 feet or more from the public right of way. Such signs shall be limited to name, street address, and/or vocation.

B. Outdoor activities.

1. All activities associated with Type B home occupations must be in completely enclosed structures except for dedicated exercise or play areas related to day care.
2. Exterior storage or display of goods or equipment is prohibited.

C. Appearance of structure and site. The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

**1267.05 IMPACT-RELATED STANDARDS.**

A. Nuisances. Accessory home occupations are regulated by the standards contained in Chapter 1287, Off-Site Impacts, except noise, which is regulated by subsection C. below.

B. Hazardous substances. Hazardous substances are prohibited, except at the consumer commodity level. (See Chapter 1251, Light Manufacturing District, and Chapter 1253, Planned Manufacturing District, for more information on hazardous substances levels.)

C. Noise. The maximum noise level for a home occupation is 50 dBA. Noise level measurements are taken at the property line. Home occupations that propose to use power tools must document in advance that the home occupation will meet the 50 dBA standard.

D. Trucks and vehicles. No more than one truck, associated with the home occupation, may be parked at the site. The maximum size of truck that is allowed on-site is a light truck. This is the same as for all residential uses in residential zones (see Section 1291.10).

E. Deliveries. Truck deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the home only between 8:00 a.m. and 5:00 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.

**1267.06 TYPE A AND B HOME OCCUPATION PERMIT.**

A. Type A home occupations, as defined by Section 1267.02 and as determined by the Zoning Inspector, shall not require a permit.

B. Purpose. Permits for Type B home occupations must be obtained from the Zoning Inspector prior to their establishment, to ensure the following:

1. That the applicant is aware of the provisions of this chapter which govern accessory home occupations;
2. That the City has all information necessary to evaluate whether the proposal initially meets and continues to meet Code regulations; and
3. That the distribution and location of Type B home occupations can be documented.

C. Procedure. A home occupation permit for Type B home occupations will be issued by the Zoning Inspector for a four year period. It is the responsibility of the applicant to obtain the permit every four years. The applicant must complete a Type B Home Occupation permit application and demonstrate compliance with the neighborhood notice requirement, described in subsection D. below. Any change in ownership or type of business shall result in the need for a new permit.

D. Neighborhood notice.

1. Purpose. The purpose of this requirement is to notify the neighborhood association and/or nearby property owners of the establishment of a Type B accessory home occupation, the type of activities which will occur, and the regulations under which the use must operate.
2. Process.
  - a. Notice content. The applicant must complete a notice which describes the standards set forth in this chapter, the type of business activities to take place at the site, the hours of operation, and either the nonresident employee or the expected number of customers on a daily basis.
  - b. Notice recipients. All neighborhood or homeowners organizations whose boundaries include the site must receive the notice. In addition, all owners of property within 500 feet from any point on the perimeter of the site must receive the notice. The applicant must submit to the Zoning Inspector a list of the addresses notified, a copy of the notice which was sent, and a notarized signed statement verifying that this requirement has been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.

E. Revocation. A Type B home occupation permit may be revoked by the Zoning Inspector for failure to comply with the regulations of this chapter.  
(Ord. 2005-3600. Passed 3-21-05.)

## CHAPTER 1269 Rental Units

<b>1269.01 Purpose.</b>	<b>1269.03 Standards.</b>
<b>1269.02 Description.</b>	

### CROSS REFERENCES

Home occupations - see P. & Z. Ch. 1267

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#### **1269.01 PURPOSE.**

This chapter provides standards for the establishment of accessory rental units in existing houses. Accessory rental units are allowed in certain situations to:

- Allow more energy efficient use of large, older homes;
- Provide more affordable housing;
- Provide additional density with minimal cost and disruption to existing neighborhoods;
- Allow individuals and smaller households to retain large houses as residences; and
- Maintain the single-dwelling character of the house.

#### **1269.02 DESCRIPTION.**

An accessory rental unit is an additional and auxiliary living unit in an existing house. A house with an accessory rental can be distinguished from a duplex because its intensity of use is less and it retains the appearance as a single-dwelling structure.

#### **1269.03 STANDARDS.**

A. Size of structure. A house with an accessory rental unit must have at least 1,400 square feet of floor area exclusively for the primary unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be included in the total floor.

B. Creation of an accessory rental unit. The accessory rental unit may be created only through an internal conversion of the existing living area, basement or attic. An accessory rental unit may not be created through the conversion of an existing garage. Additional off-street parking is not required. The house must be at least 5 years old before conversion.

C. Location of entrances. Only one entrance to the house may be located on the front of the house, unless the house contained additional front doors before the conversion.

D. Number of residents. The total number of individuals that reside in both units may not exceed the number that is allowed for a household, as stated in Chapter 1203, Definitions.

E. Owner occupancy. The house must be owner-occupied when converted and continue to be owner-occupied as long as the Accessory Rental Use is rented pursuant to the requirements of this chapter.

F. Other uses. An accessory rental unit is prohibited in a house with a Type B home occupation as defined in Section 1267.02B.

**CHAPTER 1271**  
**Adult Entertainment Facilities**

<b>1271.01</b>	<b>Definitions</b>	<b>1271.05</b>	<b>Unlawful exhibition or display</b>
<b>1271.02</b>	<b>Exceptions.</b>		<b>of harmful material to</b>
<b>1271.03</b>	<b>Location.</b>		<b>juveniles.</b>
<b>1271.04</b>	<b>Conditions.</b>	<b>1271.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Obscenity and sex offenses - see GEN. OFF. Ch. 533

**1271.01 DEFINITIONS.**

A. Adult Entertainment Facility: Any establishment which is involved in one or more of the following listed categories:

1. Adult Book or Video-Book Store - An establishment having greater than 25 percent (25%) of its display area or items for sale of its stock in trade, books, videos, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.
2. Adult Mini-Motion Picture Theater - A facility with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
3. Adult Motion Picture Theater - A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
4. Adult Entertainment Business - Any establishment involved in the sale or rental of services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, video products, dancing, reading, massage, and similar functions which utilize activities as specified above.



- B. "Specified Sexual Activities" means any of the following:
1. Human genitals in a state of sexual stimulation or arousal.
  2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- C. "Specified Anatomical Areas" means any of the following:
1. Less than completely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola.
  2. Human male genitals in a discernible turgid state.
- D. "Person" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
- E. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist to which is limited in edition to 1,000 or less.
- F. "Sexually Explicit Nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- G. "Sadomasochistic Sexual Abuse" means actual or simulated flagellation, rape torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.
- H. "Visibly Displayed" means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence.
- I. "Knowledge of Character" means having general knowledge, or reason to know; or a belief or ground for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Such knowledge may be proven by direct or circumstantial evidence, or both.
- J. "Harmful to Juveniles" means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which 1, 2, and 3 apply.

1. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
2. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
3. The material or performance, taken as a whole, lacks serious literary, artistic, political, educational or scientific value for juveniles.

**1271.02 EXCEPTIONS.**

A. Nothing in this article shall be constructed to pertain to:

1. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by any accredited museum, library, fine art gallery, school or institution of higher learning.
2. The exhibition and/or performance of any play, drama, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

**1271.03 LOCATION.**

Adult entertainment facilities, adult mini-motion picture theaters and adult entertainment facilities of any kind or type are limited to the Planned Manufacturing Districts (PM) as a conditional use, and are additionally subject to the conditions hereafter set forth in Section 1271.04.

**1271.04 CONDITIONS.**

A. The following conditions shall apply for all adult entertainment facilities.

1. No adult entertainment facility shall be established within 1,500 feet of any area zoned for residential use.
2. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under 18 years of age.
3. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
4. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
5. No advertisements, displays or other promotional materials displaying specific sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
6. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public area.

7. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
8. Off-street parking shall be provided in accordance with standards for permitted uses within the PM zoning districts as appropriate.
9. Sections (1) through (5) above, may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits of 51 percent (51%) of the property owners and resident freeholders within the above described radius, giving their consent to the establishment of adult entertainment facility and if the Board determines:
  - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
  - b. That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area.
  - c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of a historical area.
  - d. That all applicable regulations of this section will be observed.
10. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
11. No adult entertainment facility shall be established without having obtained a conditional use zoning permit.

**1271.05 UNLAWFUL EXHIBITION OR DISPLAY OF HARMFUL MATERIAL  
TO JUVENILES.**

A. No person having custody, control, or supervision or any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do or cause to have done any of the following:

1. Allow, permit, or fail to prevent any juvenile who is not accompanied by a parent or lawful guardian to enter or remain on premises if in that part of the premises where the juvenile is or may be allowed, permitted, or invited as part of the general public or otherwise, there is visibly displayed all or any part of any book, magazine, newspaper, or other form of any material which is either of the following: harmful to juveniles, when taken as a whole; or contains on its cover, package, wrapping, or within the advertisements therefor, depictions or photographs of sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals.
2. Visibly display, exhibit, or otherwise expose to view, all or any part of such material in any business or commercial establishment where juveniles, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material from any public or private place.

3. Hire, employ, or otherwise place, supervise, control, or allow in any business or commercial establishment or other place, any juvenile under circumstances which would cause, lead or allow such juvenile to engage in the business or activity of selling, distributing, disseminating, or otherwise dealing or handling such material, either to or for adults or juveniles.

**1271.99 PENALTY.**

Violation of any provision of this chapter shall be a misdemeanor of the first degree, and shall be subject to the provisions of Section 1209.99, as well as loss of any conditional use granted for said premises.



## CHAPTER 1273 Bed and Breakfast Facilities

<b>1273.01</b>	<b>Purpose.</b>	<b>1275.05</b>	<b>Site-related standards.</b>
<b>1273.02</b>	<b>Description.</b>	<b>1275.06</b>	<b>Conditional use review.</b>
<b>1273.03</b>	<b>Where these regulations apply.</b>	<b>1273.07</b>	<b>Monitoring.</b>
<b>1273.04</b>	<b>Use-related regulations.</b>		

### CROSS REFERENCES

Bed and breakfast defined - see P. & Z. 1203.03

Home occupations generally - see P. & Z. Ch. 1267

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#### **1273.01 PURPOSE.**

This chapter provides standards for the establishment of bed and breakfast facilities. The regulations are intended to allow for a more efficient use of large, older houses in residential areas if the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner which keeps them primarily in residential uses. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

#### **1273.02 DESCRIPTION.**

A. Bed and breakfast facility. A private residence where lodging and breakfast is provided by a resident family for compensation. Such a facility is generally used by transients.

B. Retail Sales and Service use. In zones where Retail Sales and Service uses are allowed, limited or conditional uses, a bed and breakfast facility is defined as a hotel and is included in the Retail Sales and Service category.

#### **1273.03 WHERE THESE REGULATIONS APPLY.**

The regulations of this chapter apply to bed and breakfast facilities in any zoning district where a residential use is permitted or conditionally permitted.

#### **1273.04 USE-RELATED REGULATIONS.**

A. Accessory use. A bed and breakfast facility must be accessory to a Household Living use on a site. This means that the individual or family who operates the facility must occupy the house as their primary residence.

B. Maximum size. Bed and breakfast facilities are limited to a maximum of 5 bedrooms for guests and a maximum of 10 guests per night. In the single-dwelling zones, bed and breakfast facilities over these size limits are prohibited.

C. Employees. Bed and breakfast facilities may have nonresident employees for the lodging activity such as booking rooms and food preparation, if approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site such as yard maintenance may also be approved. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.

D. Services to guests. Food services may be provided only to overnight guests of a bed and breakfast facility.

E. Commercial Meetings. Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are permitted at a bed and breakfast facility subject to the occupancy limitations outlined in subsection B. above.

F. Consecutive Nights. Each paying guest may stay at a bed and breakfast for not more than 30 consecutive nights at any single visit nor more than a total of 45 nights in any calendar year.

#### **1273.05 SITE-RELATED STANDARDS.**

A. Development standards. Bed and breakfast facilities must comply with the development standards of the base zone, overlay zone, and plan district, if applicable.

B. Appearance. Residential structures may be remodeled for the development of a bed and breakfast facility. However, structural alterations may not be made which prevent the structure being used as a residence in the future. Internal or external changes which will make the dwelling appear less residential in function are not allowed. Examples of such alterations include installation of more than five parking spaces, paving of required setbacks, and commercial-type exterior lighting.

C. Signs. Signs must meet the regulations for houses.

D. Parking. One off-street parking space shall be required per guest room. If parking spaces are off-site, a written agreement between the owner of the parking space(s) and the bed and breakfast facility operator is required.

#### **1273.06 CONDITIONAL USE REVIEW.**

Bed and breakfast facilities require a conditional use review. The approval criteria are stated in Chapter 1215.

#### **1273.07 MONITORING.**

All bed and breakfast facilities must maintain a guest log book. It must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room number of each guest. The log must be available for inspection by City staff upon request.

## CHAPTER 1275 Cluster Housing

**1275.01 Purpose.**  
**1275.02 Description.**

**1275.03 Regulations.**

### **1275.01 PURPOSE.**

The cluster housing regulations have several potential public benefits. They:

- Provide flexible development options where the standard rectilinear lot pattern is not practical due to of physical constraints;
- Promote the preservation of open and natural areas;
- Allow for common open areas within a development project while still achieving the density of the base zoning district; and
- Support reductions in development costs.  
(Ord. 2015-4229. Passed 6-15-15.)

### **1275.02 DESCRIPTION.**

A cluster housing development is a subdivision containing houses with some or all of the lots reduced below the minimum lot sizes, but where the overall development meets the density standard for the zoning district. These developments require that the planning for lots and the locations of houses on the lots be done at the same time. Because the exact location of each house is predetermined, greater flexibility in development standards can be possible while assuring that the single-dwelling character of the zoning district is maintained.

Figure 615-1 provides an example of cluster housing.  
(Ord. 2015-4229. Passed 6-15-15.)

### **1275.03 REGULATIONS.**

A. Qualifying situations. Cluster housing developments are permitted in the AG, RR and R-87, R-20, R-15, R-10 and R-7 zoning districts.

B. Procedure for approval. Cluster housing developments are subject to the subdivision review process.

C. Density. The overall project may not exceed the density allowed by the base zone. In calculating the density, the area of the whole subdivision is included, except for public or private streets.

D. Lot sizes. There is no minimum lot size (area, width, or depth). Lot sizes must be adequate to meet all required development standards of this chapter.



E. Housing types allowed. Single family residential dwellings are the only type of housing allowed. the proposed locations for all houses must be shown on the plat map. The house locations must be shown in enough detail so that compliance with the required development standards is assured.

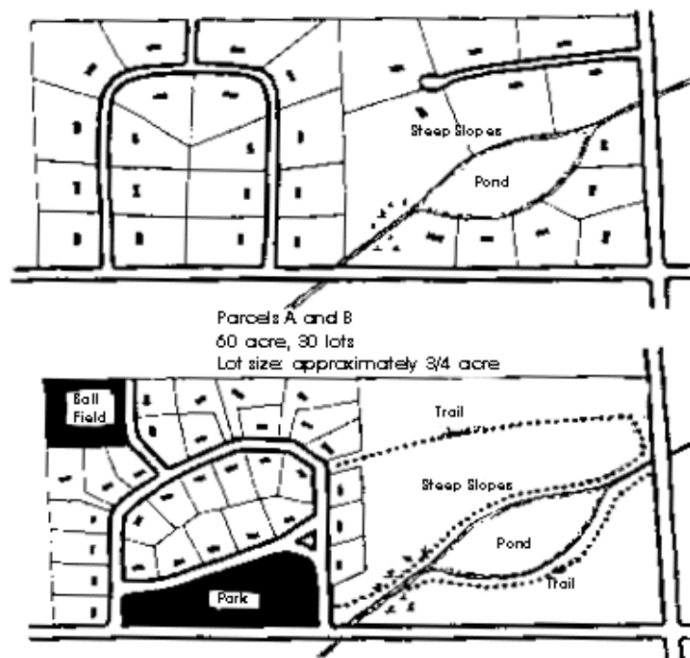
F. Building setbacks. Along the perimeter of the project, all development must meet the building setback standards of the base zone. Within the project, the distance between houses must be at least 10 feet.

G. Maximum Lot Occupancy. The maximum lot occupancy standards of the base zoning district do not apply to individual lots, but do apply to the overall project. Allowable areas for buildings must be shown on the plat map.

H. Preservation of water features. Water features such as drainageways and streams must be left in a natural state unless altered to improve the amenity of the water feature for the development's residents or to improve stormwater drainage. Water features must be in common ownership unless otherwise approved as part of the subdivision review.

I. Maintenance. An enforceable maintenance agreement for any commonly owned areas must be created and recorded. The agreement must be approved by the Law Director and City Administrator to assure that the City's interests are protected.

Figure 615-1



(Ord. 2015-4229.  
Passed 6-15-15.)

**CHAPTER 1277**  
**Hotels and Motels**

<b>1277.01</b>	<b>Purpose.</b>	<b>1277.04</b>	<b>Use-related regulations.</b>
<b>1277.02</b>	<b>Description.</b>	<b>1277.05</b>	<b>Site-related standards.</b>
<b>1277.03</b>	<b>Where these regulations apply.</b>		

CROSS REFERENCES  
Hotels and motels defined - see P. & Z. 1203.03

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**1277.01 PURPOSE.**

This chapter provides standards for the establishment of hotels and motels.  
(Ord. 2005-3654. Passed 1-3-06.)

**1277.02 DESCRIPTION.**

(a) Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. Incidental services may include: cooking facilities within units; furnishings; linen service; maid service; food service; banquet, reception, meeting and recreational facilities; and ancillary internal retail sales and services provided for the convenience of hotel guests.

(b) Motel or Motor Hotel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without necessity of passing through the main lobby of the building.  
(Ord. 2005-3654. Passed 1-3-06.)

**1277.03 WHERE THESE REGULATIONS APPLY.**

The regulations of this chapter apply to Hotel and Motel Uses in a GB, General Business zoning district. (Ord. 2005-3654. Passed 1-3-06.)

**1277.04 USE RELATED REGULATIONS.**

(a) Maximum Size. Hotels and motels are limited to a height of 35 feet and a maximum of 90 guest rooms.

(b) Commercial Meetings. Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are permitted at a Hotel or Motel.

(c) Consecutive Nights. Each paying guest may stay at a Hotel or Motel for not more than 30 consecutive nights at any single visit nor more than a total of 45 nights in any calendar year. (Ord. 2005-3654. Passed 1-3-06.)

**1277.05 SITE-RELATED STANDARDS.**

(a) Development Standards. Hotel and Motel uses must comply with the development standards of the base zone, overlay zone, and plan district, if applicable.

(b) Building Appearance.

- (1) Color Palette: Buildings shall be constructed of subdued, earth tone materials; muted colors are preferred. Accent colors in brighter hues are permitted for building accent features only.
- (2) Materials: Brick, stone, stucco stone, wood, pre-cast concrete, metal and glass are all permitted building materials.
- (3) Roof: Pitched roofs with gabled or hipped ends are required with a slope equal to 5:12 or greater. Minimum 8" overhangs are required.
- (4) Articulation and Fenestration: Buildings shall have a consistent finish on all four sides. Fenestration shall be proportional with building size and massing.

(c) Signs. Signs shall be as regulated in Chapter 1295.

1291. (d) Parking Requirements. Parking requirements shall be as regulated in Chapter

(e) Lighting:

- (1) Landscape and building uplighting from a concealed source shall be permitted. All building illumination shall be from concealed sources. No colored lights shall be used to light the exterior of the buildings.
- (2) All parking lot lighting shall not exceed 18 feet in height from finished grade.

(f) Storage, Equipment and Service Areas:

- (1) No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of the parcel outside the permitted structure. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from view with material harmonious with the building.
- (2) No area of the site shall be used for outside storage.
- (3) Service courts and loading docks shall be screened from all streets or adjacent buildings by landscaping, mounding or walls.  
(Ord. 2005-3654. Passed 1-3-06.)

**CHAPTER 1279**  
**Fences**

**1279.01 Permit required.**  
**1279.02 Maintenance.**

**1279.03 Height and location.**  
**1279.99 Penalty.**

CROSS REFERENCES  
Fences - see GEN. OFF. 521.07  
Screening - see P. & Z. Ch. 1283

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**1279.01 PERMIT REQUIRED.**

Before a fence or wall is erected within the City, unless in an Agricultural District, a property owner or his agent must file application with the Zoning Inspector. Such application shall be on such forms as provided for in this Code and shall include a drawing of the lot, to scale, showing the actual location and dimensions of the proposed wall or fence. Each property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land.

**1279.02 MAINTENANCE.**

All fences and walls shall be maintained in good repair, and in a manner that ensures continued structural integrity. Where adjoining property owners share partition fences or walls between them, unless otherwise agreed upon by them in writing, the adjoining property owners shall share equally the building and maintenance of such partition fences or walls.

**1279.03 HEIGHT AND LOCATION.**

A. The permitted height of a fence or wall shall be determined by its location on the property as follows:

1. A fence or wall not exceeding 48 inches in height may be erected between the building setback line and a line three (3) feet toward the building setback line from the street right-of-way line.
2. A fence or wall not exceeding 72 inches in height may be erected in any area of the lot behind the building setback line.
3. A fence or wall higher than 72 inches may be requested as a variance which would be considered by the Board of Zoning Appeals with notification of adjoining property owners. A living fence shall not be limited by the 72 inch restriction.
4. No fence or wall may be erected within three (3) feet of the street right-of-way line.
5. All fences and walls shall meet the traffic sight triangle visibility requirements in Section 1283.06-14.  
(Ord. 2008-3884. Passed 1-5-09.)

**1279.99 PENALTY.**

Violation of any provision of this chapter shall be a misdemeanor of the first degree, and shall be subject to the provisions of Section 1209.99, as well as loss of any conditional use granted for said premises.

## CHAPTER 1281 Gasoline Service Stations

<b>1281.01</b>	<b>Purpose.</b>	<b>1281.05</b>	<b>Location.</b>
<b>1281.02</b>	<b>Minimum lot size.</b>	<b>1281.06</b>	<b>Setbacks.</b>
<b>1281.03</b>	<b>Minimum building or structure size.</b>	<b>1281.07</b>	<b>Driveways and parking areas.</b>
<b>1281.04</b>	<b>Minimum frontage.</b>	<b>1281.08</b>	<b>Parking.</b>
		<b>1281.09</b>	<b>Outside storage.</b>
		<b>1281.10</b>	<b>Signs.</b>

### CROSS REFERENCES

Self-service filling stations - see Ohio R.C. 3741.14

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Service station defined - see P. & Z. 1203.03

#### **1281.01 PURPOSE.**

Gasoline service stations are listed as a conditional use in the LB and GB zoning districts. In addition to the requirements of the district in which the gasoline service station is located, and other provisions of this Code, gasoline service stations shall be subject to requirements defined in this chapter.

#### **1281.02 MINIMUM LOT SIZE.**

The minimum lot size shall be 20,000 square feet.

#### **1281.03 MINIMUM BUILDING OR STRUCTURE SIZE.**

The building shall have an enclosed area of not less than 800 square feet if any service is offered on or from the premises other than the delivery of gasoline, diesel fuel or oil for use as vehicle fuel or lubrication. If a gasoline service station offers no service other than the delivery of gasoline, diesel fuel or oil into vehicles, the enclosed area of the building shall not be less than 600 square feet. No such limited gasoline service station may offer to provide lubrication, oil changes, repairs or other equipment installation.

#### **1281.04 MINIMUM FRONTAGE.**

The lot on which a gasoline service station is located shall have frontage of not less than 150 feet along a dedicated and improved street. If a gasoline service station is located on the corner of two (2) or more intersecting streets, it shall have 150 feet of frontage on each intersecting street.

**1281.05 LOCATION.**

No gasoline service stations shall be located on any lot within 200 feet of any zoning district where residences are permitted.

**1281.06 SETBACKS.**

The pump island setback in a gasoline service station, which shall be the minimum location for pumps dispensing fuels or oil products, shall be 40 feet from the right-of-way of any street, and 40 feet from any adjoining property line. Any building located on such premises shall be located not less than 50 feet from the right-of-way of any street.

**1281.07 DRIVEWAYS AND PARKING AREAS.**

Driveways and parking areas shall be paved and properly drained. The landscaping of areas along the perimeter of the lot is required, pursuant to Chapter 1283.

**1281.08 PARKING.**

Gasoline service stations shall be subject to the parking and loading provisions of Chapter 1291. In addition, no inoperable or damaged motor vehicle shall be parked outside a gasoline service station building in excess of 72 hours. Parking areas shall be located not closer than five (5) feet to the main building.

**1281.09 OUTSIDE STORAGE.**

- A. Outside storage shall be in accordance with the following requirements:
  - 1. Display Racks - Only one permanent or one portable display rack for oil, antifreeze, or other automotive products shall be permitted on each pump island. No such rack shall be located closer than 25 feet to the street right-of-way line or adjoining property line. All other displays or storage of merchandise outside the main building is subject to Section 1221.05.
  - 2. Equipment - All hydraulic hoists, oil pits, lubricants and greasing, and other repair equipment shall be enclosed completely within the main building.

**1281.10 SIGNS.**

All signs used in connection with gasoline service stations shall be in conformance with Chapter 1295.

## CHAPTER 1283 Landscaping and Screening

<b>1283.01</b>	<b>Environmental Plan.</b>	<b>1283.06</b>	<b>Landscaping and screening standards.</b>
<b>1283.02</b>	<b>Preservation Zones.</b>		
<b>1283.03</b>	<b>Tree preservation and replacement.</b>	<b>1283.07</b>	<b>Application of landscaping standards.</b>
<b>1283.04</b>	<b>Tree replacement exemptions.</b>		
<b>1283.05</b>	<b>Street trees.</b>		

### CROSS REFERENCES Fences - see P. & Z. Ch. 1279

#### **1283.01 ENVIRONMENTAL PLAN.**

A. Environmental Plan. An environmental plan shall be required to be submitted by the developer; in the case of any Planned Development District (PDD), with the preliminary site design upon request for rezoning the parcel or parcels of land to be developed; in the case of development of a subdivision, with the site design of the preliminary plan. This plan is required so that all environmental concerns are evaluated before a development occurs and to ensure that the natural environment is protected. Each environmental plan shall include, but not be limited to the following:

1. A description of the general nature of the proposed action/development;
2. A description of the existing environmental features on the property including wetlands, ravines, flood plains, streams, lakes, ponds, and steep slopes (areas with an average slope of greater than 35%);
3. A description of the potential environmental impact of the action/development; and
4. A description of the alternatives and other proposed actions to avoid, minimize, and mitigate any potential short-term or long-term impacts on the existing environmental conditions.

B. Impact Statement. An impact statement shall be required to be submitted by the developer with the environmental plan. This statement shall include a statement of the short and long term direct and indirect effects of the proposed development on natural features of the development including, but not limited to soils, geology, surface water, and ground water, vegetation, wetlands, woodlands, wildlife, air, reflected or generated light, noise, historical areas, and visual aesthetics.



C. Mitigation Statement. A mitigation statement may be required by the City if conditions exist that may cause significant adverse environmental impacts as a result of the development. The mitigation statement shall become part of the environmental plan and shall include:

1. A site plan, drawn to scale, showing the location of the natural features that are to be disturbed and to be left undisturbed;
2. A site plan showing the location of the proposed buffer zones and preservation zone that will alleviate the adverse impacts of the development;
3. A statement that addresses the plans for mitigating the adverse environmental impacts and the replacement or restoration of areas that are considered environmentally significant. This statement shall address the type, size, and amount of materials and/or vegetation that shall be used for replacement or restoration;
4. A statement, if applicable, that includes all other means by which the developer plans to address the environmental impacts (e.g., purchase of mitigation acreage for impacted wetlands habitat).

- D. The Planning and Zoning Commission shall consider the environmental plan:
1. When considering the zoning request in the case of a requested PDD;
  2. During consideration of the preliminary plan in the case of the proposed development of a subdivision.

E. The developer shall provide proof of compliance from the applicable regulatory agency with all other requirements as governed by the Flood Damage Prevention Regulations for the City of Pataskala and the following statutes prior to breaking ground: Section 404 of the Clean Water Act, Section 401 of the Clean Water Act.

### **1283.02 PRESERVATION ZONES.**

A. Description of Preservation Zones. Preservation zones are natural areas that protect both aesthetic appearance and environmental significance including but not limited to, woodlands, wetlands, ravines, flood plains, streams, lakes, ponds and/or steep slopes by providing effective buffers between land uses. Such zones shall be designated on the preliminary site plan. It is the intent of this Code to encourage the use of these preservation zones in all subdivision development. It is further intended that this Code not preclude and/or prevent development, but protect and preserve environmentally significant areas by fostering the use of buffer zones that could be integrated into the development. Preservation zones shall be used in a manner that promotes and protects public safety, convenience, comfort, property, and general welfare of the City.

B. Determination of Preservation Zones. Determination of Preservation Zones shall be designated on the basis of the Environmental Plan and in accordance with the areas identifying groundwater resources, woodlands, and wetlands as identified by Lima Township Comprehensive Plan; and Section 6, Land Capability, of the Pataskala Comprehensive Plan, or the revised City of Pataskala Comprehensive Plan, when adopted. The preservation zones shall be clearly marked on the Comprehensive Plan and/or development site plan, if any and all shall be a guide in determining the areas that are considered as preservation zones. However, this shall not preclude the Planning and Zoning Commission from recommending and/or approving preservation zones in other areas that are considered to be environmentally significant. In determining the preservation zones, the Planning and Zoning Commission shall determine the area(s) identified on the site plan that need to be protected from development and which could serve as a buffer between land uses. No approval shall be given to impact a preservation zone unless prior written approval from the Planning and Zoning Commission is provided. Clearing a site of trees prior to submitting for zoning review or site plan review shall result in a penalty as identified in 1283.02 F., Violations.

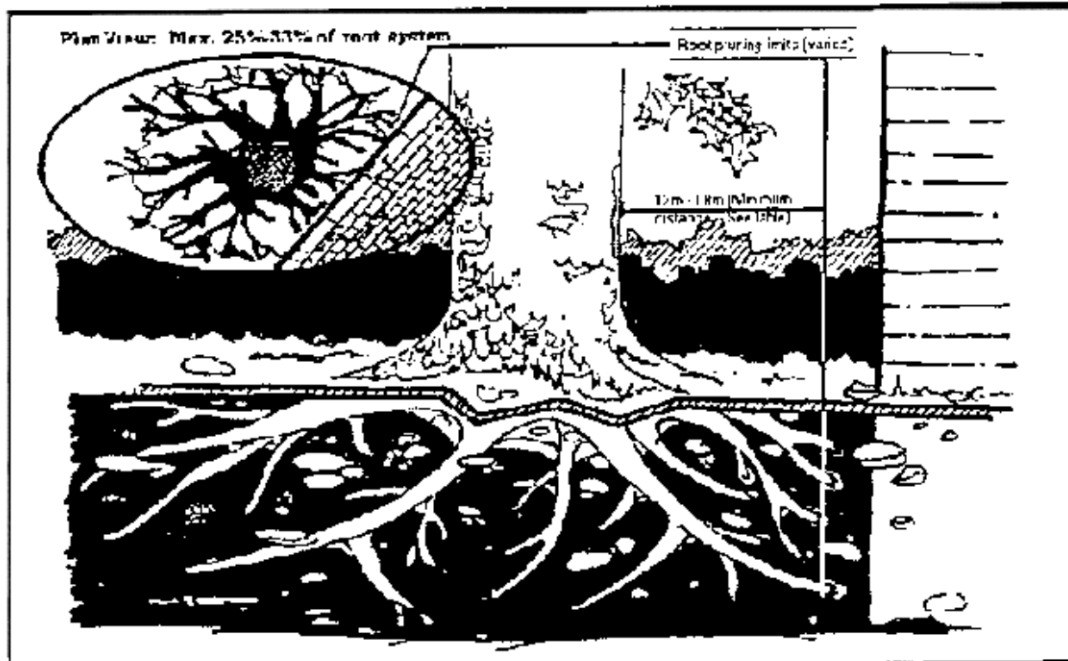
C. Delineation of the Preservation Zone(s). Delineation of the Preservation Zone(s) shall be made by the Planning and Zoning Commission during the zoning process, Preliminary Site Plan approval for any subdivision, TC Overlay District Review, Planned Development District, and/or through the Comprehensive Plan. All delineated preservation zones shall be protected in accordance with subsection D, below and become a part of the final development plan for any such subdivision and Planned Development District.

D. Enclosure and Protection. Before any activity, clearing, and/or construction begins, the entire preservation zone(s) shall be enclosed with at least three foot high orange construction fencing to prevent any access to the preservation zone(s). Such fencing shall protect the root systems of vegetation within the preservation zone. The fencing shall only be taken down for an individual lot when an occupancy permit has been issued for the structure on the concerned lot or when final build-out is completed. Such preservation zones shall not be disturbed any time before, during, or after construction except for necessary access as approved by the Zoning Inspector. No permanent or temporary structure, building, or fence shall ever be placed upon or in any preservation zone. Utilities and roadways in preservation zones shall only be installed consistent with the Environmental Plan and Mitigation Plan for the subdivision. No development, clearing, thinning, construction, or work shall be conducted within the preservation zone except for necessary construction as deemed by the Zoning Inspector. If a preservation zone is disturbed at any time by the developer, contractor, subcontractor, builder, property owner or representative, such disturbances that occur shall be restored to an approved condition within twelve months, subject to the approval of the Zoning Inspector. Obnoxious weeds and/or brush of less than one inch in caliper may be removed without destroying the integrity of the preservation zone. No dirt, stones, wood, or debris shall be placed within the preservation zone. A utility company servicing and/or installing utilities in the designated preservation zone shall be subject to these restrictions. These restrictions shall be printed on the final plat, the final development plan and/or site plan as a deed restriction for the affected lots. Drainage shall not be altered in a manner that will damage the preservation zone. The developer shall notify each property purchaser in the concerned subdivision and/or development of the preservation zone requirements. Such notification shall be in writing and shall be submitted to the property purchaser prior to or at the time of closing. The developer shall notify all contractors, utility companies, and/or cable companies doing work in the concerned subdivision or development of the preservation zone requirements before construction begins.

E. Tree Save Areas and Methods of Tree Protection During Construction.

1. Planning Considerations. Any tree save area shall be classified as a preservation zone. Tree space is the most critical factor in tree protection throughout the development process. The root system of trees can easily extend beyond the drip line of the tree canopy (Figure 1283.02-01). The root system within the drip line region is generally considered to be the critical root zone. Disturbance within this zone can directly affect a tree's chances for survival. To protect these critical root zones, the following standards shall apply:
  - a. The use of tree-save islands and stands is strongly encouraged rather than the protection of individual (non-specimen) trees scattered throughout a site. This will facilitate ease in overall site organization as related to tree protection. In addition, individual trees with a Diameter Breast Height (DBH) of six inches or greater or of significant environmental, historical, or aesthetic significance shall be protected and be included in overall development plans to the maximum extent possible;

Figure 1283.02-01 Typical Critical Root Zone



- b. The protective zone of specimen trees or stands of trees or otherwise designated tree save areas shall include no less than the total area beneath the tree(s) canopy as defined by the farthest canopy drip line of tree(s). In some instances, the Zoning Inspector may require a protective zone in excess of the area defined by the tree's drip line;
- c. Layout of the project site utility and grading plans should accommodate the required tree protective zones. Utilities shall be placed along corridors, when practical, or through preservation zones in accordance with subsection E.4, below, when necessary;
- d. Construction site activities such as parking, material storage or material conveyance, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within tree protective zones;
- e. No disturbance shall occur within the protective zone of specimen trees or stands of trees without prior approval by the Zoning Inspector.

2. Protective Barriers.
  - a. Active protective tree fencing shall be installed along the outer edge of and completely surrounding the critical root zones of all specimen trees or stands of trees, or otherwise designated tree protective zones, prior to any land disturbance.
  - b. These fences will be a minimum four feet high, constructed in a post and rail configuration. A two-inch by four-inch post and a double one-inch by four-inch rail is recommended. Four-foot orange polyethylene laminar safety fencing is also acceptable.
  - c. Passive forms of tree protection may be utilized to delineate tree save areas which are remote from areas of land disturbance. These areas must be completely surrounded with continuous rope or flagging (heavy mill, minimum two inches wide). All passive tree protection must be accompanied by "Keep Out" or "Tree Save" signage. Figure 1283.02-02.
  - d. All tree protection zones should be designated as such with "Tree Save Area" signs posted visibly on all sides of the fenced-in area. These signs are intended to inform subcontractors of the tree protection process. Signs requiring subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.

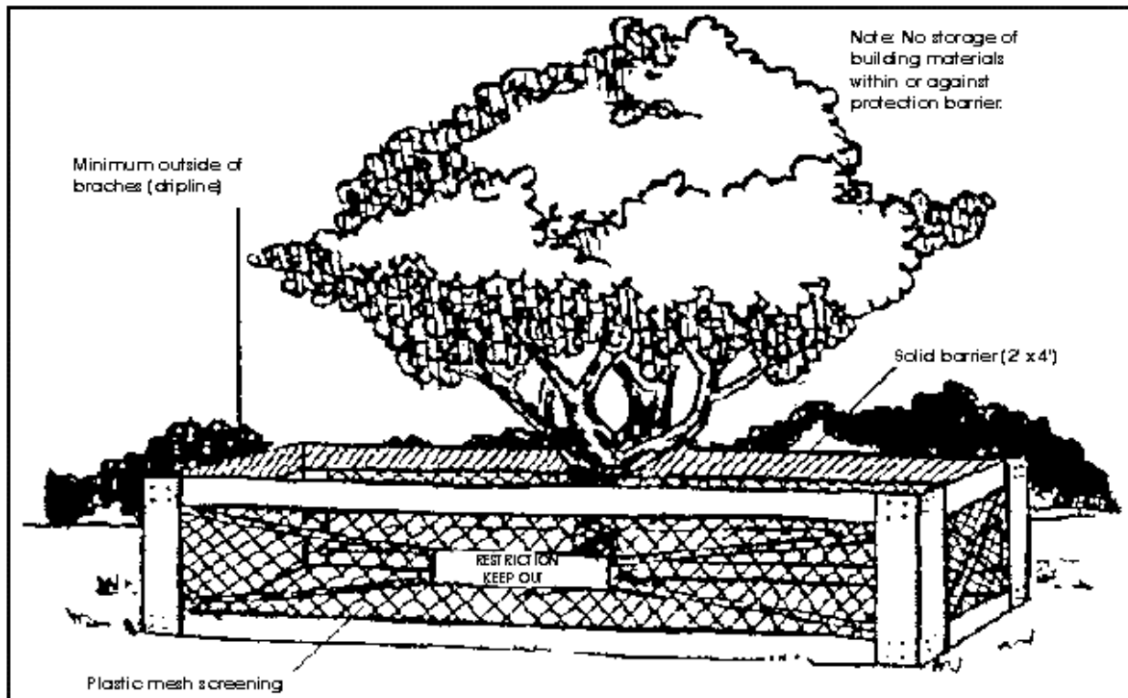


Figure 1283.02-02 Tree Protection Detail

- e. All specimen trees or stands of trees, or otherwise designated tree protective zones, must be protected from the sedimentation of erosive material.
    - (1) Silt screening must be placed along the uphill edge of tree protective zones at the land disturbance interface.
    - (2) Silt screening should be backed by 12 gauge 2 inch x 4 inch wire mesh fencing in areas of steep slope (areas with an average slope of 35% or greater.)
  - f. All tree fencing and erosion control barriers must be installed prior to and maintained throughout the land disturbance process and building construction, and should not be removed until landscaping is installed.
3. Encroachment. Most trees can tolerate only a small percentage of critical root zone loss. If encroachment is anticipated within the critical root zones of specimen trees, stands of trees, or otherwise designated tree protective zones, the following preventive measures shall be employed:
- a. Clearing Activities: Roots often fuse and tangle amongst trees. The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Wherever possible, it is advisable to cut minimum two foot trenches (e.g., with a "ditchwitch") along the limits of land disturbance, so as to cut, rather than tear, roots. Trenching may be required for the protection of specimen trees.
  - b. Soil Compaction: Where compaction might occur due to traffic or materials storage, the tree protective zone must first be mulched with a minimum four inch layer of natural biodegradable materials.
  - c. Trenching: The installation of utilities through a protective zone should occur by way of tunneling rather than trenching. (Figures 1283.02-04 and 1283.02-05). If roots must be cut, proper root pruning procedures must be employed.

Figure 1283.02-04 Tunneling for Underground Utilities vs. Trenching

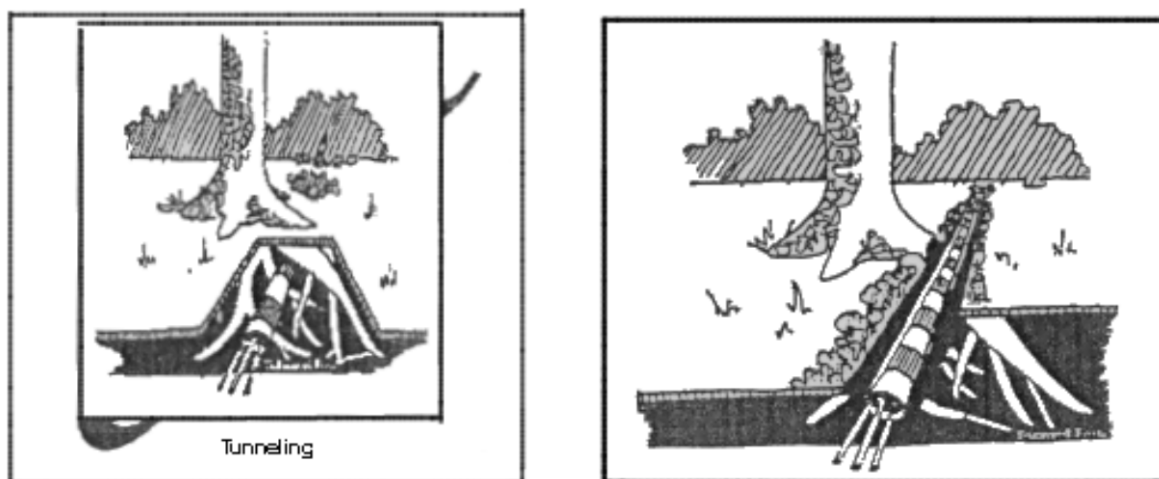
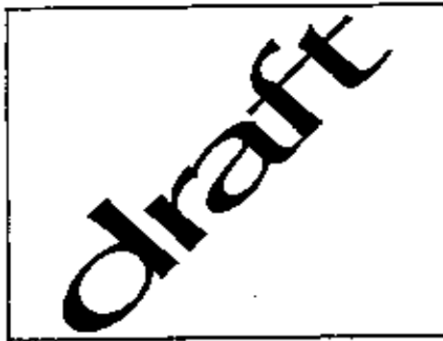


Figure 1283.02-05 Root Loss from Trenching Versus Tunneling



- d. Grade Changes: Moderate fill can be tolerated within a tree's critical root zone with the prior installation of an aeration system. Aeration system specifications are provided in Figures 1283.02-06 and 1283.02-07. Commercially available aeration systems are subject to approval by the Zoning Inspector. A decrease in grade is best accomplished with the use of retaining walls or through terracing. (Figure 1283.02-08.)
- e. Where the Zoning Inspector has determined that irreparable damage has occurred to trees within tree protective zones, the trees must be removed and replaced according to the ratio specified in Table 1283.03-01 or Table 1283.03-02.

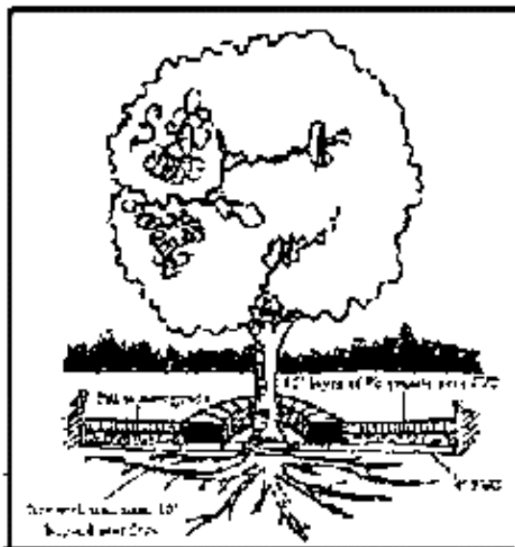


Figure 1283.02-06  
Aeration System Vertical Profile

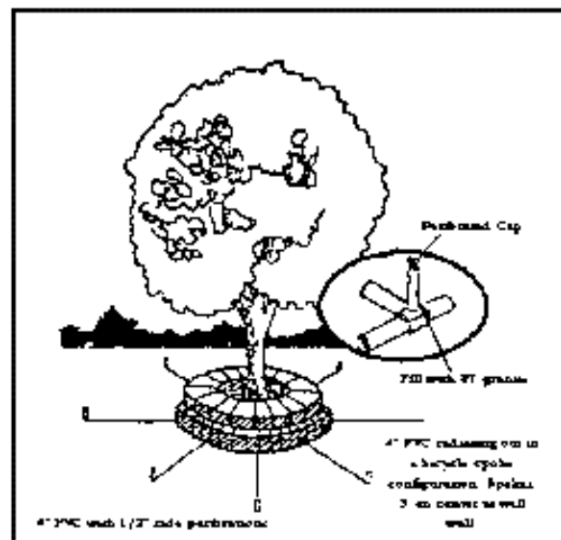


Figure 1283.02-07

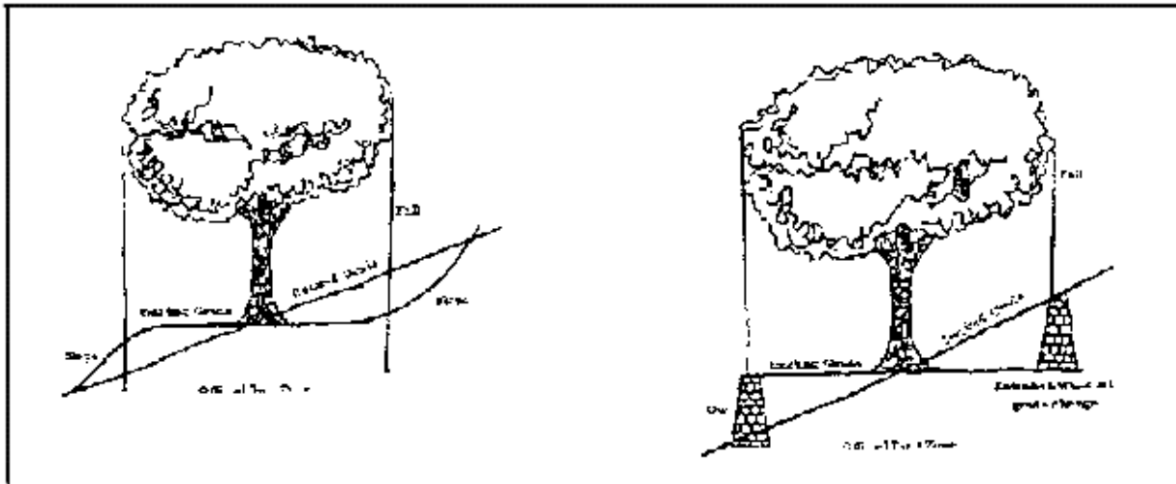


Figure 1283.02-08 Grade Changes

4. Remedial Procedures. Remedial site reclamation and tree care procedures shall be implemented when encroachment within protective zones has caused damage to either the tree or the tree's growing site, and that damage is repairable. The survivability of trees damaged through construction activities can be improved with the implementation of remedial procedures. If encroachment is anticipated, these cultural practices should be employed as pre-emptive measures to improve survival. The following practices shall be applied where appropriate.
  - a. Pruning. The pruning of a tree in anticipation of construction damage may provide compensation for potential root loss and produce an invigorating response. A tree that has suffered root damage becomes stressed as that root system no longer provides sufficient water and nutrients for the existing crown. This stress becomes evident with the appearance of "stag horns" or deadwood within the tree's crown. Once a tree has become construction damaged, only minor pruning is recommended. Pruning for deadwood removal is then recommended. The removal of live plant tissue from a construction damaged tree can accelerate the tree's decline. Pruning of root severed trees may reduce the possibility of wind-throw. Trees which have not been affected by construction activities can be pruned for maintenance of the tree's health, appearance, and safety.
    - (1) Pruning specifications as provided by the National Arborist Association (N.A.A.) in "Pruning Standards for Shade Trees" shall apply. The pruning of specimen trees may be subject to approval by the Zoning Inspector.

- b. Fertilizer applications will enhance the vigor of trees stressed by site disturbances, thereby promoting root development. Information regarding appropriate fertilizers and application rates may be obtained from the Licking County Agricultural Extension Office.
- c. A tree's ability for adequate root development, and ultimately its chances for survival, are improved with reclamation of the growing site.
  - (1) Wherever possible, the soil should be brought back to its natural grade. Unnecessary fill, erosion sedimentation, concrete washout, and construction debris shall be removed. When machinery is required for site improvement, it is recommended that every effort be used so as to minimize soil compaction.
  - (2) Compacted soil within the critical root zones of trees should be aerated. This is best accomplished with a two inch diameter auger. Holes should be drilled to a depth of 10-15 inches, approximately two to three feet apart, and radiating outward from the tree's trunk in a bicycle spoke configuration. This aeration technique is also recommended for areas affected by minor fill or the sedimentation of erosion materials.
  - (3) The air exchange, nutrient, and water holding capacities of soils can be improved with soil amendments. This is best accomplished by backfilling holes from aeration, with mineral amendments such as perlite or vermiculite.
  - (4) A four to six inch layer of mulch material, such as pine bark or wood chips, spread within the critical root zones of trees on construction sites is extremely beneficial. These benefits include:
    - (a) Conservation of soil moisture;
    - (b) Reduced rainfall runoff and erosion;
    - (c) Reduced soil compaction from construction activities;
    - (d) Reduced competition from grasses and weeds;
    - (e) Increased soil fertility;
    - (f) Improved soil structure;
    - (g) Moderation of soil temperature, with a subsequent increase in root development activity.
- d. The availability of water to trees on construction sites should be monitored. The environment of these sites is altered significantly from the trees' natural environment. Extremes in water availability, ranging from drought to flood conditions can occur quite readily as a result of grade changes. If grade changes or excessive rain cause the accumulation of water near trees, steps must be taken to improve drainage. Conversely, grade changes, or prolonged periods without rain, can cause a drought situation, and irrigation may be necessary.

F. Violation. Violation of the preservation zone requirements shall result in the issuance of a "cease and desist" order issued by the Zoning Inspector. Any on-site work within the development shall not resume until such time that the preservation zone has been restored to an approved condition or based on approval by the Zoning Inspector of a restoration plan. No person shall violate a preservation zone after occupancy. A homeowner and/or individual who violates any provision of this section or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with preservation zones shall, upon conviction thereof, be found guilty of an unclassified misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000) and, in addition, shall pay all costs and expenses involved in the case, including the costs of restoring the area to its condition (to the



maximum extent practicable) prior to the violation. Each day the violation continues shall be considered a separate offense. An organization (including but not limited to a developer, contractor and/or subcontractor) who violates any provision of this section or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with the preservation zone(s) shall, upon conviction thereof, be found guilty of an unclassified misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000) and, in addition, shall pay all costs of restoring the area to its original condition (to the maximum extent practicable) prior to the violation. Each day the violation continues shall be considered a separate offense. Nothing herein shall prevent Council from taking such other lawful action as is necessary to prevent or remedy any violation. Clearing a site of trees in excess of 5% of the total amount of the site prior to submitting for zoning review or site plan review shall result in a penalty amounting to mitigation of trees at a ratio equal to the number of trees and caliper of trees on the site prior to demolition. If the number cannot be determined, the amount shall be determined by the City at the maximum quantity and highest quality of trees that may have existed on the site prior to clearing.

The mitigation ratio necessary will be determined by the standard tree mitigation ratios as defined in Tables 1283.03-01 and 1283.03-02. (Ord. 2005-3600. Passed 3-21-05.)

### **1283.03 TREE PRESERVATION AND REPLACEMENT.**

A. Purpose. The City of Pataskala recognizes the aesthetic, ecological, and economic value of existing tree and woodland preservation and requires preservation and/or replacement to:

- Promote the re-establishment of vegetated wildlife habitat in urban areas for aesthetic, health, and urban wildlife reasons;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing wooded areas;
- Restore natural native tree communities through re-establishment of native trees; and
- Mitigate for loss of natural resource values.

B. Requirements. The following requirements consist of a set of landscaping and screening standards and regulations for the City. The regulations address materials, placement, layout, and timing of installation. Specific requirements for mitigation plantings shall be identified by the Zoning Inspector and the Planning and Zoning Commission, as warranted. These requirements and conditions shall be considered as part of the preliminary plan approval.

1. Tree Preservation. Any tree on the site with a caliper of eight inches or more at a height of five feet above the ground, or ornamental trees over twelve feet in height shall be identified as a major tree and 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, provided that the lot is the subject of an application for approval of a zoning certificate, variance, or conditional use, and one of the following applied:
  - a. The tree will be located within a public right-of-way or easement;
  - 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 designed to service a proposed use;
  - d. The tree is damaged or diseased;
- Any tree removed shall be mitigated upon completion of the development of the lot using the criteria identified in Paragraph 2, below.
- 2. Tree Replacement Requirements.
    - a. Any tree on the site with a caliper of eight inches or more at a height of five feet above the ground, or ornamental trees over twelve feet in height which are to be removed during the site development shall be replaced using the following ratio(s) from the following table(s) resulting in no net/value loss:

Table 1283.03-01  
Replacement requirements for removal of all species in excess of 8" caliper.

Caliper at 5' level (of tree to be removed)	Replacement Species (note all replacement trees shall be native to Ohio)	Required Caliper at 5' from ground level	Mitigation ratio
8" to 15"	If replaced with a Native tree (not listed in Table 1283.03-02)	2 1/2"	2:1
	If replaced with a tree (not listed in Table 1283.03-02)	2 1/2"	3:1
greater than 15"	If replaced with a tree (listed in Table 1283.03-02)	2 1/2"	4:1
	If replaced with a tree (not listed in Table 1283.03-02)	2 1/2"	5:1

Table 1283.03-02  
Preferred Native Trees for replanting zones

<u>Botanical Name</u>	<u>Common Name</u>
Aesculus glabra	Ohio Buckeye
Quercus spp.	Oaks
Carya laciniosa	Shellbark Hickory
Carya	Shagbark Hickory
Carya illionensis	Pecan
Castanea dentata	Chestnut (hybrid)
Sassafras albidum	Sassafras
Liriodendron tulipifera	Tuliptree
Prunus serotina	Black Cherry
Abies balsamea	Balsam Fir
Picea glauca	White Spruce
Pinus resinosa	Red Pine
Celtis Occidentalis	Hackberry
Morus Ruba	Red Mulberry
Acer saccharum	Sugar Maple
Tulia americana	American Basswood
Fagus grandifolia	American Beech

(Ord. 2005-3600. Passed 3-21-05.)

**1283.04 TREE REPLACEMENT EXEMPTIONS.**

Tree replacements shall not be required of playing fields and other non-wooded recreation areas; and other facilities and uses of a similar nature. Also, a developer may contribute to a fund established by Council for the purpose of ecological preservation in lieu of replacing trees at a 3 to 1 ratio.

**1283.05 STREET TREES.**

**Street Tree Table 1283.05-01**

The developer shall provide documentation of acceptable growth habit for any other species proposed for specific locations. Also see Figure 1283.05 A-2.

Tree Lawn Size (in width)	Maximum Height at Maturity	Example Species
Tree lawn two feet to three feet in width	15 feet	Flowering Crabapple, Flowering Dogwood
Tree Lawn three feet to five feet in width	25 feet	Hop Hornbeam, Sourwood, American Hornbeam, Kwanzan Flowering Cherry, Flowering Plum, Crusader Thornless Hawthorn, Red Buckeye
Tree Lawn five feet to ten feet in width	40 feet	Maple Species (except Silver), Sunburst Locust, Red Oak, Greenspire Linden
Tree Lawn over ten feet in width	>40 feet allowable	Amur Cork Tree, Norway Maple, Emerald Queen Maple, Common Hackberry, Shademaster Locust, Thornless Locust, Male Gingko, Snowdrift Crab, Red Bud, Dogwood, London Plane, Oak Species, River Birch, Ash, Skyline Locust, Honey Locust, Sweet Gum, Little Leaf Linden, Ornamental Pear, Shag Bark Hickory.

- A. In addition to the requirements identified in Sections 1283.01 through 1283.03 in every development requiring a site or development plan, there shall be planted a species appropriate to the specific location on the site being developed, at least one deciduous tree from Table 1283.05-01, with a caliper measured five feet above the ground of not less than two inches, for every thirty feet of public street frontage.
- B. Tree location shall be at least twenty (20) feet from street intersections and shall not be located within ten (10) feet of any fire hydrant, underground utility, or utility pole.
- C. The Planning and Zoning Commission may reduce or eliminate the standard identified in subsection A. hereof, above, based on the size, street frontage, existing vegetation (as identified as preservation area(s)), and specific conditions of the site.
- D. No street trees shall be placed in conflict with existing or proposed road or utility rights of way.
- E. Ongoing maintenance:
  - 1. The developer of a property shall warrant and be responsible for maintenance of street trees for a period of one year after acceptance of public improvements. After the one year maintenance period, any trees or landscaping, whether or not installed in the public right of way, but which are also within the lot line boundaries of the property owner, shall be the responsibility of the property owner to maintain.
  - 2. Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven feet above the sidewalk. Tree limbs extending over streets shall be trimmed in clear height so that no portion of the branches shall interfere with the normal flow of traffic, or be damaged by passing vehicles.
  - 3. Severely damaged or dead street trees are to be replaced with similar species, or otherwise approved by the Zoning Inspector, of at least 2.5 inch diameter, measured at 6" above the soil line.

- F. The City shall have the right to cause the pruning, maintenance and removal of trees, plants or shrubs within the established right-of-way lines of all streets, highways and alleys as may be necessary to insure public safety, or to remove such trees as may be injurious to sewers, water lines or other public improvements. The City Service Director or his designee shall have the right to order removal of such trees or shrubs identified as a hazard to the public health or safety, by delivery by any verifiable means of a written order. No more than thirty days will be permitted to complete such pruning, maintenance or removal. The City Service Director shall in this instance, also have the right to cause the replacement of the tree, per E.3 above at such time as favorable growing conditions present themselves. Failure to comply with the order shall result in the cost of removal and replacement being assessed to the owner according to procedures established for mowing tall grass.
- G. Restrictions: The following trees shall not be planted on municipally owned property (including within the public right of way) without specific exemption by the Service Director or his designee:
- Acer Saccharinum (Silver Maple)
  - Acer negundo (Boxelder)
  - Ailanthus glandulesa (Tree of Heaven)
  - Betula (all birch)
  - Catalpa
  - Elaeagnus Angustifolia (Russian Olive)
  - Female Ginkgo Biloba
  - Li Riodendron tomentosum (Tulip Tree)
  - Morus (Mulberry)
  - Populus deltoides (Cottonwood)
  - Populus (Poplars)
  - Robinia pseudoacacia (Black Locust)
  - Sorbus aucuparia (European Mountain Ash)
  - Ulmus (Moline Elm)
  - Ulmus parviflora (Chinese Elm)

\*\*Ash - Varieties of ash trees shall not be planted without approval from the City Service Director and Zoning Inspector based on assurance that the variety is immune to infestation by emerald ash borer or any other pest or disease that is known to cause tree death.

\* Evergreens and fruit trees - may be suitable in park settings or landscaped buffers only if situated so that at maturity they will not encroach over pavement or interfere with traffic sight lines and safety. The City Service Director and the Planning and Zoning Commission shall review and approve landscape and street tree plans during the plan approval process.  
(Ord. 2009-3915. Passed 8-3-09.)

#### **1283.06 LANDSCAPING AND SCREENING STANDARDS.**

1. Purpose. The City of Pataskala recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Promote the reestablishment of vegetation in urban areas for aesthetic and health reasons;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing vegetation;
- Restore natural communities through re-establishment of native plants; and
- Mitigate for loss of natural resource values.

The following requirements consist of a set of landscaping and screening standards and regulations throughout the City. The regulations address materials, placement, layout, and timing of installation. Specific requirements for mitigation plantings shall be identified in the environmental plan.

The following sections state the different levels of landscaping and screening standards to be applied throughout the City. The locations where the landscaping or screening is required and the depth of the landscaping or screening required by this section must comply with all of the provisions of this section, unless specifically superseded in another section. The landscaping standards are generally in a hierarchical order. The landscaping standards are minimums; higher standards can be substituted as long as all fence or vegetation height limitations are met and maintained. Crime prevention and safety shall be considered when exceeding the landscaping standards (height and amount of vegetation may be an issue).

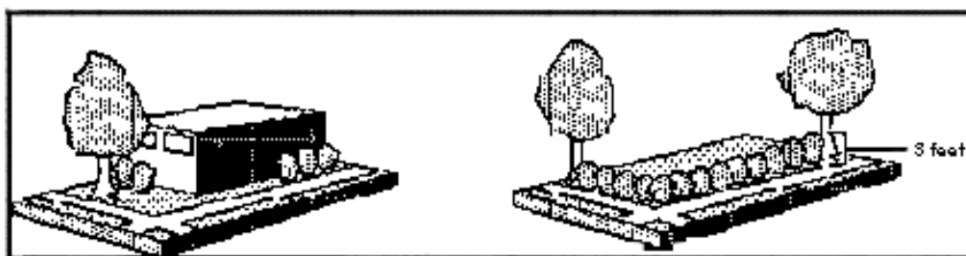
2. General Landscaping (L1).
  - a. Intent. The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses of development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs, and low shrubs.
  - b. Required Materials. The L1 standard has two different requirements for trees and shrubs. Where the area to be landscaped is less than 10 feet deep, the standard is one tree per 30 linear feet. Where the area is 10 feet deep or greater, the requirement is one tree per 800 square feet. Either two high shrubs or three low shrubs per 100 square feet of landscaped area are also required regardless of depth. The shrubs and trees may be grouped. Ground cover plants and other acceptable materials as identified in Table 1283.05-01 must fully cover the remainder of the landscaped area. Non-vegetated ground cover shall not exceed 5 % of the total area. (see Figure 1283.06-01)

Figure 1283.06-01

Figure 1283.06-02

L1 -  
General  
Landscaping

L2 -  
Low Screen  
Landscaping



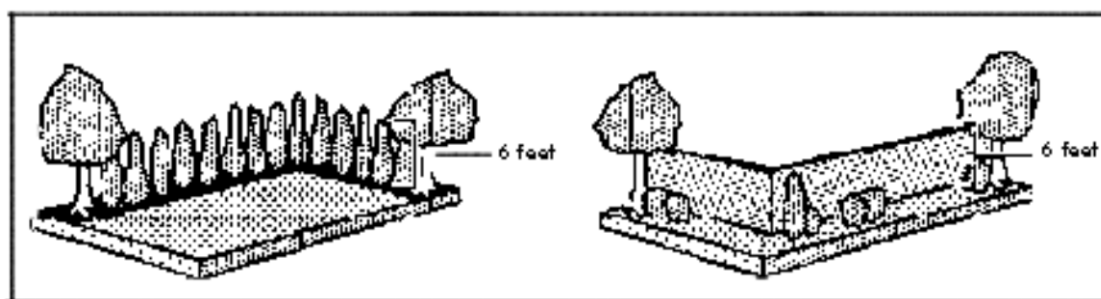
3. Low Screen (L2).
  - a. Intent. The L2 standard is a landscape treatment which uses a combination of distance and low level screening to separate uses of development. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street lot lines.
  - b. Required Material. The L2 standard requires enough low shrubs to form a continuous screen three (3) feet high and 95% opaque year-round. In addition, one tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a canopy over the landscaped area. A three-foot high berm, or a three-foot high masonry or stone wall may be substituted for the shrubs, but the trees and ground cover plants shall still be required. When applied along street lot lines, the screen, wall, or berm is to be placed along the interior side of the landscaped area. (see Figure 1283.06-02).
4. High Screen (L3).
  - a. Intent. The L3 standard is a landscape treatment which uses screening to provide the physical and visual separation between uses or development. It is used in those instances where visual separation is required.



- b. Required Materials. The L3 standard requires enough high shrubs to form a screen six (6) feet high and ninety-five (95) percent opaque year-round. In addition, one tree is required every thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants and other acceptable materials as identified in Table 1283.05-01 must fully cover the remainder of the landscaped area. Non vegetated ground cover shall not exceed 5% of the total landscaped area. A six-foot high wall as outlined in L4 may be substituted for the shrubs, but the trees and ground cover plants shall still be required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (see Figure 1283.06-03).

Figure 1283.06-03

Figure 1283.06-04



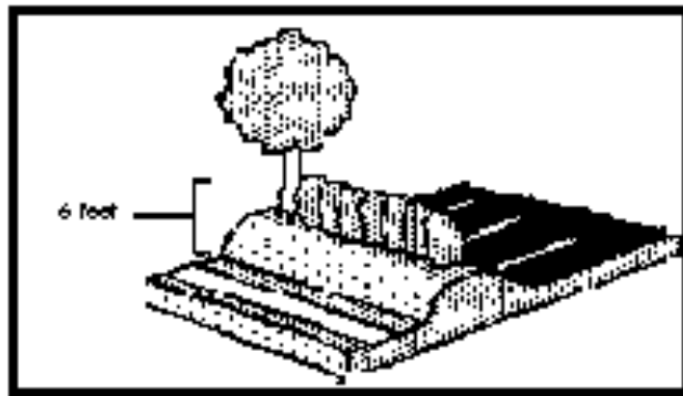
Screen Landscaping  
L4 - High Wall  
Landscaping

5. High Wall (L4).
  - a. Intent. The L4 standard is intended to be used in special circumstances where excessive screening of both visual and noise impacts are needed to protect abutting sensitive uses in areas where there is little space for separation.
  - b. Required Materials. The L4 standard requires a fence that is not less than six (6) feet tall and is not less than one hundred (100) percent opaque along the interior side of the landscaped area. Fences may be made of wood, metal, bricks, stone, masonry, vinyl or other permanent material as approved by the Director of Planning. Chain link fencing is not permitted. One tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. In addition, four (4) high shrubs are required per thirty (30) lineal feet of wall. Ground cover plants and other acceptable materials as identified in Table 1283.05-01 must fully cover the remainder of the landscaped area. Non vegetated ground cover shall not exceed 5% of the total landscaped area. (see Figure 1283.06-04).
6. High Berm (L5).
  - a. Intent. The L5 standard is intended to be used in special instances where excessive screening of both visual and noise impacts is needed to protect abutting sensitive uses and where it is desirable and practical to separate by distance as well as sight-obscuring materials.

- b. Required Materials. The L5 standard requires a berm between four (4) and six (6) feet high. If the berm is less than six feet high, low shrubs that meet the L2 standard shall be planted on top of the berm to assure that the overall screen is six feet high. One tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants and other acceptable materials as identified in Table 1283.05-01 must fully cover the remainder of the landscaped area. Non-vegetated ground cover shall not exceed 5% of the total landscaped area. (see Figure 1283.06-05).

Figure 1283.06-05

L5 -  
High Berm Landscaping



- 7. Plant Materials - General Minimum Standards and Requirements.
  - a. Shrubs and ground cover shall be of sufficient size and number to meet the required standards within three years of planting. Mulch (as ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants.

- b. Trees may be deciduous or evergreen but shall be of the type identified in Table 1283.03-02. Deciduous trees at the time of planting shall be fully branched, have a minimum diameter of 1 3/4 inches, measured 5 feet above the ground and have a minimum height of 8 feet. Evergreens at the time of planting must be fully branched and a minimum of six feet in height. White Pine trees, because of their susceptibility to damage from the application of salt to roadways, cannot be used to fill the minimum landscaping requirements along road rights of way.
- c. Plant material choices shall consider existing vegetation. Existing vegetation may be used to meet the standards, if protected and maintained during the construction phase of the development. Landscape materials should be selected and sited to produce a hardy and drought resistant landscaped area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. The following plant materials are prohibited: purple loostrife, multiflora rose.
- d. Landscaping materials that exceed the standards may be substituted for the minimums so long as all fence and/or vegetation height limitations are met and maintained including the vision clearance standards set in subsection 14., hereof.
- e. It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this chapter.

The minimum standards identified in this section may be waived upon presentation of an equivalent landscaping plan subject to the approval of the Zoning Inspector.

8. Installation and Maintenance.

- a. Plant materials must be installed to current nursery industry standards within one year of the issuance of the occupancy permit. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.
- b. Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping shall be continuously maintained in a healthy manner. Plants that die must be replaced in kind. A fine may be levied not to exceed twenty-five (25) dollars per day upon notice of the Zoning Inspector, until a plan for replacement is submitted subject to approval by the Zoning Inspector, if the landscaping has not been maintained, and new plants are required to be planted.
- c. Irrigation shall be provided to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas shall provide a system which provides sufficient water to ensure that the plants will become established. The system is not required to be permanent if the plants chosen can survive adequately on their own once established.
- d. Protection shall be provided for all landscaped areas, particularly trees and shrubs, from potential damage by adjacent development, including parking or storage area.

9. Landscaped Areas and Corner Lots. All landscaped areas on corner lots shall meet the vision requirements in subsection 14., hereof. If high shrubs or sight-obscuring screening is required by this section, low screening shall be substituted within vision clearance areas.
10. Landscape Plans. Landscape plans shall be submitted prior to final plat approval. Each landscape plan shall indicate all landscape areas. Plans shall be drawn to scale and show the type, size, number, and placement of materials. Materials shall be identified with both their scientific and common names. Any required irrigation system shall also be shown or identified in writing.
11. Completion of Landscaping. The installation of any required landscaping may be deferred during the summer or winter months to the next planting season upon written request and subsequent approval by the Zoning Inspector. Such approval shall not exceed six (6) months. In this instance, a Temporary Certificate of Occupancy may be issued prior to the installation of all required landscaping. In all instances, all required landscaping shall be installed prior to the issuance of a Final Certificate of Occupancy.
12. Street Trees. Street trees are subject to the regulations of Section 1283.05 and shall not be counted toward any landscaping required by this section.
13. Landscaping for Trash or Waste Disposal Unit.
  - a. Any trash or waste disposal unit shall be screened whenever located in any multi-family, office/institutional, local business, highway business, or general business zone when located on property abutting any residential zone, minor collector, major collector, or arterial collector.
  - b. A continuous planting, hedge, fence, or wall of earth with an opacity of one hundred percent (100%) shall be required to effectively screen any trash or waste disposal unit on four sides with provisions for access by gate on one side. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed ten feet in height. Whenever an accessory building is located next to a wall, perimeter landscaping material, or vehicular use area, such walls or screening material may fulfill the screening requirement for that side of the accessory building if that wall or screening material is of an average height sufficient to meet the height requirement outlined in this section. Whenever accessory buildings are screened by plant material, such material may count towards the fulfillment of required interior perimeter landscaping. No landscaping shall be required within an area screened for accessory buildings.
  - c. Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically or on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be designed to prevent possible damage to the screening when the container is moved or emptied.
14. Landscaping at Driveway and Street Intersections. A "sight triangle" shall be observed for all street intersections or intersections of driveways and streets, as described in Section 1221.03, to ensure that landscape materials do not constitute a vehicular or pedestrian hazard.

15. Screening of Mechanical Equipment In Commercial or Industrial Zoning Districts. Mechanical equipment, such as heating or cooling equipment, pumps, or generators, located on the ground in commercial or industrial zoning districts must be screened from the street and from any abutting residential zones or uses by walls, fences, or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any abutting residential zones or uses. (Ord. 2005-3600. Passed 3-21-05.)

**1283.07 APPLICATION OF LANDSCAPING STANDARDS.**

A. Purpose. Landscaping is required to help soften the effects of built and paved areas. It also helps to reduce stormwater runoff by providing a permeable surface into which stormwater can percolate. Up to one-third of the landscaped area may be improved for active or passive recreational use, or for use by pedestrians (e.g., placement of sidewalks or bike paths).

B. Landscaping Standards for Individual Lots. The following landscaping standards apply to each individual lot or parcel. See subsection C. hereof for standards that apply to frontage along rights-of-way for any subdivision development.

Zoning District	Front Yard	Side Yard	Rear Yard
AG Agricultural	None	None	None
R-87 Medium-Low Density Residential (applies only to conditionally permitted uses 2-5)	L2	L1	L1
R-20 Medium Density Residential (applies only to conditionally permitted uses 2-6)	L2	L2	L2
R-15 Medium-High Density Residential (applies only to conditionally permitted uses 2-6)	L2	L2	L2
R-10 High Density Residential (applies only to permitted use 2 and conditionally permitted uses 2-5)	L2	L2; L3 or L4 if abutting a residential use	L2; L3 or L4 if abutting a residential use
R-7 Village Single Family Residential (applies only to permitted use 2 and conditionally permitted uses 2-5)	L2	L3 or L4 if abutting a residential use	L3 or L4 if abutting a residential use

R-M Multi-Family Residential (applies to all except permitted uses 3 and 4)	L2	L3 or L4 if abutting a lower density residential use	L3 or L4 if abutting a lower density residential use
R-MH Manufactured Home Residential (applies to all except permitted uses 3-5)	L2	L3 or L5 if abutting a lower density residential use	L3 or L4 if abutting a lower density residential use
PRO Professional-Research-Office (applies to all uses)	L2	L2; L3 or L5 if abutting a residential use	L2; L3 or L5 if abutting a residential use
DB Downtown Business (applies to all uses)	L2	L2; L3 or L4 if abutting a residential use	L2; L3 or L4 if abutting a residential use
LB Local Business (applies to all uses)	L2	L3 or L4 if abutting a residential use	L3 or L4 if abutting a residential use
GB General Business (applies to all uses)	L2	L3 or L4 if abutting a residential use	L3 or L4 if abutting a residential use
M-1 Light Manufacturing (applies to all uses except permitted use 1)	L2	L2 if abutting a similar use; L5 if abutting a residential use or district; L3 if other than residential	L2 if abutting a similar use; L5 if abutting a residential use or district; L3 if other than residential
PM Planned Manufacturing (applies to all uses except permitted uses 1 and 3)	L2	L2 if abutting a similar use; L5 if abutting a residential use or district; L3 if abutting any district other than residential	L2 if abutting a similar use; L5 if abutting a residential use or district; L3 if abutting any district other than residential

C. Landscaping Standards for Developments With Frontage on Public Rights-of-Way.

All subdivision developments shall conform to the following landscaping standard along the frontage of any adjacent public rights-of-way.

Development Type	Minimum Landscaped Distance Perpendicular from Public Right of Way or Lot Line Interface	Landscape Standard
Residential Subdivision	60 Feet	L5, or existing wooded areas subject to approval by City Council
Commercial or Professional	40 Feet	L2, or existing wooded areas subject to approval by City Council
Manufacturing or Industrial	60 Feet	L5, or existing wooded areas subject to approval by City Council





**CHAPTER 1285**  
**Nonconforming Uses and Structures**

<b>1285.01</b>	<b>Intent.</b>	<b>1285.07</b>	<b>Damage and/or destruction of a nonconforming building or use.</b>
<b>1285.02</b>	<b>Status of nonconformities.</b>	<b>1285.08</b>	<b>Maintenance and repair.</b>
<b>1285.03</b>	<b>Substitution.</b>	<b>1285.09</b>	<b>Nonconforming certificate.</b>
<b>1285.04</b>	<b>Existing nonconforming uses.</b>	<b>1285.10</b>	<b>Uses under conditional use provisions not nonconforming uses.</b>
<b>1285.05</b>	<b>Single nonconforming lots of record.</b>		
<b>1285.06</b>	<b>Nonconforming use of structures or structures and land in combination.</b>		

**CROSS REFERENCES**

Nonconforming uses - see Ohio R.C. 713.15  
 Nonconformities defined - see P. & Z. 1203.03  
 Nonconforming signs - see P. & Z. 1295.09

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**1285.01 INTENT.**

Within the districts established by this Code or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendments. It is the intent of this Code that nonconformities shall not be enlarged upon, expanded upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as permitted in Section 1285.06A.6.

**1285.02 STATUS OF NONCONFORMITIES.**

Nonconformities are declared by this Code to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located, except as permitted in Sections 1285.06A.6. and 1285.08.

**1285.03 SUBSTITUTION.**

The Planning and Zoning Commission may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or more restricted classification, provided no structural alterations, except those required by law or ordinance are made. However in an "R" district, no change shall be authorized by the Planning and Zoning Commission to any use which is not a permitted or conditional use in any "R" district, and in a nonresidential district, no change shall be authorized to any use which is not a permitted or conditional use in the district.

**1285.04 EXISTING NONCONFORMING USES.**

A. Continuation. Except as hereinafter specified, the lawful use of a building or premises existing at the time of the adoption or amendment of this Code, may be continued, although such use, building or structure does not conform with the provisions of this Code for the district in which it is located.

B. Construction Commenced. Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Code, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Code, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such work is completed within two (2) years from the date of adoption of this Code or amendment thereto making said use nonconforming.

**1285.05 SINGLE NONCONFORMING LOTS OF RECORD.**

In any district in which a structure/use is permitted, a structure and customary accessory buildings may be erected or permitted on any single nonconforming lot of record at the effective date of adoption or amendment of this Code, notwithstanding limitations imposed by other provisions of this Code including minimum lot sizes and square foot requirements. This provision shall apply even though such lot fails to meet the requirements for area or width, or both for the district in which lot is located. Variances of requirements listed in Titles Three and Five of this Planning and Zoning Code other than lot area or lot width shall be obtained through action of the Board of Zoning Appeals as provided in Sections 1211.02 through 1211.12.

- A. If any owner of such lot does not own adjoining property and did not own such property at the time of this Code becoming effective:
1. In any district where dwellings are permitted, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required sum of minimum widths of both side yards for each foot that the lot is narrower than the required width in the district. In no case, however, shall side yard be narrower than five (5) feet.
  2. For the lots having a depth of less than 110 feet, the depth of the rear yard need not exceed 25 percent of the total depth of the lot, but shall not be less than 20 feet.
- B. If the owner of such lot owns adjoining property, or owned such property at the time this Code became effective, the modification of lot area and yard dimensions set forth hereinbefore shall not apply except as set forth hereinafter. In order to erect a structure or structures thereon, the owner of two (2) or more adjacent lots fronting on the same street shall redivide such lots in such a manner that they conform with the lot area and yard requirements for a single family structure by more than 30 feet; such re-division, if any, may be made as to provide one (1) more building lot than otherwise would be permitted. In such a case, the provisions of subsection A. hereof, relating to reduction of side yard width and rear yard width shall apply. (Ord. 2006-3733. Passed 12-18-06.)

**1285.06 NONCONFORMING USE OF STRUCTURES OR STRUCTURES AND LAND IN COMBINATION.**

A. If a lawful use involving structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it is otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in which it is located.
2. Any nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy land outside such building.
3. If no structural changes are made, any nonconforming use of a structure or structure and land, may, upon approval by the Board of Zoning Appeals, be changed to a more restrictive nonconforming use provided that the Board shall find that the proposed use is more appropriate to the district than the existing nonconforming use, that the proposed use will not have a greater impact on the neighborhood, and that it will not prolong the natural life of a nonconforming use (i.e. costly improvements are indicators that the natural life of the nonconforming use will be extended). In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this Code.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any of the following conditions exist:
  1. When the use has been voluntarily discontinued for a period of two (2) years.
  2. When the nonconforming use has been replaced by a conforming use.
6. The Board of Zoning Appeals may permit, on a once only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding ten percent (10%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of adoption or amendment of this Code, making the use nonconforming. The Board shall not authorize any enlargement which would result in a violation of the provisions with respect to any adjoining premises, or would occupy ground space required for meeting the yard or other requirements of this Code.

7. No nonconforming building or structure shall be moved in whole or part to any other location unless such building or structure and the yard and other space provided are made to conform to all the regulations of the district in which building or structure is relocated.
8. Any residential structure which is nonconforming due to a fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate "R" district to be determined by the Zoning Inspector.

**1285.07 DAMAGE AND/OR DESTRUCTION OF A NONCONFORMING BUILDING OR USE.**

When a building or structure, the use of which does not conform to the provisions of this Code, is damaged by fire, explosion, Act of God or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within twelve (12) months of the time of damage, and that such restoration or rebuilding would not extend or expand the existing use. If a period of twelve (12) months has expired, from the time of damage, and construction has not been commenced then the nonconforming use shall no longer be permitted, and the certificate of nonconformance shall be revoked.

**1285.08 MAINTENANCE AND REPAIR.**

A. Nothing in this chapter shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

1. When required by law.
2. To convert to a conforming use.
3. A building or structure containing any residential nonconforming uses may be so altered as to improve interior livability. However, the exterior of any residential structure which is nonconforming due to a fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate "R" district to be determined by the Zoning Inspector.

**1285.09 NONCONFORMING CERTIFICATE.**

The Zoning Inspector may upon his own initiative, or may upon request of the property owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination that certifies that the lot, structure, or use is nonconforming.

The certificate shall specify the reason for the nonconformity, including a description as to the extent and kind of nonconformity of the property in question, the extent that the dimensional requirements are nonconforming, and the portion of the lot and/or structure used in nonconforming use.

The purpose of this section is to protect the owners of land or structures that are or become nonconforming by certifying that their land and/or use is, in fact, nonconforming. Once certified, the owner is entitled to rights and regulations as defined in the Ohio Revised Code. There may be properties and/or uses that are nonconforming, whose owners do not have certificates. A fee may be charged for the certificate as determined by the City Council.

One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Clerk, who shall maintain a file of all such certificates as a public record.

**1285.10 USES UNDER CONDITIONAL USE PROVISIONS NOT  
NONCONFORMING USES.**

Any pre-existing conditional use in a district prior to any change in the Zoning Code which would affect the status of the conditional use shall not be considered a non-conforming use. The conditional use shall continue to be considered a conforming use



## CHAPTER 1287 Off-Site Impacts

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

### CROSS REFERENCES

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

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#### **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.  
(Ord. 2020-4359. Passed 3-16-20.)

#### **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.  
(Ord. 2020-4359. Passed 3-16-20.)

#### **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. (Ord. 2020-4359. Passed 3-16-20.)

**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.

(Ord. 2020-4359. Passed 3-16-20.)

**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 five minutes per day is also exempt. Noise from primarily on-site vehicles and equipment is not exempt. (Ord. 2020-4359. Passed 3-16-20.)

**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 five 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. (Ord. 2020-4359. Passed 3-16-20.)

**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 fifteen minutes per day is exempt. (Ord. 2020-4359. Passed 3-16-20.)



**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.  
(Ord. 2020-4359. Passed 3-16-20.)

**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.  
(Ord. 2020-4359. Passed 3-16-20.)

**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.  
(Ord. 2020-4359. Passed 3-16-20.)

**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.  
(Ord. 2020-4359. Passed 3-16-20.)

**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. (Ord. 2020-4359. Passed 3-16-20.)

**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.  
(Ord. 2020-4359. Passed 3-16-20.)

**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.  
(Ord. 2020-4359. Passed 3-16-20.)

**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.  
(Ord. 2020-4359. Passed 3-16-20.)

**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.  
(Ord. 2020-4359. Passed 3-16-20.)

## CHAPTER 1289 Oil and Gas Well Regulations

<b>1289.01</b>	<b>Purpose.</b>	<b>1289.04</b>	<b>Development regulations.</b>
<b>1289.02</b>	<b>Regulations.</b>	<b>1289.05</b>	<b>Inspections.</b>
<b>1289.03</b>	<b>Required documentation.</b>		

### CROSS REFERENCES

State law provisions - see Ohio R.C. Ch. 1509

Oil and gas well drilling - see OAC Ch. 1501:1, 1501:9

#### **1289.01 PURPOSE.**

Portions of the City are known to be the location of gas and oil reserves. This chapter sets forth requirements to ensure that any operation incidental to exploration, production, or storage of gas and oil takes place in a manner not endangering public health, safety, and welfare.

#### **1289.02 REGULATIONS.**

The most stringent regulations shall apply in the event of conflict between these regulations and state law, adopted pursuant to Ohio R.C. Chapter 1509, the Ohio Administrative Code, and applicable Federal regulations.

#### **1289.03 REQUIRED DOCUMENTATION.**

A. Not less than seven days prior to any drilling operation, the driller shall file with the Zoning Inspector:

1. A plat, drawn to scale, showing:
  - a. Ingress and egress points.
  - b. The well location.
  - c. The location of all known wells (e.g., water, oil, gas) within 1,000 feet.
  - d. Storage tanks.
  - e. Separators.
  - f. Power shutoffs.
  - g. Transmission lines.
  - h. Oil flow shutoffs.
  - i. Permanent and temporary pits.
  - j. Access roads.
  - k. All dikes and swales for erosion control and spill prevention.

2. A list of emergency telephone numbers.
3. A copy of the state permit.
4. A copy of the brine and waste disposal plan (to include handling of brine, frac-water, sludge, and any other oil field wastes).
5. A copy of the Spill Prevention, Control and Countermeasure Plan (SPCC) as required by Title 40 Code of Federal Regulations, Part 112.
6. A schedule of the proposed drilling operation.
7. A statement of liability coverage for all operations related to drilling, production, storage and transmission of all products, byproducts, and wastes.

**1289.04 DEVELOPMENT REGULATIONS.**

- A. The following regulations shall apply for the development of all oil and gas wells:
1. No gas nor oil well, storage tank, nor separator unit shall be placed closer than 100 feet to any public highway, public building, or private residence.
  2. No equipment shall be placed within 50 feet of a property line unless both properties are part of the same drilling unit. In no case shall any equipment be placed directly on the property line.
  3. All permanent production facilities shall be enclosed by a chain-linked fence not less than six feet in height.
  4. All shut-off valves shall be painted a conspicuous color for ease of identification in emergencies.
  5. All gas and oil lines shall be buried at a minimum depth of 30 inches.
  6. Prior to drilling, all access roads shall be of sufficient width and paved with slag, gravel, crushed stone, or other suitable material to permit all weather access by emergency vehicles. All access roads shall have a paved turnaround of sufficient size for the largest firefighting equipment used by the City.
  7. All gates, storage tank manholes, discharge valves, fill valves, shutoff valves, and fence gates shall be locked. All locks at a given well shall utilize a master key. Master keys marked with the well number shall be provided to the Zoning Inspector, Fire Chief, and City Police Chief.
  8. At all times a sign shall be posted on site showing:
    - a. Access street name, number, or both.
    - b. Owner.
    - c. Lease name.
    - d. State permit number.
    - e. All emergency telephone numbers.
  9. All truck loading and parking areas shall be located outside of any road right-of-way.
  10. All gas and oil production and storage equipment and brine storage shall be diked to prevent contamination of surface or ground water. The dikes shall be liquid tight. All diked areas shall have at least two layers of lining materials, separated by a minimum two inch compacted clay layer. The layers shall be laid in opposite directions to assure their integrity. Dikes surrounding storage facilities shall have a capacity three times that of the storage vessel.
  11. In locations where dikes may be damaged by storm runoff, a diversionary dike or swale shall be constructed to prevent damage to the containment dikes.

12. If during construction of any temporary or permanent pit or containment dike, a subsurface drainage system is encountered, said subsurface drainage system shall be removed to a distance of 20 feet from the pit, or containment dike, and on the outflow side shall be plugged at that point. The inflow side shall be rerouted to prevent ponding.
13. If a well is located on a steep slope, only tanks shall be used, not open storage pits. All tanks shall be adequately and permanently anchored to resist slippage or flotation. All tanks shall be liquid tight.
14. No person shall conduct any well drilling, production or transmission operation that contaminates or pollutes the land surface or any surface or subsurface water. No saltwater (brine), sludge, frac-water or any other oil field wastes shall be deposited or discharged in the City for any purpose, except into an authorized state-permitted injection well. No person shall vary or change the waste disposal plan or method initially submitted without prior approval of the Zoning Inspector.
15. The owner and/or operator of all transmission lines shall provide the Zoning Inspector with a plat drawn to scale of all transmission lines within 1,000 feet of the well. All transmission lines, buried or above ground, shall be marked with permanent markers at 100-foot intervals. All lines crossing public highways shall be marked with permanent markers at each side of the right-of-way.
16. Oil and gas wells, and related production and storage equipment, shall not be located in the 100-year floodway.

**1289.05 INSPECTIONS.**

The Zoning Inspector may inspect oil and gas wells and storage facilities at any time to ensure compliance with local regulations.



## CHAPTER 1291 Parking and Loading

1291.01	Purpose.	1291.12	Perimeter screening and/or landscaping.
1291.02	General requirements.	1291.13	Interior screening and/or landscaping.
1291.03	Lighting.	1291.14	Minimum distance and setback.
1291.04	Striping.	1291.15	Width of access driveway.
1291.05	Location of parking and loading spaces.	1291.16	Required number of off-street parking spaces.
1291.06	Off-site parking conditions.	1291.17	Provision of parking spaces in the DB District.
1291.07	Parking spaces for people with disabilities.	1291.18	Required number of off-street loading spaces.
1291.08	Shared parking arrangements.		
1291.09	Disabled vehicles.		
1291.10	Limitation of parking in Residential Districts.		
1291.11	Parking and loading space dimensions.		

### CROSS REFERENCES

On-street parking - see TRAF. Ch. 351  
Parking definitions - see P. & Z. 1203.03

#### **1291.01 PURPOSE.**

The purpose of these requirements for off-street parking and loading facilities is to encourage the orderly development of land within the City and to promote the safety of residents and visitors by ensuring the efficient handling of vehicular traffic.

#### **1291.02 GENERAL REQUIREMENTS.**

- A. The following general requirements shall apply for all parking and loading areas:
1. No building, structure, or use shall be established, developed, erected or substantially altered, unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Code. The provisions of this chapter, except where there is a change of use, shall not apply to any existing building or structure. Furthermore, single-family residential lots located outside of platted subdivisions are exempt from this section of the Code. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this Code.

2. Whenever a building or structure constructed after the effective date of this Code is changed or enlarged in floor area, number of dwelling units, capacity, 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 or change. Whenever a building, structure, or use existing prior to the effective date of this Code is increased to the extent of 50% or more such as in floor area, number of employees, number of housing units, seating capacity, of change in use, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.
3. All off-street parking and loading areas provided in accordance with this chapter 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 from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.
4. All off-street parking shall be hard-surfaced with asphaltic cement, concrete, pavers to provide a durable and dust-free surface that meets the minimum requirements and specifications of 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.
6. In the interpretation of this chapter, the following rules shall govern:
  - a. Parking spaces for other permitted or conditional uses not listed in this chapter shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.
  - b. Fractional numbers shall be increased to the next whole number when calculating the number of required spaces.
  - c. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.
7. A curbed landscaped island, a minimum 6 feet in width, shall separate parking areas within a site from any entrance or exit to the parking lot. This requirement shall not be deemed to require the obstruction of adequate street sight distance at any entrance or intersection.
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.



### **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.

### **1291.04 STRIPING.**

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 arranged and marked to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Individual parking spaces shall be clearly defined by painted striping with a minimum width of 4 inches, and directional arrows, special markings (e.g., pedestrian cross walk and handicapped space designations), and traffic signs provided for safe and convenient traffic flow. Each space or area for handicapped or other special parking shall be clearly marked to indicate the intended use, and shall be located to facilitate its use. All markings and traffic signs shall be maintained perpetually by the property owner or their assignee. Whenever an existing parking lot extends to a property line or where the extension of a vehicle beyond the front line of the parking space would interfere with drive or aisle access, wheel blocks or other devices shall be used to restrict such extension.

### **1291.05 LOCATION OF PARKING AND LOADING SPACES.**

- A. Proximity to Street Right-of-way.
  - 1. For single-family and two-family residential uses, no off-street parking space, or portion thereof, shall be located closer than 10 feet to any established street right-of-way. Each residential driveway shall be at least 10 feet in width from the curb to the nearest portion of the garage. However, the following exceptions are permitted. Such driveway, if connecting to an arterial or collector road, shall allow for sufficient area for parking and turn around ability outside of the right-of-way.
  - 2. For multiple-family residential uses, no off-street parking space, or portion thereof, shall be located closer than 60 feet to any established street right-of-way for major arterials, minor arterials, major collectors and minor collectors and shall be located such that the parking is located on one or each end of the multiple-family residential uses. For new roadways, other than those listed above, no off-street parking space, or portion thereof, shall be located closer than 40 feet to any established street right-of-way. (Ord. 2002-3432. Passed 5-6-02.)
  - 3. For uses in the Downtown Business zoning district, no off-street parking space or portion thereof shall be located closer than 10 feet to any established street right-of-way (landscaped to the L1 standard identified in Chapter 1283).
  - 4. For all other uses, a 40 foot vegetated zone (landscaped to the L2 standard identified in Chapter 1283) shall be maintained between the street right-of-way-line, and any parking or loading area exclusive of ingress and egress points. All access drives shall be arranged such that each access drive, exclusive of curb returns, shall be a minimum of ten feet from the side lot line and a minimum of twenty feet from any adjacent access drive. All access drives shall, where warranted and practical, be placed directly across from any other existing access drive.

B. Proximity to Use.

1. In the AG, R, and M Districts, required parking and loading spaces shall be provided on the same lot as the principal use which they serve.
2. In the PRO and GB Districts, required parking and loading spaces shall be provided either on the same lot, or within 100 feet of the principal use which they serve, or as provided in Section 1291.06.
3. In the LB or DB District, required parking spaces may be located within 300 feet of the use they serve, or as provided in Section 1291.06.

**1291.06 OFF-SITE PARKING CONDITIONS.**

A. All off-street parking spaces shall be located on the same lot as the structure or use, except under all of the following conditions:

1. The use must supply at least fifty percent of its required spaces on-site. City Council, after Commission review and recommendation, may grant an exception to this requirement under the following criteria: (1) proximity of the proposed parking area to the use served, (2) ease and safety of access between the proposed parking area and the use served, (3) the hours of operation of the use to be served by the off-site parking.
2. Off-site spaces shall be within 800 feet walking distance of a building entrance or use. If the pedestrian access is to cross an arterial street, appropriate safety measures must be present to assist the pedestrian to cross the street. In any event, safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the parking area by the property owner(s).
3. Contiguous lots providing off-street parking for more than one use shall provide sufficient spaces to comply with the parking requirements for all uses.
4. The off-site lot may be located in a different zoning district than the structure or use it serves if a parking facility is permitted by right or by conditional use permit in the different zoning district.
5. A written agreement through a lease or permanent easement, stating the terms under which the proposed parking shall be developed and maintained, shall be filed with the application for a zoning permit. Such agreement shall be reviewed to ensure compliance with this Code by the City Law Director and Zoning Inspector prior to issuance of a zoning permit.
6. No changes shall be made to the off-site parking lot which would reduce the parking provided for the use, unless other arrangements to provide parking are made by the owner of the use.
7. All required handicapped parking spaces for a use must be located on-site.
8. All required loading spaces must be located on-site.
9. An existing non-conforming parking lot to be used as off-site parking must be landscaped, paved, and striped according to the standards of this section and the Zoning Code.

**1291.07 PARKING SPACES FOR PEOPLE WITH DISABILITIES.**

A. All newly developed or substantially altered parking spaces designated for people with disabilities shall be in compliance with the universal parking space design set forth in the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

B. The number and location of the designated space shall be in compliance with the requirements of such Americans with Disabilities Act Accessibility Guidelines. Such accessible spaces shall have the minimum dimensions of 11 feet wide and 19 feet deep, with a 5 foot wide access aisle on one side. This access aisle shall also be connected to an accessible route to the appropriate accessible entrance of a building or facility. This access aisle shall have a slope of 1:50 maximum in all directions and shall either blend with the accessible route or have an adjoining entrance ramp with a minimum width of 3 feet and a slope not to exceed 1:20.

- C. 1. All such spaces shall be designated by signs consistent with the standard styles of the 2005 Ohio Manual of Uniform Traffic Control Devices, type R7-8, or as consistent with the most current edition of the Ohio Manual of Uniform Traffic Control Devices.
2. Where parking spaces that are reserved for persons with disabilities are designated to accommodate wheelchair vans, a VAN ACCESSIBLE, R7-8a, plaque should be mounted below the R7-8 sign.



R7-8



R7-8a

3. Such signs shall be emblazoned with the "international symbol of accessibility", and be located at the interior end and at mid-point of the space, mounted either on a pole at a minimum height of 80 inches above grade or on a wall a minimum of 48 inches above finished grade.
4. NOTE: As provided for in Pataskala Codified Ordinance Section 351.04(e): "If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location."



D. Existing spaces: Any such handicapped parking spaces which are not currently designated as set forth herein shall be brought into compliance with this provision if doing so is readily achievable, per U.S. Department of Justice ADA Guide for Small Businesses. (Ord. 2008-3884. Passed 1-5-09.)

**1291.08 SHARED PARKING ARRANGEMENTS.**

A. Two or more uses may share parking facilities without providing the minimum number of on-site required spaces for each use, providing all of the following conditions are met:

1. The minimum required number of parking spaces for the combined uses may be reduced by 20% for shared parking where hours of operation overlap or 60% for shared parking where the hours of operation do not overlap. Residential uses, unless otherwise noted in the applicable district requirements shall not be allowed to share parking facilities.
2. Off-site spaces shall be within 800 feet walking distance of a building entrance or use. If the pedestrian access is to cross an arterial street, appropriate safety measures must be present to assist the pedestrian to cross the street. In any event, safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the parking area by the property owner(s).
3. The parking facility to be shared must contain at least the minimum required spaces of the largest individual use sharing the lot and shall be developed to the extent of at least being paved and striped according to the standards of this chapter.
4. A written agreement through a lease or permanent easement, stating the terms under which the proposed shared parking shall be developed and maintained, shall be filed with the application for a zoning permit. Such agreement shall be reviewed to ensure compliance with this Code by the City Director of Law and Zoning Inspector prior to issuance of a zoning permit.
5. No changes shall be made to the shared parking facility which would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements in writing to provide parking. No such change shall be made without approval of the Zoning Inspector.
6. Parking spaces to be shared must not be reserved for a specific person, individual, or use on a 24-hour basis.
7. Handicapped parking spaces cannot be shared, unless the uses that are to share the spaces are adjacent to the handicap spaces and no inconvenience to the users of such spaces would be created.
8. Loading spaces may be shared subject to the approval of the Zoning Inspector.
9. Any proposed changes in the use of a structure that shares a parking facility will require proof that adequate parking is available.

**1291.09 DISABLED VEHICLES.**

The parking of a disabled vehicle, excluding agricultural equipment, in a residential or commercial district for a period of more than seventy two (72) hours shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building or, if stored in the open, it shall be concealed by means of fencing or hedges which are a minimum of 72 inches in height and completely opaque at the time of installation, or it shall be removed from the property. (Ord. 2009-3903. Passed 5-18-09.)

**1291.10 LIMITATION OF PARKING IN RESIDENTIAL DISTRICTS.**

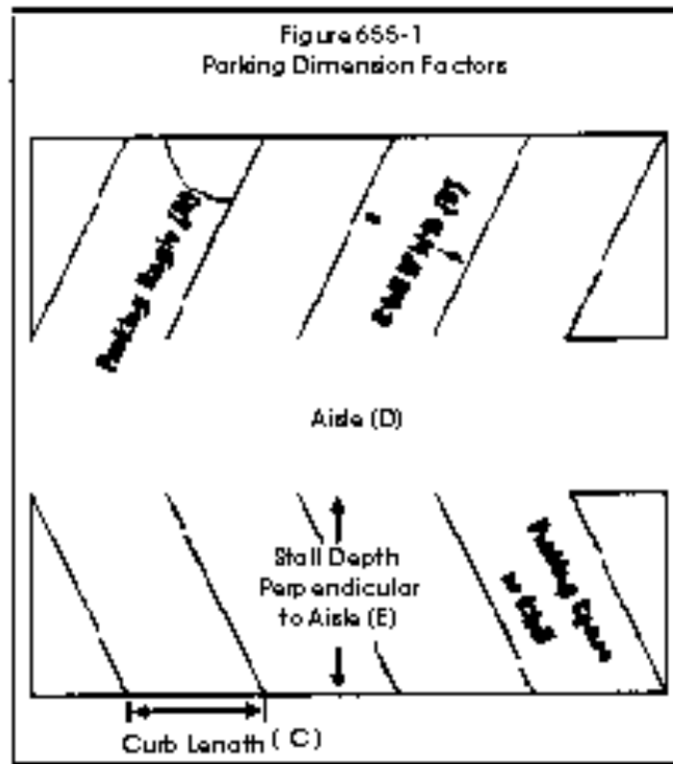
A. The provision of open or enclosed storage of vehicles or trailers shall be subject to the following:

1. **Commercial Vehicles.** No commercial vehicle weighing 6,501 pounds or more shall be stored, parked, or allowed on a residentially zoned lot. However, 1 commercial vehicle, weighing 6,500 pounds or less, limited to a 2 axle construction which has operating characteristics similar to those of a passenger car and/or does not infringe upon the residential character of the residentially zoned district may be permitted. Infrequent short-term parking of a commercial or commercial-type vehicle for conveying tools and materials to premises where labor using such tools and materials is being performed, delivering goods to a residence, or moving furniture to or from a residence, all only during the time such parking is actually necessary, is hereby excepted from this section. For purposes of this section "commercial vehicle" means any vehicle used or designed to be used for business or commercial purposes which infringes on the residential character of a residential district and includes, but is not necessarily limited to: a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, panel truck, box truck, semi tractor, semi trailer, stage bed truck, step van, tank truck, tar truck, tow truck, and/or commercial trailers.
2. **Camping Trailers or Other Trailers.** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored in any residential, business, or manufacturing zoning district other than in completely enclosed buildings. However, one boat and the trailer upon which it is transported may be stored in the side or rear yard if the vehicles have a current license and are not stored within the required setbacks for that zoning district.

**1291.11 PARKING AND LOADING SPACE DIMENSIONS.**

All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off street parking spaces is established in Section 1291.16 and actual use of the areas shall not encroach upon any driveway aisle or circulation area. One off-street loading space shall be provided and maintained on the same lot for every occupancy requiring delivery of goods and having a modified gross floor area of up to 5,000 square feet. One loading space shall be provided for each additional 20,000 square feet.

Parking space dimensions are measured as indicated in Figure 655-1.



<i>Parking Space Type (A) (E)</i>	<i>Parking Space Maneuvering (D)</i>	<i>Lane Width (B)</i>	<i>Lane Length</i>
Parallel Parking	12 feet	9 feet	23 feet
30-53 Degree Angle Parking	13 feet	9 feet	19 feet
54-74 Degree Angle Parking	15 feet	9 feet	19 feet
75-90 Degree Parking	20 feet	9 feet	19 feet
<i>Loading Space Clearance</i>	<i>Length</i>	<i>Width</i>	<i>Height</i>
	50 feet	12 feet	15 feet

**1291.12 PERIMETER SCREENING AND/OR LANDSCAPING.**

Whenever a parking area is located in or adjacent to a residential, agricultural, or PRO district, it shall be effectively screened on all sides which adjoin or face any property used for residential, agricultural, or PRO purposes by an acceptably designed wall, a fence that is 75% opaque (made of natural material or material that appears to be natural), landscaped berm, or planting screen. Such fence, wall, or planting screen shall be not less than four feet nor more than eight feet in height and shall be maintained in good condition. The space between such fence, wall berm, or planting screen and the lot line of the adjoining premises in any residential, agricultural, or PRO district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition.

In the event that terrain or other natural features render these requirements impractical, then some written compromise agreement between adjoining property owners, witnessed by two persons, is required.

**1291.13 INTERIOR SCREENING AND/OR LANDSCAPING.**

A. It is the intent of this Code that interior parking lot landscaping be used to the maximum extent practical to:

- 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 forth below:
  - a. Option 1 - Interior landscaping shall be provided at the rate of 20 square feet per stall. At least one tree must be provided for every 200 square feet of landscaped area. Ground cover plants as listed in Chapter 1283 must completely cover the remainder of the landscaped area.
  - b. Option 2 - One tree must be provided for every four parking spaces. The tree planting area must have a minimum dimension of 25 square feet. All island trees shall be protected from potential damage by vehicles.
2. The following development standards shall apply:
  - a. All landscaping must comply with the standards in the Chapter 1283.
  - b. Interior parking area landscaping must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed subject to the approval of the Planning and Zoning Commission.
  - c. Perimeter landscaping may not substitute for interior landscaping.

The minimum landscaping for surface parking areas is one tree per 5,000 square feet of site area. The tree planting area must have a minimum dimension of 25 square feet or its equivalent. All island trees shall be protected from potential damage by vehicles.

**1291.14 MINIMUM DISTANCE AND SETBACK.**

No part of any parking area for more than ten vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than 15 feet to any established street right-of-way.

**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.

**1291.16 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.**

For the purpose of this Code, the following minimum parking space requirements shall apply (unless otherwise specified in the underlying district):

Type of Use		Minimum Number of Parking Spaces Required
Residential		
1.	Single family or two family dwelling	2 per dwelling unit
2.	Apartments or multi-family dwellings	2 per dwelling unit
3.	Institutional housing, boarding houses, rooming houses, dormitories, and fraternity houses which have sleeping rooms	1 per 3 occupants plus 1 for each employee for main work shift
4.	Manufactured homes	2 for each unit
Recreational Or Entertainment		
1.	Dance floors, arcades, and miniature used golf	1 for each 100 square feet of area for the activity
2.	Softball, basketball, baseball, football, soccer, skating rink, or similar organized indoor or outdoor sport play field	50 for each play field, plus 1 for each 5 seats in stands
3.	Tennis, handball, racquetball, or squash courts	3 for each court



4.	Bowling alleys	5 per lane plus necessary spaces as required for affiliated uses, such as restaurants
5.	Swimming facility	1 per 50 square feet of total water surface
6.	Theaters, stadium or sports arenas, auditorium or other assembly halls other than schools	1 for each 4 seats
7.	Golf driving range	1 space per tee or driving bay
8.	Golf course	5 spaces per hole
9.	Campgrounds	1 space for each camp site
Institutional		
1.	Churches and other places of religious assembly	1 for each 5 seats
2.	Hospitals, nursing facilities, homes for employee aged, asylums, and similar uses. 500 square is most	1 for each 4 beds plus 1 per on the main shift, or 1 per feet of floor area - whichever restrictive
3.	Public, private, or parochial school	
	a. Elementary and junior high schools	2 for each classroom plus 1 for every eight seats in auditorium or assembly halls
	b. High Schools	1 for every 10 students plus 1 for each teacher and employee
	c. Business, technical, and trade schools	1 for each two students
	d. Colleges and Universities	1 for each four students
	e. Kindergartens, child care centers, nursery schools, and similar uses	2 for each classroom but less than 6 for the building; 1 for each 200 square feet of floor area
4.	Nursery School/Day Care	1 for each 15 students of proposed capacity
5.	Libraries, museums, community centers, and art galleries	1 for each 400 square feet of gross floor area
6.	Civic, social, fraternal organizations	1 for each 3 persons allowed under maximum occupancy of main meeting room

Commercial		
1. floor	Food, departmental or general merchandise, hardware, drugs, and similar retail sales	1 for each 200 square feet of gross area
2. floor	Home furnishings, appliances, apparel, and similar retail sales	1 for each 300 square feet of gross area
3. floor	Eating and drinking establishments without drive through facilities	1 for each 100 square feet of gross area
4. floor	Restaurants with drive through facilities	1 for each 85 square feet of gross area, plus additional stacking spaces in the drive-through lane
5. floor	Personal services, including banks, savings and loans, repair services without drive-through facilities	1 for each 200 square feet of gross area
6. floor spaces	Banks, savings and loans and similar uses with drive-through facilities	1 for each 200 square feet of gross area plus additional four stacking in each drive-through lane
7.	Barber and beauty shops	3 for each operating station
8.	Fuel services stations	2 for each service bay plus 1 for each units, plus 1 <sup>2</sup> fuel dispensing for each employee during main shift
9.	Self-serve laundries	1 for each 3 washers
10.	Vehicle sales and service, garden centers, and lumber yards	1 for each three-hundred square feet of indoor gross floor area, plus 1 space per one-thousand square feet of outdoor display area
11.	Temporary outdoor sales devoted	1 for each 200 square feet of area to display and sales of goods
12. plus	Hotels, motels, lodging houses	2 for each sleeping room or suite, 1 space for each employee during main shift, plus 1 space per five sleeping rooms
13.	Medical or dental offices	5 for each doctor or dentist, plus 1 for each other employee during main work shift; or for every 200 square feet of examination, treating room, office, and waiting rom

14.	Animal hospitals/clinics, each veterinarian office	5 for each veterinarian, plus 1 for other employee during main work shift; or 1 for every 200 square feet of examination, treating room, office, and waiting room.
15.	General, professional, or administrative business office	1 space for each 400 square feet of gross floor area
16.	Commercial and business support services	1 space for each 400 square feet of gross floor area
17.	Neighborhood convenience store	1 space per 200 square feet
18.	Kennel	1 space per 500 square feet
Industrial and Manufacturing		
1.	Manufacturing, compounding, processing, assembling, packaging or gross treatment of goods; warehousing, feet distribution and service industries	1 per 750 square feet gross floor area for the first 3,000 square feet of floor area, plus 1 per 2,000 square feet of gross floor area thereafter
2.	Administrative offices	1 for each 400 square feet of gross floor area

NOTE: The Planning and Zoning Commission shall reserve the right to determine if an unlisted use is similar to one listed or determine the number of parking spaces required for any use not mentioned in this section.

#### **1291.17 PROVISION OF PARKING SPACES IN THE DB DISTRICT.**

Buildings and permitted uses within the DB District shall be exempt from the requirements of Sections 1291.16 and 1291.18.

**1291.18 REQUIRED NUMBER OF OFF-STREET LOADING SPACES.**

Loading spaces shall be provided according to the following schedule of uses:

Type of Use	Minimum Number of Spaces Required
Commercial	
Less than 2,500 square feet gross floor area	0
2,500 - 10,000 square feet	1
Over 10,000 square feet gross floor area	1, plus 1 for each additional 10,000 square feet or fraction thereof above 10,000 square feet
Office or Institutional	
10,000 or less square feet gross floor area	0
Over 10,000 square feet gross floor area	1, plus 1 for each additional 10,000 square feet or fraction thereof above 10,000 square feet
Industrial and Manufacturing	
Less than 2,500 square feet gross floor area	0
2,500 - 10,000 square feet	1
Over 10,000 square feet gross floor area	1, plus 1 for each additional 10,000 square feet or fraction thereof above 10,000 square feet

**CHAPTER 1293**  
**Wireless Telecommunication Facilities**

<b>1293.01</b>	<b>Purpose.</b>	<b>1293.08</b>	<b>General requirements.</b>
<b>1293.02</b>	<b>Applicability.</b>	<b>1293.09</b>	<b>Abandonment.</b>
<b>1293.03</b>	<b>Definitions.</b>	<b>1293.10</b>	<b>Nonconforming towers or wireless telecommunication facilities.</b>
<b>1293.04</b>	<b>Permitted.</b>		
<b>1293.05</b>	<b>Permit required.</b>	<b>1293.11</b>	<b>Severability.</b>
<b>1293.06</b>	<b>Conditional use review.</b>	<b>1293.12</b>	<b>Enforcement and penalty.</b>
<b>1293.07</b>	<b>Zoning permit contents.</b>		

**1293.01 PURPOSE.**

The purpose of this chapter is to regulate the placement, construction, and modification of towers and wireless telecommunication facilities to protect the health, safety and general welfare of the public, while permitting reasonable development of wireless telecommunications in the City that seek to further the following city priorities:

- A. To direct the location of towers and wireless telecommunications facilities in the City
  - B. To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunication facilities.
  - C. To minimize adverse visual impacts of towers and wireless telecommunication facilities through careful design, siting, landscaping and innovative camouflaging techniques.
  - D. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single use towers.
  - E. To avoid potential damage to adjacent properties caused by towers and wireless telecommunication facilities by ensuring such structures are soundly and carefully designed, constructed, modified maintained and removed.
  - F. To the greatest extent feasible, ensure that towers and wireless telecommunication facilities are compatible with surrounding land uses.
  - G. To the greatest extent feasible, ensure that proposed towers and wireless telecommunication facilities are designed in harmony with the natural setting and in a manner consistent with current development patterns.
- (Ord. 2018-4316. Passed 6-18-18.)

**1293.02 APPLICABILITY.**

- A. All towers, antenna support structures and wireless telecommunication facilities, any portion of which are located within the City, are subject to this chapter.

B. Any approved use of a nonconforming tower or antenna support structure on the effective date of this chapter shall be allowed to continue, even if in conflict with the terms of this chapter, but shall not be expanded, reconstructed, or modified unless in conformance with this chapter.

C. Should any provisions of this chapter conflict with any other provision of the Code, the provisions of this chapter shall prevail.  
(Ord. 2018-4316. Passed 6-18-18.)

### **1293.03 DEFINITIONS.**

Antenna: any transmitting or receiving device used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunication signals, or other communication signals. This definition does not include over-the air reception devices which receive television broadcast signals, direct or broadcast signals, direct broadcast satellite services or multichannel multi-point distribution services.

Antenna Support Structure: Any building or structure other than a tower which can be used for the location of wireless telecommunications facilities.

Applicant: Any person who applies for administrative review, conditional use review, or other permit or approval pursuant to the requirements of this chapter.

Application: The materials and process by which an applicant submits a request as authorized by the property owner and indicates a desire to be granted approval of an antenna, tower, antenna support structure, or any other wireless telecommunications facility under the provisions of this chapter. An application includes all written documentation, representations and verbal statements in whatever form or forms made by an applicant to the City concerning such a request.

Board of Zoning Appeals: The Board of Zoning Appeals for the city, as created by the City Charter, Article VII.

City: The City of Pataskala, Ohio

Co-location: The use of, or ability to use, a wireless telecommunications facility by more than one wireless communications provider.

Conditional Use: The use allowed in a zoning district after approval of the Board of Zoning Appeals pursuant to the provisions of Chapter 1215 of the Pataskala Code.

Distributed Antenna System (DAS): A network of separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure which also may or may not contain fiber optic transport and/or landline components.

Emergency: A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

Engineer: Any engineer currently licensed in the State of Ohio.

Equipment Shelter: The structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.

FAA: The United States Federal Aviation Administration, and any legally appointed, designated, or elected agent or successor.

FCC: The United States Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

Height: When referring to a tower or other antenna support structure, the distance measured from the finished grade at the base of the tower or structure to the highest point on the tower or structure, including the base pad and any wireless telecommunication facilities, but not including lighting arrest devices.

Monopole: A support structure constructed of a single, self-supporting hollow metal tube or other appropriate pole like structure securely anchored to a foundation.

Nonconforming Tower: Any tower or antenna lawfully existing at the effective date of or amendment of this chapter which does not currently conform to the requirements of this chapter.

Person: Any individual, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit.

Tower: A self-supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunication facilities. The term "tower" shall not include amateur radio operators' equipment as licensed by the FCC.

Wireless Telecommunication Facilities: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure. However, the term "wireless telecommunication facilities" shall not include:

- A. Any satellite earth station antenna two (2) meters in diameter or less which is located in a non-residential district.
- B. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
- C. Antennas used by amateur radio operators.
- D. Towers, structures, antennas, or other equipment used for the purposes of operating public safety voice or data radio network or an outdoor early warning system within the city limits. This includes directional and omnidirectional antenna equipment as well as microwave and point-to-point equipment.  
(Ord. 2018-4316. Passed 6-18-18.)

**1293.04 PERMITTED.**

Wireless Telecommunication Facilities shall be conditionally permitted in the following zoning districts:

- A. Professional Research Office District (PRO)
- B. Downtown Business District (DB)
- C. Local Business District (LB)
- D. General Business District (GB)

- E. Light Manufacturing District (M-1)
- F. Planned Manufacturing District (PM)  
(Ord. 2018-4316. Passed 6-18-18.)

**1293.05 PERMIT REQUIRED.**

A. No person shall construct a new wireless telecommunication facility without first receiving conditional use approval pursuant to Chapter 1215 of the Pataskala Code.

B. No person shall expand an existing wireless telecommunication facility without first receiving conditional use approval pursuant to Chapter 1215 of the Pataskala Code.

C. No person shall construct, expand, modify or otherwise alter a wireless telecommunication facility without first receiving a zoning permit pursuant to Chapter 1209 of the Pataskala Code.

D. Routine maintenance of a wireless telecommunication facility shall not require a permit. (Ord. 2018-4316. Passed 6-18-18.)

**1293.06 CONDITIONAL USE REVIEW.**

A. Application: Any person applying for Conditional Use approval of a wireless telecommunication facility shall provide the following:

1. A Conditional Use application form provided by the Planning and Zoning Department and the proper filing fees.
2. A site plan drawn at a scale not less than 100 feet to the inch on one (1) or more sheets 22 inches by 34 inches containing the relevant information of this Chapter.
3. A narrative statement addressing the criteria outlined in this chapter and Chapter 1215 of the Pataskala Code.
4. The appropriate number of copies of the application materials, as determined by the City Administrator or their designee. Reduced size copies may be required.
5. An electronic copy of the application materials submitted as a Portable Document Format (pdf) file or other acceptable format.
6. Additional information as required by the City Administrator or their designee.

B. Conditional Use Review Considerations: In addition to any standards for consideration of an application for conditional use review pursuant to Chapter 1215 of the Pataskala Code, the Board of Zoning Appeals shall consider the following factors in determining whether the application should be approved:

1. Compliance with the requirements of this chapter.
2. Height of the proposed tower and its proximity to residential structures and residential districts.
3. Nature of the potential for adverse effects on uses on adjacent and nearby properties.
4. Relationship of surrounding topography to the view from nearby properties
5. Surrounding tree coverage and foliage and the ability to screen the facility from the view of nearby properties.



6. Design of the tower or wireless telecommunication facility, with particular regard to design characteristics that have an effect on reducing or eliminating visual obtrusiveness.
7. Proposed ingress and egress for maintenance, safety, and prohibition of nuisances.
8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures with regards to the following:
  - i. New towers shall be approved only when other preferable alternatives are not available. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure, or alternative technology is available to fill the communication requirements.
  - ii. The applicant shall submit required information for review by the Board of Zoning Appeals related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
    - a. No existing towers or other suitable structures are located within the specific geographic limits meeting the applicant's engineering requirements.
    - b. Existing towers or structures either do not have sufficient height to meet the applicant's engineering requirements, or have inefficient structural strength to support the applicant's proposed antenna and related equipment.
    - c. The applicant's proposed antenna would cause frequency interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
    - d. The fees, costs, or contractual provisions required by the owner in order to share or to adapt for sharing an existing tower or structure are unreasonable. Costs that would exceed new tower development is an example of what may be presumed to be unreasonable.
    - e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
    - f. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as DAS using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable, but may be considered as a factor in the decision.
    - g. The applicant provides documentation that other tower owners were contacted in writing demonstrating the above considerations.



C. In granting a conditional use, the Board of Zoning Appeals may impose conditions to the extent necessary to minimize any adverse effect of the proposed tower or antenna support structure on adjoining properties or to meet the review considerations of this section.

D. The findings and decision of the Board of Zoning Appeals shall be based on and supported by substantial evidence contained in written record and record of action which shall be forwarded to the applicant within 10 days following the decision. The decision of the Board of Zoning Appeals shall be final.  
(Ord. 2018-4316. Passed 6-18-18.)

#### **1293.07 ZONING PERMIT CONTENTS.**

Any person applying for a zoning permit for a wireless telecommunication facility shall provide the following:

- A. A Wireless Telecommunication Facility application form provided by the Planning and Zoning Department and the proper filing fees.
- B. A site plan drawn at a scale not less than 100 feet to the inch on one (1) or more sheets 22 inches by 34 inches containing the relevant information of this Chapter.
- C. Evidence of Conditional Use approval by the Board of Zoning Appeals, if applicable.
- D. Additional information as required by the City Administrator or their designee.  
(Ord. 2018-4316. Passed 6-18-18.)

#### **1293.08 GENERAL REQUIREMENTS.**

The following requirements shall apply to all wireless telecommunication facilities:

- A. Tower Color: the tower shall be a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the FAA or FCC.
- B. Fencing: Security fencing shall surround the tower, equipment shelter and all appurtenances, wither completely or individually as determined by the Board of Zoning Appeals. The security fencing shall meet all requirements for fencing pursuant to Chapter 1279 of the Pataskala Code.
- C. Buffering: Buffer plantings shall be located around the perimeter of the security fence as deemed appropriate by the Board of Zoning Appeals for proposed wireless telecommunication facilities. Buffer plantings shall be an evergreen screen that should consist of a hedge planted a maximum of three (3) feet on center, or a row of evergreen trees planted a maximum of six (6) feet on center or other screening determined to be appropriate by the Board of Zoning Appeals.
- D. Existing Vegetation: Existing vegetation, such as trees and shrubs, shall be preserved to the maximum extent possible.
- E. Signage: No signs shall be permitted on a wireless telecommunication facility or tower with the exception of a notification sign indicating emergency contact information. Such sign shall be non-illuminated and not larger than two (2) feet by three (3) feet in size.
- F. Lighting: No tower or antenna shall be artificially lighted except to assure safety or as required by the FAA.
- G. Height: No tower shall exceed 200 feet in height.
- H. Accommodation: All towers shall be constructed or reconstructed to accommodate multiple users.
- I. Setbacks: A tower shall be setback a minimum of 110 percent of the tower height from all property lines.
- J. Nonessential Services: Towers and wireless telecommunication facilities shall be regulated and permitted pursuant to this Chapter and shall not be regulated or

permitted as essential services, public utilities or private utilities.

- K. Engineer Certification: Tower and antenna support structures shall be designed and certified by a Professional Engineer licensed by the State of Ohio to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
- L. State or Federal Requirements: All towers shall meet or exceed current standards and regulations for the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and wireless telecommunication facilities. If such standards and regulations are changed, then the owners of the towers and wireless telecommunication facilities governed by this chapter shall bring such towers and antennas into compliance with such revised standards within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.
- M. License to Operate: Owners and operators of towers or wireless telecommunication facilities shall have and maintain all franchises, certifications, licenses and permits required by law for the design, construction, location and operation of wireless telecommunications in the City. Owners and/or operators shall provide evidence of removal or extension thereof when granted.
- N. Co-location: All wireless telecommunication facilities constructed within the City shall be capable of accommodating at least one (1) other wireless telecommunication facility unless the owner of the wireless telecommunication facility can establish that providing for such co-location is not feasible or would violate local, state, or federal law.
- O. No Tower Facilities: Any wireless telecommunication facility not attached to a tower shall be an ancillary use to any commercial, industrial or institutional use provided that the person making such ancillary use meets the applicable provisions of this chapter in addition to the following criteria:
  - 1. The total height of the antenna support structure and wireless telecommunication facility does not exceed the maximum height limitations in the applicable zoning district and does not extend more than 20 feet above the height of that portion of the building on which it is located.
  - 2. Any wireless telecommunication facilities and their appurtenances located on the roof of a building, are set back one (1) foot from the edge of the roof for each one (1) foot in height of the wireless telecommunication facility. However, this setback requirement shall not apply to antennas less than two (2) inches in thickness, which are mounted to the sides of antenna support structures, but which do not protrude more than six (6) inches from the side of such antenna support structure.
  - 3. The wireless telecommunication facility shall utilize camouflaging techniques or will be side-mounted to an antenna support structure in order that the wireless telecommunication facility harmonizes with the character and environment of the area in which it is located.(Ord. 2018-4316. Passed 6-18-18.)

#### **1293.09 ABANDONMENT.**

All providers utilizing wireless telecommunication facilities shall notify the City in writing of the location and date that any tower facility located in the City whose use shall be discontinued. If at any time the use of the wireless telecommunication facility is decommissioned for 180 days, the City Administrator or their designee may declare the wireless telecommunication facility abandoned (this excludes a one (1) year dormancy period between construction and the initial use of the wireless telecommunication facility). The facility's

owner/operator and property owner shall receive written notice from the City and be instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility.

- A. If reactivation or dismantling does not occur as described in Section 1293.09(A), the City may remove or cause the facility and associated structures to be removed and assess the costs to the owner/operator and the property owner. In the case of a multi-use tower or wireless telecommunication facility, the provision does not become effective until all users cease use of the tower or facility. However, the City may cause the abandoned portions of the systems on the multi-use tower or facility to be removed in accordance with this provision.
- B. Before initiating action to remove the facility, the City shall provide the owner of the tower or wireless telecommunication facility and property owner 90 days written notice and an opportunity to be heard by the Board of Zoning Appeals to appeal the decision. After this notice has been provided, or following a determination by the Board of Zoning Appeals that the tower or facility has been abandoned, the City may take whatever action that is lawful to order the removal or demolition of the tower or facility and all appurtenances.
- C. If the removal is appealed, a public hearing shall be held before the Board of Zoning Appeals following the 90 day notice as required in Section 1293.09(C), the Board of Zoning Appeals may recommend that the City Administrator order the removal or demolition of the facility. The City may assess the costs associated with the removal or demolition of the facility to the owner/operator and/or the property owner. (Ord. 2018-4316. Passed 6-18-18.)

#### **1293.10 NONCONFORMING TOWERS OR WIRELESS TELECOMMUNICATION FACILITIES.**

A. Wireless telecommunication facilities that are constructed in accordance with the provisions of this chapter shall be deemed conforming uses or structures, regardless of their date of construction.

B. Towers already in existence shall be permitted to continue their use as they exist as of the date of the adoption or amendment of this chapter, but shall not be expanded or reconstructed unless in conformance with this chapter. Routine maintenance shall be permitted. (Ord. 2018-4316. Passed 6-18-18.)

#### **1293.11 SEVERABILITY.**

If any particular portion of this chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to the particular portion declared invalid. This declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable. (Ord. 2018-4316. Passed 6-18-18.)

#### **1293.12 ENFORCEMENT AND PENALTY.**

The City Administrator or their designee shall determine compliance with the provisions of this chapter.

Whoever violates any section of this chapter shall be guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued. Strict liability is intended to be imposed for a violation of this chapter. (Ord. 2018-4316. Passed 6-18-18.)





## CHAPTER 1294 Impact Fees

<b>1294.01</b>	<b>Purpose and intent.</b>	<b>1294.05</b>	<b>Establishment of impact fee fund; use and appropriation of impact fee proceeds; and refunds.</b>
<b>1294.02</b>	<b>Definitions.</b>	<b>1294.06</b>	<b>Review and adjustments.</b>
<b>1294.03</b>	<b>Applicability and exemptions.</b>	<b>1294.07</b>	<b>Street impact fee.</b>
<b>1294.04</b>	<b>Procedures for imposition, calculation, reimbursement, credit, and collection of impact fees.</b>		

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### **1294.01 PURPOSE AND INTENT.**

The purpose and intent of this chapter are:

- (a) To establish uniform procedures for the imposition, calculation, collection, expenditure, and administration of impact fees imposed on new development;
- (b) To assure new development contributes its fair and proportionate share towards the costs of public facilities reasonably necessitated by such new development;
- (c) To ensure new development benefits from the provision of the public facilities provided with the proceeds of impact fees;
- (d) To ensure impact fees collected pursuant to this chapter are expended only on public facilities the demand for which is generated by the new development against which the fees are assessed;
- (e) To ensure impact fees assessed pursuant to this chapter are proportionate in amount to the degree of impact new development has on public facilities; and
- (f) To ensure all applicable legal standards and criteria are properly incorporated in these procedures.

(Ord. 2021-4396. Passed 8-16-21.)

### **1294.02 DEFINITIONS.**

Words and terms not specifically defined below carry their normal dictionary meanings. An additional reference for zoning and development terms is The New Illustrated Book of Development Definitions, Harvey S. Moskowitz and Carl G. Lindbloom, ISBN 0-88285-144-6 or the latest edition:

- (a) "Applicant." Any person who files an application with the City for a zoning permit to undertake new development within the City.

- (b) "Appropriation or to appropriate." An action by the City or City Administrator to identify specific public facilities for which impact fee funds may be utilized. "Appropriation" shall include, but is limited to: inclusion of a public facility in the adopted City budget, capital improvements plan, or comprehensive plan; execution of a contract or other legal encumbrance for construction or acquisition of a public facility using impact fee funds in whole or in part; and/or the expenditure or transfer of impact fee funds from an impact fee account for the financing of public facilities that provides or will provide a roughly proportionate benefit to new development.
- (c) "Capital Improvement Plan." A schedule of public facility improvements to be undertaken by the City as determined from time to time by the City Council or as set forth in the capital budget and/or the comprehensive plan.
- (d) "City." City of Pataskala, Ohio.
- (e) "City Council." The Council of the City of Pataskala, Ohio.
- (f) "City Administrator." The City Administrator for the City of Pataskala, Ohio or his/her designee.
- (g) "Codified Ordinances." The Codified Ordinances of Pataskala, Ohio, as amended from time to time.
- (h) "Comprehensive Plan" The Comprehensive Plan for the City and any subsequent plans adopted by City Council.
- (i) "Credit." A reduction in the amount of an Impact Fee due pursuant to this chapter that may be granted pursuant to an approved reimbursement and validly executed development agreement between the City and an applicant, which results in the provision of excess public facility capacity sufficient to offset the impacts of the proposed new development on public facilities.
- (j) "Finance Director." The Finance Director for the City of Pataskala, Ohio or his/her designee.
- (k) "Institutional." Establishments designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.
- (l) "Light Industrial." Establishments characterized by a mix of manufacturing (small items), service, and warehouse facilities in the same building with a wide variation in the proportion of each type of use.
- (m) "Manufacturing" Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors.
- (n) "Impact Fee." A fee imposed on new development on a proportionate basis in connection with, and as a condition of, the issuance of a zoning permit and which is calculated to defray all or a portion of the costs of the public facilities required to accommodate new development at City-designated level of service (LOS) standards and which provides a roughly proportionate benefit to new development and is proportionate in amount to actual impact of new development on the public facilities to be funded with impact fee funds.
- (o) "Methodology report." A report titled "Impact Fee Methodology and Costing Report" prepared in support of this chapter. by Strand Associates, Inc., dated May, 2021 which sets forth the methodology and rational basis for the determination of the impact of new development on public facilities; the proper and proportionate amount of the impact fee to be assessed against new development; and the mechanisms for ensuring that a rational nexus exists between the fee amount and the impact of new development on public facilities and the roughly proportionate benefits that accrue to new development paying the impact fee.

- (p) "New development." Any construction, reconstruction; redevelopment, rehabilitation, structural alteration, structural enlargement, structural extension, or new use within the City that requires a zoning permit after the effective date of this chapter, including any change in zoning district of an existing building, structure, or lot that increases the demand for one or ore public facility; except as otherwise provided in Section 1294.03(d).
- (q) "Nonresidential." Any use or development that is not a residential use.
- (r) "Office." Establishments used primarily for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, computers, and communication equipment.
- (s) "Planning and Zoning Code." Part 12 of the Codified Ordinances of the City of Pataskala.
- (t) "Public facility." Non-site-related capital improvements to the roadway network including roadway widening, intersection improvements, and associated infrastructure that provides a roughly proportionate benefit to new development. "Public facilities" are nonrecurring and are treated as capitalized expenses according to generally accepted governmental accounting principles. "Public facilities" do not include costs associated with the operation, repair, or maintenance of public facilities.
- (u) "Public facility expenditures." Amounts appropriated in connection with the planning, design, engineering, and construction of public facilities; including planning, legal, appraisal, and other costs related to the acquisition of land, financing (including the issuance of bonds or other obligations of indebtedness used to pay for public facilities), and development costs; the costs of compliance with purchasing procedures and applicable administrative and legal requirements; and all other costs necessarily incident to the provision of public facilities.
- (v) "Reimbursement." Repayment of impact fees in an amount that fairly reflects the value of public facilities dedicated or constructed by an applicant.
- (w) "Residential use." Any use or development that includes or results in the creation of a dwelling unit, as defined in the Codified Ordinances.
- (x) "Restaurant." Establishments where food and drink are prepared and sold for consumption within the facility or consumption outside of the facility and where ordering and pickup may take place from an automobile.
- (y) "Retail." Establishments engaged in selling or renting goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
- (z) "Service charge." A charge against each applicant paying an impact fee, not to exceed two percent (2%) of the total impact fee assessed against the proposed new development, used solely for costs incurred in the administration of this chapter.
- (aa) "Warehousing." Establishments engaged in the receipt, storage, and/or distribution of goods, products, cargo and materials.
- (bb) "Zoning Permit" A document issued by the City Administrator in accordance with the Zoning Code authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.  
(Ord. 2021-4396. Passed 8-16-21.)

#### **1294.03 APPLICABILITY AND EXEMPTIONS.**

- (a) Term. This chapter and the procedures established herein shall remain in effect unless and until repealed, amended, or modified by City Council.

(b) Affected Area. Impact Fees are to be imposed on new development proposed within the corporate boundaries of the City, as they exit now or as changed from time-to-time.

(c) Type of Development Affected. Except as provided in paragraph (d) below, this chapter applies to all new development and all revenue producing areas of the development

(d) Type of Development Not Affected; Exemptions. This chapter does not apply to:

- (1) No net increase in nonresidential development. No Impact Fee shall be imposed on any new nonresidential development that does not increase the demand for public facilities; this includes, but is not limited to, such non-revenue producing areas of a development such as storage yards, porches without sales area or merchandise displays, and all similar such areas.
- (2) Remodeling or improvements. No Impact Fee shall be imposed for remodeling or improvements to an existing structure provided there is no change in use and no net increase in the number of dwelling units or amount of nonresidential floor area.
- (3) Replacements. No Impact Fee shall be imposed on the replacement of a destroyed or partially destroyed structure provided there is no change in use and no net increase in the number of dwelling units or amount of nonresidential floor area.
- (4) Temporary uses. No Impact Fee shall be imposed on a temporary use, including construction trailers and offices, but only for the life of the zoning permit issued for the construction served by the trailer or office.
- (5) Development agreements. No Impact Fee shall be imposed on new development that is the subject of a duly executed and lawful development agreement entered into by an applicant and the City prior to the effective date of this chapter, which agreement contains provisions in conflict or inconsistent with this chapter, but only to the extent of the conflict or inconsistency.
- (6) Governmental uses. Prior to the application for a zoning permit, a local, regional, State or Federal governmental agency or school district may seek an exemption to this chapter by applying to City Council, who shall review all such exemption applications and shall establish a reasonable basis for the granting or denying of all such requests.
- (7) Other uses. No Impact Fee shall be imposed on a use, development, project, structure, building, fence, sign or other activity whether a zoning permit is required, which does not result in an increase in the demand for public facilities
- (8) Non-profit organizations. No Impact Fee shall be imposed on any nonprofit organization (NPO), also known as a non-business entity, not-for-profit organization, or nonprofit institution, or any other legal entity organized and operated for a collective, public or social benefit, in contrast with an entity that operates as a business aiming to generate a profit for its owners.
- (9) Extraordinary Economic Development. City Council may exempt all, or part of, a particular development project from Impact Fees if such project is determined, under the criteria set forth below, to create extraordinary economic development and/or employment growth.

- A. The City hereby establishes a policy to encourage employment growth and economic development in order to provide a balance between jobs and housing, provide adequate income levels for its residents, and to promote balanced and orderly growth. Further, it is the intent of this section to establish a mechanism that removes potential regulatory barriers to the establishment of businesses that provide employment and economic development in the City, and it is the further specific intent of this section that the waiver provisions contained herein shall not apply to residential developments. The City specifically desires to review all applications for exemptions on an individual basis and further wants the review and approval process to be fair, consistent, and based on established criteria. Also, the process should ensure the businesses that are granted exemptions actually provide the benefits recited in this section and the due process rights of all applicants are protected.
- B. In order to grant an exemption under this section, City Council shall:
  - i. Review the City Administrator's recommendation and the Finance Committee's recommendation, and shall;
  - ii. Conduct a public hearing at which the applicant may explain the elements of its application and present any further information that may assist in City Council's review, and may;
  - iii. Grant the requested exemption only if City Council determines:
    - a. The application fully meets the policies herein established; and
    - b. The projected employment growth is based on either existing payroll figures or other available evidence that reflects a potential annual payroll that exceeds two and one-half million dollars (\$2,500,000.00) and it is recognized that this threshold may be adjusted upward based on an annual Council review; and
    - c. The value of the exemption or waiver is recovered in twenty-four (24) months based on projected income tax revenues from the development.
  - iv. Enter into a written contract with the Applicant that requires the Applicant to repay the exempted Impact Fees if the conditions under which the exemption was granted are not fully and timely met.  
(Ord. 2021-4396. Passed 8-16-21.)

**1294.04 PROCEDURES FOR IMPOSITION, CALCULATION, REIMBURSEMENT, CREDIT, AND COLLECTION OF IMPACT FEES.**

(a) In General. The City Administrator must notify the applicant of the applicable Impact Fee requirements, including applicable service charges, at the time of application for a zoning permit on a form provided by the City. The City Administrator must calculate the applicable impact fee at the time of application for a zoning permit. The City may not issue a zoning permit until the applicant has paid all impact fees due pursuant to this chapter.

(b) Non-binding Impact Fee Estimate. An applicant may request a non-binding estimate of Impact Fees due for a particular new development at any time by filing a request on a form provided for such purpose by the City; provided, however, that such estimate may be subject to change when a formal application for a zoning permit for new development is made. Such non-binding estimate is solely for the benefit of the prospective applicant and in no way binds the City or precludes it from making amendments or revisions to any provisions of this chapter or the specific impact fee implementing ordinances. No vested rights, legal entitlements, or equitable estoppel accrue by reason of a non-binding estimate. A non-binding fee estimate does not constitute a final decision and may not be appealed.

(c) Calculation.

- (1) Upon receipt of an application for a zoning permit, the City Administrator must determine:
  - (a) whether the proposed new development constitutes a residential or nonresidential use;
  - (b) the specific category of residential or nonresidential development;
  - and (c) the amount of additional square feet of nonresidential gross floor area or the number of additional dwelling units associated with the proposed use.
- (2) If the application for a zoning permit involves a change in zoning district, the Impact Fee must be calculated upon the incremental increase in the public facility capacity created by the proposed change in zoning district.
- (3) After making these determinations, the City Administrator must calculate the applicable Impact Fee by multiplying the number of dwelling units or amount of nonresidential floor area proposed by the amount of the applicable Impact Fee per unit of development, incorporating any applicable exemptions or credits.
- (4) If the type of land use proposed for new development is not expressly listed in this Chapter and Impact Fee schedule, the City Administrator, in consultation with other City staff and consultants, as necessary, must:
  - A. Identify the most similar land use type listed and calculate the Impact Fee based on the Impact Fee for the land use identified;
  - B. Identify the broader land use category within which the specified land use would apply and calculate the Impact Fee based on the Impact Fee for that land use category; or
  - C. As appropriate, determine the basis used to calculate the Impact Fee pursuant to an independent impact analysis pursuant to subsection (d) below.
  - D. The City Administrator's determination must be based on a generally accepted land use classification system (e.g., the North American Industry Classification System, the Land-Based Classification Standards, and/or ITE's Trip Generation Manual) and the methodology report.
- (5) The calculation of Impact Fees due from a multiple-use new development must reflect the aggregated demand for each public facility generated by each land use type within the proposed new development.
- (6) The calculation of Impact Fees due from a phased new development must reflect the demand generated by each specific land use within the phase of development for which a separate zoning permit is requested.
- (7) Impact fees must be calculated based on the Impact Fee amount in effect at the time of application for a zoning permit.

(d) Independent Impact Analysis. If the applicant believes the Impact Fee calculations are in error or would violate a right that is protected by either the State or Federal constitutions, the applicant shall conduct an Impact Fee analysis. The following provisions shall apply to any independent impact analysis:

- (1) The applicant is responsible, at its sole expense, for conducting and preparing the independent impact analysis, which must be reviewed for approval by the City Administrator prior to payment of the fee.
- (2) The independent impact analysis must measure the impact that the proposed new development will have on the particular public facility at issue, must be based on the same methodologies used in the methodology report, and must be supported by professionally acceptable data and assumptions.
- (3) Within sixty (60) days of submittal of the independent impact analysis, the City Administrator must provide written notice to the applicant as to whether the analysis is accepted or rejected based on the provisions of this section. If the independent impact analysis is rejected, the written notice must provide an explanation of the insufficiencies of the analysis.
- (4) The final decision of the City Administrator may be appealed to City Council. The filing of an appeal does not stay the imposition or the collection of the Impact Fee as calculated by the City Administrator unless a cash bond or other sufficient surety has been provided to the Finance Director. The Finance Director shall hold the bond or surety pending outcome of all available appeals. If the appeal is accompanied by a cash bond or other sufficient surety, in an amount equal to the Impact Fee calculated to be due, a zoning permit may be issued pending resolution of the final appeal.

(e) Reimbursements and Credits.

- (1) Eligibility for a reimbursement. The City may enter into a development agreement with an applicant, which provides for the reimbursement of Impact Fees in exchange for the dedication or construction of public facilities made necessary by a proposed new development. The City may reimburse Impact Fees already paid only for the type of facility dedicated or constructed by the applicant. Reimbursements must be made from the Impact Fee Fund. No Impact Fee may be reimbursed for a proffered public facility unless:
  - A. It is included in the City's capital and operating budgets, capital improvement plan, or the methodology report; or
  - B. It adds public facility capacity made necessary by and to be provided for the roughly proportionate benefit of new development.
- (2) Additional provisions.
  - A. In order to be eligible for a reimbursement, the applicant must receive approval by the City pursuant to the provisions of this chapter, prior to the issuance of a zoning permit.
  - B. The City shall not reimburse the applicant in an amount exceeding the amount of the Impact Fee due pursuant to this chapter.
  - C. The City shall not reimburse the applicant until a proffered land dedication is finalized or the construction project is at least fifty percent (50%) complete. Reimbursement may then occur based on the percent completion of the project on a pro rata basis.

- D. If an applicant proposes to dedicate or construct public facilities valued at an amount greater than the amount of the Impact Fee due, then the development agreement may provide for reimbursements to the applicant by future developers of costs incurred over and above those reimbursed by the City.
- (3) Procedures for reimbursements.
- A. Application made to the City Administrator. Applications for an agreement by the City to provide a reimbursement upon completion of certain work by the applicant must be made on a form provided by the City. The application must be accompanied by a proposed development agreement developed through coordination with City staff. Upon receipt of a complete application and proposed development agreement, the City Administrator and other appropriate staff and/or consultants must review the application and proposed development agreement, as well as such other information and evidence as may be deemed relevant. The City Administrator must forward a recommendation report stating whether a reimbursement is proper, based on the provisions of this chapter, to City Council. The City Administrator's recommendation report shall assume that upon completion of the work by the applicant as set forth within the proposed development agreement the same will comply in all material ways with the proposed development agreement and City standards.
  - B. City Council. Based on the City Administrator's recommendation report, the provisions of this chapter, the capital improvement plan, comprehensive plan, adopted City budget, and the methodology report, City Council shall make a final decision to accept, reject, or accept with conditions the proposed reimbursement and proposed development agreement.
  - C. Appeals. Appeals from the final decision of City Council shall be made to the Court of Common Pleas of Licking County. The filing of an appeal does not stay the imposition or the collection of the Impact Fee as calculated by the City Administrator unless a cash bond or other sufficient surety has been provided to the Finance Director. The Finance Director shall hold the bond or surety pending outcome of all available appeals. If the appeal is accompanied by a cash bond or other sufficient surety, in an amount equal to the Impact Fee calculated to be due, a zoning permit may be issued pending resolution of the final appeal.
- (4) Calculation of the value of dedication or construction. The amount of the reimbursement to be paid by the City is to be calculated as follows:
- A. Construction of facilities and provision of equipment. The reimbursement must be equal to the actual cost of construction or equipment as evidenced by receipts and other sufficient documentation or the amount of Impact Fees due pursuant to this chapter, whichever is less.



- B. Dedication of land. At the option of the applicant, the reimbursement is to be based on either the assessed value of the proffered land, based on the most recent County property appraisal, or the fair market value of the land as determined by a certified property appraiser hired and paid for by the applicant. If the latter option is chosen and the City rejects the applicant's appraisal, the City may hire and pay for a second appraiser to appraise the property. If either party rejects the second appraisal, a third appraisal may be performed by an appraiser chosen by the first and second appraisers, the costs of which are to be shared equally by the City and the applicant. The third appraisal is binding on both parties. All appraisals must be consistent with generally accepted appraisal techniques and the date of valuation must be the date of transfer to the City.
- (5) Development agreement requirements. No reimbursement may be made except pursuant to an executed development agreement between the City and the applicant, which must include, but is not necessarily limited to; the following:
  - A. The estimated cost of the public facility to be constructed or dedicated, based on the provisions of this chapter;
  - B. A schedule for the initiation and completion of the construction of a public facility;
  - C. The amount of the Impact Fees to be reimbursed by the City to the applicant;
  - D. The schedule for making reimbursement payments to the applicant, based on the provisions of this section;
  - E. Provision for reimbursements to the applicant by future developers of costs incurred over and above those reimbursed by the City pursuant to this section;
  - F. The applicant's agreement to construct all public facilities in accordance with City specifications and all regulations set forth in the Codified Ordinances; and
  - G. Such other terms and conditions as deemed necessary by the City.
- (6) Transfer and assignment. The reimbursement may be paid only to the original applicant or the applicant's legal successor in interest with a contractual right to the reimbursement.
- (7) Eligibility for credits for excessive dedication or construction. An applicant may be given a credit against an Impact Fee upon demonstration that, after the date of this chapter, a public facility was dedicated or constructed by the applicant with sufficient excess capacity to offset the impacts of the applicant's proposed new development. In order for a credit to be accepted, the applicant must demonstrate the dedicated or constructed public facility will reduce the overall need for public facilities and the applicant has secured a contractual right to an allocation of the excess capacity equal to the total or any portion of the Impact Fee owed by the applicant. Any approved credit must be consistent with the adopted City budget, capital improvement plan, comprehensive plan, and the methodology report.

(8) Procedures for credits.

- A. Application made to the City Administrator. Applications for a credit must be made on a form provided by the City. The application must be accompanied by a development agreement executed after the effective date of this chapter, which demonstrates that excess public facility capacity has been provided by the applicant, which will provide a roughly proportionate benefit to the new development proposed by the applicant. Upon receipt of a complete application, the City Administrator and other appropriate staff and/or consultants must review the application, as well as such other information and evidence as may be deemed relevant. The City Administrator must forward a recommendation report stating whether a credit is proper, based on the provisions of this chapter, to City Council. The City Administrator's recommendation report shall assume that upon completion of the work by the applicant as set forth within the proposed development agreement the same will comply in all material ways with the proposed development agreement and City standards.
- B. City Council. Based on the City Administrator's recommendation report, the provisions of this chapter, the capital improvement plan, comprehensive plan, adopted City budget, and the methodology report, City Council must make a final decision to accept, reject, or accept with conditions the proposed credit and proposed development agreement.
- C. Appeals. Appeals from the final decision of City Council shall be made to the Court of Common Pleas of Licking County. The filing of an appeal does not stay the imposition or the collection of the Impact Fee as calculated by the City Administrator unless a cash bond or other sufficient surety has been provided to the Finance Director. The Finance Director shall hold the bond or surety pending outcome of all available appeals. If the appeal is accompanied by a cash bond or other sufficient surety, in an amount equal to the Impact Fee calculated to be due, a zoning permit may be issued pending resolution of the final appeal.

(f) Collection. The City must collect all Impact Fees and service charges in the amounts set forth in this chapter at the time of application for a zoning permit and must issue a receipt to the applicant for such payment unless:

- (1) The applicant is not subject to the payment of an Impact Fee; or
- (2) The applicant has filed an appeal and the appeal is accompanied by a cash bond or other sufficient surety, in an amount equal to the Impact Fee calculated to be due.

(Ord. 2021-4396. Passed 8-16-21.)

**1294.05 ESTABLISHMENT OF IMPACT FEE FUND; USE AND  
APPROPRIATION OF IMPACT FEE PROCEEDS; AND REFUNDS.**

(a) Impact Fee Accounting. The Finance Director must establish an impact fee fund and all Impact Fees collected by the City must be deposited into such impact fee fund. All interest earned on monies deposited into the impact fee fund must be credited to that fund. The monies of such impact fee fund must be accounted for separately from all other City funds. The Finance

Director must establish and implement necessary accounting controls to ensure the impact fee fund is properly deposited, accounted for, and appropriated in accordance with this chapter and other applicable legal requirements.

(b) Use of Impact Fee Funds.

- (1) Generally. All appropriations from impact fee funds must be approved by City Council and detailed on a form provided for such purposes and filed with the City Administrator.
- (2) Use of funds. Impact fee funds may be used only for
  - A. Public facility expenditures;
  - B. The payment of principal, interest, and other financing costs on contracts, bonds, notes, or other obligations issued by, or on behalf of, the City to finance public facilities;
  - C. Financing of refunds as set forth in Section 1294.06(d);
  - D. Financing of reimbursements as set forth in Section 1294.04(e); or
  - E. Financing the costs of updating this chapter.
- (3) Report. Consistent with Section 1294.06(c), prior to appropriating impact fee funds, the City Administrator must generate a written report which demonstrates such funds are being used to finance public facility capacity that provides or will provide benefits to new development that are roughly proportionate to the impact of that development. The report must be consistent with the methodology report. The written report must be presented to and accepted by City Council.
- (4) Restrictions on use. Impact Fees may not be appropriated for repair or maintenance of public facilities, or for operational or personnel expenses associated with the provision of public facilities. Additionally, Impact Fees must be appropriated:
  - A. For the particular public facility for which they were imposed, calculated, and collected; and
  - B. Within six (6) years of the beginning of the City's fiscal year immediately succeeding the date of collection, unless such time period is extended as provided in paragraph (b)(5), below.
- (5) Appropriation of impact fee funds beyond six (6) years of collection. Notwithstanding anything to the contrary, impact fee funds may be appropriated beyond six (6) years from the beginning of the City's fiscal year immediately succeeding the date of collection, if the appropriation is for a public facility that requires more than six years to plan, design, and construct. The City must document compliance with the provisions of this paragraph.

- (c) Procedure for Appropriation of Impact Fee Funds.
  - (1) Each year, City Council must identify public facility capacity anticipated to be funded, in whole or in part, with Impact Fees. Public facility expenditures must be consistent with the methodology report, the capital improvement plan, the comprehensive plan, and the annual review described in Section 1294.07 and such other information as may be relevant to ensure compliance with this chapter.
  - (2) City Council may include public facilities funded with Impact Fees in the City's annual budget or capital improvements plan. If included, the description of the public facility must specify the nature of the public facility, the location of the public facility, the capacity to be added and/or funded by the appropriation, the service area of the public facility, the need/demand for the public facility, and the anticipated timing of completion of the public facility.
  - (3) Consistent with the provisions of this chapter, City Council may authorize public facilities expenditures at such other times as it deems necessary.
  - (4) City Council must verify that adequate impact fee funds are or will be available for the particular public facility capacity.
  - (5) Because Impact Fees must be used in a location or manner that would provide benefit to the development supplying the funds, Impact Fees must be used in the order in which they were received related to that New Development.
- (d) Refunds.
  - (1) Eligibility.
    - A. Expiration or revocation of zoning permit. An applicant who has paid an Impact Fee for which construction has not begun, and the necessary zoning permit has expired or has been revoked, may apply for a refund. The refund application must be made on a form provided by the City.
    - B. Failure of City to appropriate Impact Fees within time limit. An applicant may apply for a refund of Impact Fees if the City failed to appropriate the Impact Fees collected from the applicant within the time limit established in subsection (b)(4)(B) above, unless such time period is extended as provided in paragraph (b)(5) above . The refund application must be made on a form provided by the City.
    - C. Abandonment of new development. An applicant, who paid an Impact Fee for which a zoning permit has been issued and pursuant to which construction has been initiated but abandoned prior to issuance of a certificate of occupancy, is eligible for a refund if the uncompleted building is completely demolished and the site is returned to the same or similar condition as before construction began.
  - (2) Administrative fee. The City may deduct a five hundred dollar (\$500.00) administrative fee from the amount of any refund granted and retain the administrative fee to defray the administrative expenses associated with processing a refund application.

- (3) Processing of applications for a refund.
  - A. Application made to the City Administrator. Applications for a refund must be made on a form provided by the City. Upon receipt of a complete refund application, the City Administrator must review the application and documentary evidence submitted by the applicant, as well as such other information and evidence as may be deemed relevant, and must forward a report as to whether a refund is due based on the provisions of this chapter to City Council.
  - B. City Council. Based on the report of the City Administrator, the provisions of this chapter, and the methodology report, City Council must make a final decision to approve, approve with conditions, or deny the proposed refund.
  - C. Appeals. Appeals from the final decision of City Council shall be made to the Court of Common Pleas of Licking County. The filing of an appeal does not stay the imposition or the collection of the Impact Fee as calculated by the City Administrator unless a cash bond or other sufficient surety has been provided to the Finance Director. The Finance Director shall hold the bond or surety pending outcome of all available appeals. If the appeal is accompanied by a cash bond or other sufficient surety, in an amount equal to the Impact Fee calculated to be due, a zoning permit may be issued pending resolution of the final appeal.
- (4) Refund because of expiration or revocation. Applications for refunds due to expiration or revocation of a zoning permit must be made on a form provided by the City and made within sixty (60) days following expiration or revocation of the zoning permit. In order for the refund application to be deemed complete, the applicant must submit: (a) evidence the person or entity applying for the refund was the initial applicant who paid the fee, or the authorized agent of the initial applicant; (b) the amount of the Impact Fees paid; and (c) documentation evidencing the expiration or revocation of the zoning permit. Failure to apply for a refund within sixty (60) days following expiration or revocation of the zoning permit constitutes a complete and full waiver of entitlement to any refund. No interest will be paid by the City when calculating the amount of a refund pursuant to this paragraph.
- (5) Refund because of the City's failure to timely appropriate. Applications for refunds due to the failure of the City to timely appropriate Impact Fees must be made on a form provided by the City and made within one year following the expiration of such time limit. In order for the refund application to be deemed complete, the applicant must submit: (a) evidence the applicant is the current property owner or the authorized agent of the current property owner and (b) the amount of the Impact Fees paid; and (c) description and documentation of the City's failure to appropriate impact fee funds pursuant to subsection (b)(2) above. Interest must be paid by the City in calculating the amount of the refunds pursuant to this section.

- (6) Refund because of abandonment. Applications for refunds due to abandonment of a new development prior to completion must be on a form provided by the City. Failure to apply for a refund within sixty (60) days following demolition of the structure constitutes a waiver of entitlement to a refund. No interest will be paid by the City in calculating the amount of the refund pursuant to this paragraph. The application must include: (a) evidence the person applying for the refund is the initial applicant who paid the fee, or the authorized agent of the initial applicant; (b) the amount of the Impact Fees paid; and (c) documentation evidencing the demolition of the building partially constructed pursuant to payment of the impact fees to be refunded. (Ord. 2021-4396. Passed 8-16-21.)

**1294.06 REVIEW AND ADJUSTMENTS.**

- (a) Review.
- (1) The City Administrator, in coordination with all relevant and necessary City staff, must prepare and submit an annual report to City Council on the subject of Impact Fees.
- (2) The report may include any or all of the following:
- A. Recommendations for amendments, if appropriate, to this chapter;
  - B. Proposed changes to the City Comprehensive Plan and/or an applicable ordinance or policy, including the identification of additional public facility projects anticipated to be funded wholly or partially with Impact Fees;
  - C. Creation of impact fee districts, as necessary;
  - D. Proposed changes to the impact fee schedule as set forth in the ordinances imposing and setting impact fees for particular public facilities;
  - E. Proposed changes to level of service standards for particular public facilities;
  - F. Proposed changes to any impact fee calculation methodology;
  - G. Proposed changes to the population, housing, land use, persons per household or nonresidential development projections included in the methodology report and upon which the impact fee amounts have been determined; or
  - H. Other data, analysis, or recommendations as the City Administrator may deem appropriate, or as may be requested by the City Council.
- (3) The report must include the following background data:
- A. Number of zoning permits issued by type development in each Category (Primary and Sub-Category) listed in the Impact Fee Schedule;
  - B. Gross floor area of new nonresidential development, by type;
  - C. Total amount of Impact Fees collected, by type of development in each Category (Primary and Sub-Category) listed in the Impact Fee Schedule;
  - D. Total expenditures made from impact fee fund and the purpose for which the expenditure was made, i.e., the description, type, and location of the public facility project;
  - E. When the public facility project was, or will be, initiated and completed;

- F. Whether additional impact fee funds will be appropriated for the same project in the future;
  - G. Whether supplemental non-impact fee funds have been used for the project and, if so, how much;
  - H. The service area of the public facility project;
  - I. The total estimated cost of the project and the portion funded with impact fees;
  - J. Whether the public facility project is in the City's current annual budget, capital improvements plan, or comprehensive plan;
  - K. The estimated useful life of the project; and
  - L. Such other facts as may be deemed relevant by the City Administrator or City Council.
- (4) City Council action. After reviewing the report identified herein, City Council may take such actions as it deems appropriate, including but not limited to, amending this chapter, requesting additional data or analyses, and holding public workshops and/or public hearings.  
(Ord. 2021-4396. Passed 8-16-21.)

**1294.07 STREET IMPACT FEE.**

(a) Impact Fee for Residential Development. All new residential development within the City is subject to the payment of a street impact fee payable at the time of zoning permit issuance by the City, pursuant to this chapter as follows:

Category	Impact Fee per Dwelling Unit
Single-Family/Multi-Family	\$1,140.84

(b) Impact Fee for Nonresidential Development. All new nonresidential development within the City is subject to the payment of a street impact fee payable at the time of zoning permit issuance by the City, pursuant to this chapter as follows:

Category	Impact Fee per Square Foot
Retail/Restaurant	\$2.46
Office/Institutional	\$1.43
Light Industrial/Warehousing	\$0.64
Manufacturing	\$0.51

(Ord. 2021-4396. Passed 8-16-21.)

## CHAPTER 1295 Signs

<b>1295.01</b>	<b>Purpose.</b>	<b>1295.11</b>	<b>Existing signs - non-conforming or alterations to.</b>
<b>1295.02</b>	<b>Sign definitions.</b>	<b>1295.12</b>	<b>Construction standards.</b>
<b>1295.03</b>	<b>Scope.</b>	<b>1295.13</b>	<b>Sign Master Plans Design Review.</b>
<b>1295.04</b>	<b>Prohibited signs.</b>	<b>1295.14</b>	<b>Areas of special character and creative signs permit - design review. (See Section 1295.09(b)(1), Standards).</b>
<b>1295.05</b>	<b>Sign permit process (to modify or erect new signs).</b>	<b>1295.15</b>	<b>Enforcement and remedies.</b>
<b>1295.06</b>	<b>Exempt signs (no permit required).</b>	<b>Table 1295-1</b>	<b>Examples of Sign Characteristics Permitted by Zoning/Special District.</b>
<b>1295.07</b>	<b>Signs for public and semi-public purposes.</b>	<b>Table 1295-2</b>	<b>Sign Sizes.</b>
<b>1295.08</b>	<b>Temporary signs.</b>		
<b>1295.09</b>	<b>General sign standards.</b>		
<b>1295.10</b>	<b>Illuminated signs.</b>		

### CROSS REFERENCES

Unlawful traffic signs - see TRAF. 313.07

Sign definitions - see P. & Z. Ch. 1203

Sign measurements - see P. & Z. 1205.05

### **1295.01 PURPOSE.**

Signs have a clear impact on the character and quality of the City. As a prominent part of the community, signs may attract or repel the viewing public, affect the safety of pedestrian and vehicular traffic, and help set the character and legibility of neighborhoods in the City.

This chapter regulates signs which are visible from streets or which are visible from one site to another.

The regulations for signs have the following specific objectives:

- (a) To ensure that the constitutionally guaranteed right of free speech is protected.
  - (1) These standards shall be content neutral, and regulate on the basis of location, number, size and manner of display.
- (b) To encourage the effective use of signs as a means of communication;
  - (1) To provide for adequate identification, communication and advertising for businesses and services.
  - (2) To enable customers and other persons to locate businesses and services.
  - (3) To encourage the orderly placement of signs so that information is clearly visible and legible.
  - (4) To provide that no person is arbitrarily denied the use of sight lines from the public right-of-way for communication purposes.
  - (5) To provide that the number of messages are not presented in such overwhelming volume that information is actually obscured, or that observers are unable to observe or ignore messages according to the observer's own purpose.



- (6) To protect the aesthetic environment that has contributed to the City's growth, and to enhance its ability to attract new sources of economic security and health by providing that signs:
  - A. Do not interfere with scenic views.
  - B. Do not create a nuisance to persons using public rights of way.
  - C. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement.
  - D. Are not detrimental to land or property values.
  - E. Contribute to the special character of particular places or districts within the City, helping the observer to understand the City and orient within it.
  - F. Use creativity and craftsmanship in design to avoid monotonous uniformity.
  - G. To ensure that signs in any district reflect the expressed purpose of the adopted Comprehensive Plan.
- (c) To protect the public safety and welfare, by providing that signs:
  - (1) Are designed, constructed, installed, and maintained to prevent hazard due to collapse, fire, collision, decay or abandonment.
  - (2) Do not obstruct fire fighting or police surveillance.
  - (3) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic control signs.
- (d) To minimize adverse impacts and avoid nuisances to nearby public and private properties.
- (e) To provide for an orderly, well maintained and attractive community.
- (f) To enable the fair and consistent enforcement of these sign regulations.
- (g) To establish a permit system that allows a variety of types of signs in commercial, office and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this chapter.
- (h) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permit.
- (i) To prohibit all signs not expressly permitted by this chapter.  
(Ord. 2012-4067. Passed 10-1-12.)

### **1295.02 SIGN DEFINITIONS.**

Sign related definitions are stated in Chapter 1203, Definitions, and are listed under "Signs". (Ord. 2012-4067. Passed 10-1-12.)

### **1295.03 SCOPE.**

(a) The regulations do not restrict the content of signs. This chapter applies to all zoning districts in the City. The issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the City or from the provisions of approved sign master-plans.

(b) Permits Required. Except as otherwise provided, no person shall erect, alter, or relocate any sign without first obtaining a permit from the Zoning Inspector. Subsequent to this initial application, no permit shall be required for a sign to be repainted or repaired provided that the sign is returned to its original design, condition, placement or presentation.

- (1) If a sign requiring a permit under the provision of this Code is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with Section 1295.05, below.
- (2) Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 1295.05(b).
- (3) No signs shall be erected in the public right-of-way except in accordance with exceptions noted in Section 1295.07.
- (4) No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Code (including protecting existing signs) in every respect and with the Master Sign Plan in effect for the property.  
(Ord. 2012-4067. Passed 10-1-12.)

#### **1295.04 PROHIBITED SIGNS.**

These prohibitions shall apply to all signs erected in the City of Pataskala, whether exempted from permits or regulated under this section.

- (a) All off-premise signs are prohibited except as otherwise provided herein. In these cases, a permit shall be issued only after the applicant has furnished the Zoning Inspector with written permission from the owner of the property.
- (b) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time and temperature. See also Section 1295.10 Illuminated Signs.
- (c) Internally illuminated cabinet signs of translucent material in which the whole face glows are not permitted. See Section 1295.10(b)(1).
- (d) No sign shall impair or cause confusion of vehicular or pedestrian traffic in its design, color, placement or display characteristics. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location within thirty-five (35) feet of the intersection of the street or highway lines.
- (e) No business shall for the purpose of attracting attention display balloons, pennants, ribbons, streamers, spinners or similar moving, fluttering, inflatable, or revolving devices, except "OPEN" flags as described in Section 1295.09 or American flags. The exemption for American flags shall not include devices that use red, white and blue or stars and stripes motifs.
- (f) No advertising message shall be extended over more than one sign placed along a street or highway unless included as an integral part of a sign master plan.
- (g) No two permitted signs may be combined to create a larger sign, except as provided in Section 1295.09(b)(2)D.3.
- (h) Notwithstanding any other provision to the contrary no private or commercial signage, whether temporary or otherwise, shall be placed within any right-of-way of the City whether road or street right-of-way or an intersection right of-way of the City or State, except for approved directional signs as described in Section 1295.13(d).
- (i) No sign consisting of the message "sold", "under Contract" or a similar message, denoting a closed completed transaction, shall be permitted for more than thirty (30) days.
- (j) No signs shall be attached to trees or utility poles. Signs attached to fences, rocks or other parts of a natural landscape shall not be positioned where they obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

- (k) No sign shall be attached to, painted on, or placed on a motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance, self-propelled or otherwise, parked or used upon any lot, and which is visible from a public right-of-way, excepting a company identification sign which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise.  
(Ord. 2012-4067. Passed 10-1-12.)

**1295.05 SIGN PERMIT PROCESS (TO MODIFY OR ERECT NEW SIGNS).**

(a) Signs allowed in a specific zoning district shall be erected, installed, or created only in accordance with a duly issued and valid zoning sign permit from the Zoning Inspector. Such permits shall be issued only in accordance with the following requirements and procedures:

- (1) Applications shall be made in writing to the Zoning Inspector on forms prescribed and provided by the City and shall contain the applicable information requested on that form and accompanying sign specification sheet. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimension, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Sign Plan then in effect for the zone lot. One application and permit may include multiple signs on the same zone lot.
- (2) Application Processing. Upon the filing of a completed application for a sign permit and the payment of the required fee, the Zoning Inspector shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected. If it shall appear that the sign will be in compliance with all the requirements of this Code, the Zoning Inspector shall then, within thirty (30) days, issue a permit for the erection of the proposed sign. The issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the City or sign master-planning provisions.
- (3) Post Installation Inspection. The Zoning Inspector shall cause an inspection for the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this Code and with the Building and Electrical Codes, the Zoning Inspector shall document completion in the permit file. If the construction is substantially complete but not in full compliance with this Code and other applicable codes, the Zoning Inspector shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Zoning Inspector shall document completion in the permit file.

(b) Sign Permits - Continuing, Duration and Assignment. The owner of a zone lot containing signs requiring a permit under this Code shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone lots in a Master Sign Plan.

- (1) A sign permit shall be automatically issued by the Zoning Inspector covering the period from the date of the inspection of the completed sign installation, construction, or modification and shall continue in force unless otherwise limited or specified in this Code.
- (2) Assignment of Sign Permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Zoning Inspector may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.  
(Ord. 2012-4067. Passed 10-1-12.)

**1295.06 EXEMPT SIGNS (NO PERMIT REQUIRED).**

The following types of signs may be erected and maintained without permits, providing such signs comply with the general requirements of this Code and other conditions specifically imposed by all other regulations.

- (a) Exempt Wall Mounted Signs; those that are exempt from requirements to have a permit none-the-less, if wall mounted, shall be limited to 4 such signs per buildings and regardless of the street on which they face, shall be limited to six (6) square feet per sign.
- (b) Exempt Window Signs; Signs that are exempt from requirements to have a permit, if displayed in a window, shall none-the-less be limited in the aggregate of all signs (exempt and non-exempt), displayed in windows shall be no more than 25% of the surface of the window unit where displayed. In the R-residential districts, illuminated signs in windows are not exempt from permits.
- (c) Signs Which Are Not Oriented to or Intended to Be Legible from a Street or Other Private Property. For example, menu boards, fuel pump instructions, accepted payment insignias, etc.
- (d) Signs Inside a Building. However, strobe lights visible beyond a property line are not exempt.
- (e) Any political sign, sign expressing a personal viewpoint, work of art or religious symbol and that does not display a commercial message.
- (f) Historical Markers, Tablets and Statues, Memorial Signs and Plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations. Signs of these types shall not exceed six (6) square feet.
- (g) Flags and Insignia of U.S., Ohio, or Local Government. These flags may be grouped with up to two non-governmental flags displaying purely ornamental or name of business information.
- (h) Non-illuminated "For Sale", "For Rent"; and real estate signs and signs of similar nature, concerning the premises upon which the sign is located. Up to two (2) such signs, spaced at least 100 feet apart, are allowed per lot, each not exceeding ten (10) square feet, set back at least ten (10) feet from all property and public right-of-way lines or less than half the distance between the primary structure and the public right-of-way line, whichever is less restrictive. (see Prohibitions, Section 1295.04(i).)

- (i) Open House Signs: Signs promoting or directing to an open house for property that is available for sale, rent or lease, within the City of Pataskala, provided that only three such signs for each open house. Open house signs shall be installed not more than 72 hours immediately preceding the open house and removed no later than the day following conclusion of the open house. Such signs shall not exceed 6 square feet and must be located outside the public right-of-way. They may not be located within road medians. No such signs will be exempt from permits, fees and other standards if advertising property or open houses outside of the City Limits.
- (j) On-premise Directional Signs: for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, not exceeding two (2) square feet per face and three (3) feet in height for a development or complex. Business names, logos, and personal names shall be allowed, excluding advertising messages. Variations to the size and height requirements for on-premises directional signs may be approved by the Planning and Zoning Commission as part of a Sign Master Plan or if approved as part of the site development plan.
- (k) Non-illuminated Warning Signs: also announcing private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.
- (l) Address Numbers: Number and name plates identifying residents or businesses, when mounted on house, window or door transoms, apartment or mailbox, not exceeding two (2) square feet in area. Address numbers are recommended to be at least 4 inches in height or greater if required by the Ohio Fire Code. Address numbers of less than 2 SF in area will not count toward the maximum building wall or window sign standards. All locations are encouraged (new builds must comply with Part 11, Title One, Subdivision Regulations) to prominently display address numbers. See also Section 1205.15 Sign Measurements for address numbers on other signs.
- (m) Lawn Signs Identifying Residents: with no more than two faces and not exceeding two (2) square feet per face. Such signs are to be non-illuminated except by a light which is an integral part of a lamp post if used as a support, with no advertising message thereon.
- (n) Farm Signs, Free-standing and Permanently Affixed: denoting the name and address of occupants, denoting advertising for produce or merchandise grown on such farms, and denoting membership or organizations not to exceed 25 square feet of sign face area per farm. The exemption also includes graphics of historic vernacular, such as name of owner or builder or year constructed or painted onto sides of barns or set into roof tiles.
- (o) Signs for a Roadside Stands: i.e. selling agricultural produce in season, providing that such signs do not exceed a total of thirty-two (32) square feet and are set back beyond at least 10 feet from the edge of the public right-of-way and limited to two (2) temporary signs.
- (p) Window Signs and Posters: the combined area of all window signs and posters not exceeding sixteen (16) square feet or twenty-five (25) percent of the window surface of a single wall opening on which the sign(s) is displayed, whichever is less. These shall be temporary and non-illuminated. These shall include notices required to be on premises, such as "no smoking" or "no firearms permitted".
- (q) Lighted "Open/Closed" Signs in windows shall be limited to a single such sign per establishment and shall not exceed two (2) square feet in size. This shall count as part of the total window graphics size limit.

- (r) Holiday Decorations; including lighting, customarily associated with any national, local, or religious holiday are exempt from the provisions of this Code and may be displayed in any zoning district without a permit for a period not exceeding sixty (60) days for each holiday in any one year. The time restriction does not apply to any establishment whose primary product is holiday merchandise.
- (s) Integral Graphics; or attached price signs on gasoline pumps at gasoline stations.
- (t) Decals; used to reference available financial services (e.g. credit or bank cards) when not exceeding 1 square foot in total display area per business.
- (u) Political Posters, Banners, Promotional Devices and Similar Yard Signs: not exceeding six (6) square feet per side, except along routes where the posted legal speed is 45 miles per hour, or greater which shall be permitted to have a maximum of sixteen (16) square feet per side, providing:
  - (1) Placement shall not exceed thirty (30) days at one time. New or reconditioned signs with the same or similar political message may be reinstalled for sequential 30 day periods.
  - (2) The names and addresses of the sponsor and the person responsible for the sign are identified on the sign.
  - (3) No signs may be attached to any trees, shrubs, bushes, traffic control devices, utility poles, historical markers or placed on private property without the consent of the property owner, or the consent of the applicable utility company or City or agency owning and operating the traffic control devices, bushes, etc.
  - (4) No signs are located in the right-of-way, except for the provisions in Section 1295.07.
- (v) Architectural Features; such as those that are part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include any construction attending to, but not an integral part of a sign, and which may consist of landscape or building or structural forms that enhance the site or building in general.
- (w) Signs Advertising the Sale of Personal Property: such as garage, yard, porch or moving sale may only be displayed if a Garage Sale Permit has been approved by the City as provided for in Section 717.02 of the City Codified Ordinances. Such signs are limited to six (6) square feet in size. Garage sale signs shall be installed not more than 72 Hours (per Section 717.03(c)(2)) immediately preceding the opening of the sale and removed no later than the day) following conclusion of the sale. Such signs shall not exceed 6 square feet and must be located outside the public right-of-way. They may not be located within road medians. No such signs will be exempt from penalties, fees and other standards if advertising any retail goods, or for garage sales located outside of the City Limits. Signs not complying with these location or time restrictions will be subject to removal if in the public right-of-way, and will be available for retrieval from the dumpster area at the rear of the City Administration Building until the next regular waste pick-up date. (Ord. 2012-4067. Passed 10-1-12.)

#### **1295.07 SIGNS FOR PUBLIC AND SEMI-PUBLIC PURPOSES.**

No signs shall be allowed in the public right-of-way, except for the following:

- (a) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

- (b) Bus stop signs erected by a public transit company or public school transportation department;
- (c) Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
- (d) Awning, projecting, and suspended signs projecting over a public right-of way in conformity with other provisions of this chapter.
- (e) Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- (f) Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such sign.  
(Ord. 2012-4067. Passed 10-1-12.)

### **1295.08 TEMPORARY SIGNS.**

Temporary Signs (Private Property). Temporary signs on private property shall be allowed only upon the issuance of a Temporary Sign Permit, which shall be subject to the following requirements:

- (a) Temporary Signs-Signs with Changeable Copy, Including Chalk Board Styles and Signs Without Capacity to Change Copy or Design Features. Such signs are intended for re-use for a variety of announcements throughout the marketing year. Up to three of these signs shall be allowed for a period of 365 days per year on 1 sign permit. Only 1 sign may be displayed at a property at a time. Written permission must be obtained from the property owner and signs are permitted only in "qualifying" districts as set forth herein.
  - (1) New business - temporary signs and banners.
    - A. A new business, or a business in a new location, awaiting installation of a permanent sign, may have a permit valid for 60 consecutive calendar days to utilize a temporary sign or portable sign to accommodate time for installation of a permanent sign, whichever occurs first. Such sign must meet all appropriate construction standards and sign regulations of the City. A separate temporary sign permit for such new business sign shall be required. No fee required.
    - B. A new business, or a business in a new location, may have a permit valid for 60 consecutive calendar days to utilize up to three banners with a total cumulative area not to exceed sixty (60) square feet. Such banners may not be displayed more than thirty (30) days prior to opening, nor more than thirty (30) days after opening of the business. No fee required.
  - (2) Size. Unless otherwise provided for in this section, such signs shall not exceed sixteen (16) square feet per side in the following Zoning Districts (AG, DB, LB, GB, PRO, M-1 or PM) nor six (6) square feet per side in the General Sign District.

- (3) Illumination. Temporary signs shall not be illuminated, shall be constructed of a durable material and if with commercial messages shall be professional in appearance. As used in this section, professional appearance means a sign which is designed/manufactured by a graphic artist, sign company or recognized art department/organization or in conformity to City's pre-approved sign examples.
- (b) Special Provisions-Temporary Signs.
  - (1) Temporary Signs and Sandwich Board Signs, (including "A" frame or "I" frame signs), limited to three per business, with a limit of 1 per property, with two additional signs erected on other qualifying properties provided they have written permission of the property owner. They must be removed and secured within each business during nonbusiness hours. No illumination of the signage shall be permitted. Temporary Signs and Sandwich board signs may include those placed upon sidewalks or worn or carried by an individual, typically draped over the shoulders.
  - (2) No signs shall be permitted to block or interfere with pedestrian travel on sidewalks, leaving a minimum of three (3) feet of clear travel path.
  - (3) Community activity signs - temporary:
    - A. Public, private, nonprofit and religious organizations that are educational, charitable, cultural, or recreational in their functions may display up to six (6) temporary signs announcing community activities that are open to the general public. One sign may be located at the site of the event.
    - B. All off-site community event signs shall be located on private property with the permission of the property owner. Each sign shall be placed at a different site.
    - C. Community event signs shall not exceed sixteen (16) square feet per side.
    - D. Community event signs shall not be placed in the street right of way or easements.
    - E. Community event signs shall not be posted more than fourteen days prior to such activities and must be removed within forty-eight (48) hours after activities are completed as advertised.
    - F. Community event signs will have no permit fee but permits must be obtained from the Zoning Inspector.
    - G. All sign permits shall indicate the date the permit expires.
- (c) Real Estate Development Signs. A non-illuminated, single- or double-sided real estate development sign, including industrial and commercial development, residential subdivision or construction sign denoting the architect, engineer and/or contractor, not exceeding thirty-two (32) square feet per side in the Business Sign District (DB, LB, GB, PRO, M-I or PM zones) nor sixteen (16) square feet per side in the General Sign District, may be erected on property being sold, leased or developed. Such sign shall be set back a minimum of thirty-five (35) feet from the right of way or attached to the building face. Such sign shall be removed upon completion of the project and shall be in place for a period not exceeding two (2) years, renewable for an additional two years, upon filing of a subsequent completed application, re-inspection by the Zoning Inspector, and payment of the appropriate fee.



- (d) Model Home Signs: Such signs shall require a permit (and not be exempt from permit as a residential for sale/for lease sign). Such signs shall be limited to eight (8) square feet in size and may not be internally illuminated. Model Home Sign permits are valid for a period not exceeding two (2) years, renewable upon filing a subsequent completed application, re-inspection by the Zoning Inspector, and payment of the appropriate fee. At such time as the model home is converted to a residence or otherwise no longer used to market new home sales, the sign shall be removed. (Ord. 2012-4067. Passed 10-1-12.)

**1295.09 GENERAL SIGN STANDARDS.**

(a) Banners Over the Public Right-Of-Way. Banners shall not be permitted to extend over the public right-of-way, except for those installed on special brackets for special community events or promotions, as approved by the City Administrator. Banners must be at a height to not interfere with vehicular or pedestrian traffic, and must not obscure traffic control devices. See also requirements for temporary signs and whether separate temporary sign permits are required.

(b) Permanent Signs. Within any zoning district, unless otherwise specified, the following permanent signs may be erected, provided however, that this subsection shall not serve to expand the number or area of signs otherwise allowed, and pursuant to the following.

- (1) Areas of special character. The process for Planning and zoning Commission Design Review is in Section 1295.14.

A. Non -Commercially Zoned Districts with Commercial Signs. Unless otherwise specified, the following permanent sign provisions shall apply to non-residential uses in non-commercial zoning districts (i.e. R-residential, or AG-agricultural) whether by existing non-conformity or permitted non-residential use (See also Historic Old Village Center special regulations)

1. The total number of signs requiring permits on a single lot shall not exceed one (1) which may be free-standing, excepting sign master-planned development.
2. The total cumulative area of all signs requiring permits on such lot shall not exceed twenty-four (24) square feet, excepting wall signs for multiple tenants/units.
3. One wall or projecting sign, not to exceed ten (10) square feet per sign, shall be permitted for each separate business unit in the development or building.
4. One (1) on-premise sign, either free-standing or attached, in connection with any residentially used building in any district also zoned or used for permitted professional offices or home occupations, (see below for additional requirements for Historic Old Village Center) not exceeding two (2) square feet total area if located less than 15 feet from the public right of way, or six (6) square feet total area if located 15 feet or more feet from the public right-of-way. Such signs shall be limited to name, street address and/or vocation. Illumination shall not produce a direct glare beyond the limits of the property line and shall be mounted on the sign and directed downward.

- B. Historic Old Village Center. See also Section 1295.14(a)(9). In the Designated Historic Old Village Center (Old Pataskala) such professional office or home occupations in buildings originally designed as residential, signs shall be limited to ground signs or wall signs not exceeding 16 square feet per side, or hanging (cantilever) signs of not more than 4 feet in height, and not more than 10 square feet per side, and shall be at least 2 feet from the public right-of-way.  
In the Historic Old Village Center new signs and their respective support structures (if free standing) shall be constructed of durable natural materials, or materials natural in appearance, such as, real or simulated carved Redwood or Redwood panels, or masonry such as brick, granite, stone, stucco, decorative block or cementitious products which may include inlay sign panels of non-reflective backgrounds. The acceptability of the proposed material in meeting this standard will be determined by the Zoning Inspector. Such signs may be illuminated by exterior source lighting projected onto the sign face.
- C. Pataskala Corporate Park. See also Section 1295.14(a)(10).
1. The Corporate Park should have a unified image at the entrances (gateways) to the Park at Broad Street and Refugee Road, the theme of which shall be carried through at all new street signs and other such public signs along the road now known as Etna Parkway. The Corporate Park gateway signs shall be exempt from underlying size requirements, however, should conform to recommended lighting as per Business Sign District standards, unless otherwise approved by the Planning and Zoning Commission. The gateway signs are expected to be large scale, highly professional, and greatly enhanced by landscaping and structural features.
  2. Each development unit (i.e. any tract developed by a single developer, but which may include multiple buildings and multiple tenants) may have its own Master Sign Plan that governs all signage within that development unit and which will be submitted for review by the Planning and Zoning Commission.
- D. Public Cultural Institutions. Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, may be erected on the premises of such institutions. One (1) such sign or bulletin board not exceeding twenty-four (24) square feet may be erected if in any R (Residential,) AG, or DB zoning district. If located in any other Business zoning district (LB, GB, M-1, PM, PRO, PCD and PID) the same size, location and manner requirements for all signs in that zone shall apply.
- (2) Business Sign District. (Business Sign District includes GB, LB, PRO, M-1, PM, PCD and PIDs) (DB districts are governed in Historic Old Village Center in subsections (b)(1)A. and (b)(1)B.) Unless otherwise specified, the following permanent sign provisions shall apply:

- A. The total cumulative area of all signs permitted on any lot shall be two (2) square feet of sign area per lineal foot of building front. A total sign area of thirty-two (32) square feet shall be permitted on any lot regardless of building frontage.
- B. One sign of the following type: wall sign, awning or canopy sign, shall be permitted for each separated business unit, not to exceed 32 square feet. Projected signs are permitted but limited to 10 square feet and at a minimum of 7 feet 6 inches above the walkway.
- C. Freestanding ground signs or cantilever signs shall be no greater than 32 square feet as measured according to Section 1205.15 and no greater than 10 feet in height, subject to the total cumulative area limits in subsection (b)(2)A. hereof, or the bonuses described in subsection (b)(2)C.1., 2., 3., 4., 5. and 6. and located at least 10 feet from the road right of way.
- D. The total number of permitted signs on a single business lot shall not exceed two (2) of which only one (1) may be free-standing, excepting sign master-planned developments or the following special circumstances:
  - 1. Sign Bonuses for Large Building Setbacks. The maximum allowable area for a building sign may be increased by 25% for each 100 feet or fraction thereof of building setback when the principal building is located more than 100 feet from the principal street on which the building is located and the building is visible from the street, not to exceed 200% of the maximum allowable area.
  - 2. Signs for Side and Rear Entrances. The maximum allowable number and area for building signs shall be increased beyond the allowable area set forth in subsection (b)(2)A. hereof in compliance with the following:
    - a. One additional sign and additional sign area shall be permitted when a building has a second entrance on the building side or rear. The increased sign area for each side or rear building frontage with an entrance shall be fifty percent (50%) of the sign area permitted for the primary frontage, provided that the additional sign area is utilized only on the secondary building side or rear entrances.
  - 3. Signs On Lots with Multiple Public Street Frontages. For lots that have frontage on multiple public streets, each street frontage shall be calculated separately. The allowable sign area permitted by this Section may be distributed to one or more freestanding sign(s) for each full increment of 250 feet of lot frontage. The total area of all freestanding signs shall comply with subsection (b)(2)D.2.a. hereof. Two signs may be aggregated into a single sign provided that the area of any freestanding sign face shall not exceed 175 percent (175%) of the maximum area permitted for a single sign.

4. Multi-Occupant (Non-Residential) Complexes. When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s) complex name, the anchor occupant, all occupants, or some combination thereof. If individual sign panels are used for each tenant, the design of the sign as a total unit shall be harmonious, through the use of identical or complementary color schemes, fonts or graphics. The separate sign panels shall be framed in a material and color that coordinates or enhances the overall sign structure. The street address shall be prominently displayed as part of the overall design.
  5. Additional Freestanding Signs for Large Lots.
    - a. The number of freestanding signs on large lots may be increased as follows. The allowable sign area permitted by this Section may be distributed to one or more freestanding sign(s) for each full increment of 250 feet of lot frontage. (For example, a lot with 500 feet of frontage would be permitted to have two (2) freestanding signs-a maximum size of 32 SF each.)
    - b. Minimum Separation of Freestanding Signs. Freestanding signs on the same lot shall be separated by a minimum of 250 feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be measured continuously in measuring spacing.
  6. Additional Wall Sign Area for Multiple Story Buildings. Additional building wall sign area is permitted on each of the building's primary and secondary frontages according to the following:
    - a. For a building with two (2) floors the permitted sign area may increase by 32 square feet for each eligible wall.
    - b. This additional permitted sign area may be increased by 15 square feet for each additional building floor in height.
    - c. The sign must be placed at the height for which the bonus has been granted. For example, a three story building that is 50 feet wide at its front would qualify for a sign of 147 square feet if mounted at the third story level (47 square foot sign bonus plus the 100 square foot base).
- (3) Wall signs.
- A. Wall signs shall not extend beyond the ends or over the top of the walls to which they are attached. They shall not obscure architectural details of the building and may fill the area designed for signage such as lintel bands, friezes or spandrels over windows, entrances or across the retail facade. Mounting a sign behind an historic transom window so that it shows through the window, and avoids obscuring the window with an external mount, will be counted as a wall sign.

- B. Wall signs shall not extend more than fifteen (15) inches from the face of the buildings to which they are attached.
- C. Any part of a sign extending over pedestrian traffic areas shall have a vertical minimum clearance of seven (7) feet, six (6) inches.
- (4) Free-standing signs.
  - A. All free-standing signs shall be set back a minimum of ten (10) feet from the right of way, except for temporary signs.
  - B. If for any reason the right of way is changed at some future date, any freestanding sign made nonconforming thereby should be encouraged to conform with the minimum setback requirements to the extent possible upon changes to the sign. Modification of the sign so that it conforms with the currently applicable code, requires a permit, but the fee will be waived.
  - C. No free-standing sign shall be more than ten (10) feet in height above road level.
  - D. No free-standing sign shall extend over or into the public right-of-way, public pedestrian walkway or public driveway, nor shall it overhang the property lines.
  - E. No sign shall impede visibility in the sight triangle.
- (5) Awning signs.
  - A. No sign shall project from an awning.
  - B. Awning graphics may be painted or affixed flat to the surface of the front or sides of the awning.
  - C. No awning sign shall be internally illuminated.
- (6) Identification signs at entrances to town. Free-standing group identification signs announcing the names of churches, social organizations, and the time and place of meetings of civic clubs shall be permitted at the major entrances of the City. Additionally, free-standing identification signs announcing the name of the City, or governmental purpose, may also be pennitted at the major entrances of the City. Such free-standing monument signs shall not exceed twenty feet in height or fifty square feet in area. Any such sign shall require a sign permit. Groupings of signs along the major entrance routes to the City shall be designed as an integrated unit, where possible, and shall be landscaped. These signs may be located within a public right-of-way provided approval is granted by the Council and the Street Department.
- (7) "OPEN" flags.
  - A. In any Business Sign Districts (i.e: DB, GB, LB, PRO, M-I, PM), and in AG zoning, one non-illuminated "OPEN" flag may be displayed for each separate business unit, in connection with commercial promotion. No name, logo or lettering other than the word "OPEN" may be displayed on such signs. OPEN flags may be displayed at the building during business hours and must be displayed at the building entrance. OPEN flags shall be no more than three (3) feet in height and six (6) feet in length. Flag colors are limited to non-fluorescent colors.
  - B. Surface area of OPEN flags in temporary use shall not be deducted from the total cumulative area permitted on the lot.
  - C. No permit shall be required for an OPEN flag.

- (8) Permanent subdivision identification signs. No more than one such sign shall be permitted at each entry to each subdivision. Such signs shall be limited to a maximum height of 6'-0" feet, and the combined area of the signs shall not exceed a total of thirty-two (32) square feet and shall be set back at least ten (10) feet outside of the right-of-way, or as necessary to meet sight distance requirements, of all streets. Such signs shall be limited to monument style signs or graphics only, including by placement on walls, fences, entrance columns or similar architectural or landscaping features used to denote the entrance to the subdivision. Subdivision Identification signs may be illuminated by either exterior lighting projected onto the sign face, or by use of LED backlit but opaque, raised or reverse cut, dimensional letters against an unlit background.
- (9) Multiple-dwelling or apartment developments. One (1) ground sign identifying the name of the development, located at each entrance of the development, not exceeding thirty-two (32) square feet and 6 feet in height. Such signs shall be located at least ten (10) feet outside of the right-of-way. Such identification sign shall be illuminated only by exterior lighting projected onto the sign face or by use of LED backlit but opaque, raised or reverse cut, dimensional letters against an unlit background.
- (10) Window signs.
  - A. Ground Floor Occupants. Notwithstanding the permitted area set forth in Section 1295.06(b) and (p), a window sign shall not exceed twenty-five percent (25%) of the total glass area of the ground floor windows.
  - B. Upper Story Occupants. For a multi-story building, each occupant above the ground floor shall be permitted one permanent sign to be placed in a window of the occupant's space, not to exceed 25 percent of the area of the window in which the sign is placed, however, for all upper story occupants, at least six (6) square feet of window sign will be permitted. These signs shall be in addition to the maximum allowable area for building signs.
- (11) Alleys and intra-block areas.
  - A. Alleyways, pedestrian paseos, and intra-block areas without direct access to thoroughfares, as might occur in an Historic Village Center. Detailed, smaller scale signs are more appropriate. Store entryways are appropriate locations for signs in these areas. Windows along the alleyway also provide locations for signs, especially neon, which would draw attention to the business at night. Hand-carved wooden signs or signs cut out of metal are examples of encouraged styles because of the ability to incorporate a high degree of detail. The "hand-crafted" look for signs in alleys and intra-block areas is encouraged.
  - B. Tenant directory signs are allowed as wall mounted or freestanding signs for businesses located off of alleys, courtyards, arcades, and walls that do not have street frontage. These would locate on or near the building opening or passageway, so long as they do not interfere with pedestrian travel on the adjacent sidewalks.  
(Ord. 2012-4067. Passed 10-1-12.)

**1295.10 ILLUMINATED SIGNS.**

(a) Purpose. The purpose of this section is to permit the installation and operation of illuminated signs within the City, to provide information to the general public in a legible format, to aid in the effective advertising of businesses, and to prevent the opportunity for nuisance effects in areas of land use transitions from business to residential or institutional.

(b) General Provisions. Illuminated signs shall be permitted only in the Business Sign District (i.e. areas zoned DB, LB, GB, PRO, M-I or PM), subject to any additional provisions of designated Areas of Special Character or Overlay Districts.

- (1) Cabinet Signs: Internally illuminated cabinet signs of translucent materials in which the entire sign face glows are not permitted. When cabinet signs are proposed, the permitted forms of illumination are as follows: the background field is required to be opaque so that only the lettering appears illuminated (e.g., routed or push-through lettering/graphics).
- (2) Permitted forms of illumination include indirect spot lights showing onto the sign face, such as "goose neck" lamps or ground mounted spot lights, LED or neon back-lighted signs with opaque, reverse channel letters, neon back-lighted signs with dimensional translucent letters, and signs with illuminated open-face, channel letters.
- (3) Exposed neon/LED tube-script, or outlines of building or sign features are permitted if approved by the Planning and Zoning Commission. Illuminated signs shall conform to all other applicable provisions of the City sign regulations with respect to design, placement, presentation and other regulated features.
- (4) Only one internally illuminated sign shall be permitted per physically separate business unit within a common building, excluding an additional development directory board sign if approved as part of a master sign plan.
- (5) One monument style internally-illuminated sign per establishment of free standing businesses shall be permitted per lot, not exceeding 32 square feet per face on a double-faced sign and a maximum height of 10 feet above the centerline grade of the road. Establishments that are part of a larger retail or commerce center shall conform to the master sign plan for the development.
- (6) No internally illuminated sign may be erected within one hundred (100) feet of any residential zone (R-residential and AG zones) within the City. This does not apply to planned or intentionally mixed use developments in which residential units are located on upper floors over commercial establishments.
- (7) Changeable copy signs.
  - A. General Standards.
    1. Changeable copy signs may be installed only on wall or monument style signs and must be completely framed by the wall or monument structure and colors must coordinate with the overall sign design.
    2. Changeable copy signs are not permitted to be placed upon nonconforming pole signs.
    3. The changeable copy sign face is limited to 30% of the sign face, or 24 square feet, whichever is less.

- B. Electronic Message Center Signs (EMC).
1. Only one (1) EMC sign is permitted per business or zoning lot, whichever is fewer.
  2. The applicant for an EMC sign must warrant that the sign will not interfere with emergency vehicle transponders that regulate traffic signals. Any sign found to interfere with these signals constitute a nuisance and shall be ordered to be disabled immediately.
  3. The Planning and Zoning Commission may approve additional EMCs or deviations from other regulations of EMC's as part of a master sign plan if deemed appropriate according to the scale and character of the development and if there will be no creation of a nuisance.
  4. EMC copy may not change more than once in a three (3) minute period, except for time and temperature only displays (which are limited to 1 change in a 20 second period) and gasoline price displays.
  5. EMCs displays are to be static and are not permitted to flash, roll, scroll, employ other motion or animation techniques during display or changing of copy (in the three (3) minute permitted time).
  6. All EMCs are limited to dark backgrounds with a single color employed at any one time for any message or image. The color text should coordinate with the overall color scheme of the entire sign structure.
  7. All EMCs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of day and night. Light emitted shall not be unreasonably bright, shall not create confusion with traffic signals, nor create a hazard to drivers and pedestrians, and should be shielded to prevent noticeable glow around the sign structure. Any light determined by the City to be unreasonably bright or that creates confusion for traffic shall constitute a nuisance and shall be ordered to be disabled immediately until corrected and approved by the Zoning Inspector.  
(Ord. 2012-4067. Passed 10-1-12.)

**1295.11 EXISTING SIGNS - NON-CONFORMING OR ALTERATIONS TO.**

- (a) Non-Conforming Signs. All pre-existing legal signs that become non-conforming as a result of this Code shall be allowed to remain, subject to the following conditions:
- (1) Rebuilding, enlargement, relocation, extension, replacement or reconstruction of a nonconforming sign is prohibited unless such sign is brought to conformance to within 20% of the standards of this Chapter.



- (2) In the event the use of a nonconforming sign is discontinued for a period of thirty (30) consecutive days, the nonconforming sign shall thereafter conform to the provisions of the zoning district in which it is located or be removed. For the purposes of this Section, the term "discontinued" shall apply to uses which customarily operate on a continuous basis versus a seasonal basis. Seasonal uses shall be subject to a twelve month period of non-use prior to requiring full compliance with these regulations. Additionally any establishment temporarily closed for repairs or remodeling but intended to reopen shall be permitted the continuing use of a non-conforming sign so long as there is no change to the sign itself as outlined in subsection (a)(1) hereof. Intent will be judged by the Zoning Inspector and Planning Director on such evidence as a signed lease or option, building permits applied for, or other such documents indicating a firm commitment to the project.
- (3) A nonconforming sign that is destroyed or damaged more than fifty (50) percent of its net worth may not be reconstructed except in accordance with the provisions of this Section. Within two (2) months of the destruction, such sign may be rebuilt to within 20% of the current standards of height and size of this Chapter, and must still meet the applicable setback and lighting provisions. Such sign not replaced within two (2) months must be reconstructed in conformance with this Section. The owner may appeal to the Zoning Inspector for an extension if evidence is provided that either an insurance settlement cannot be attained within that period, or if the sign builder cannot construct the sign within that period; but not if the delay is a result of failure to act in a timely manner by the sign owner.
- (4) A non-conforming sign must be brought up to conformance with this Code upon any change in the use of the property (uses as according to the first three (3) digits of the NAICS Matrix, established in Chapter 1265 of the Pataskala Zoning Code) for which such property was intended at the time this chapter was enacted.
- (5) Upon alterations to the existing non-conforming sign, the following regulations shall apply:
  - A. Structural. No display sign shall hereafter be structurally altered, rebuilt, enlarged, extended, or relocated except in conformity with the Sign Ordinance, except as provided above.
  - B. Normal Maintenance. Normal Maintenance such as repainting or message replacement for the same enterprise as the original within thirty (30) days of prior use, which does not require modification of the support structures for freestanding signs shall be allowed.
  - C. Historic Signs. The Planning and Zoning Commission may, as it deems appropriate, grant exceptions to these standards whenever a sign, or the sign together with its supporting structure, has been designated as a historic landmark either by provision by City Council, the West Licking Historical Society, the State Historic Preservation Officer or by listing on the National Register of Historic Places.

(b) **Removal of Signs.** Any sign existing on or after the effective date of this Code, whether in conformance with this Code or not, which advertises a business no longer conducted or product no longer sold on the premises upon which such sign is located, shall be removed or obscured within thirty (30) days. This does not include those businesses temporarily closed for repairs or remodeling. Any nonconforming sign that is not reused to advertise a subsequent business of the same use, established within sixty (60) days shall be removed or brought into full compliance with this Code; but subject to the limitations of subsection (a)(2) through (5) hereof.

(1) **Removal of dangerous signs.**

- A. If the Zoning Inspector shall find that any sign regulated in this Code is abandoned, unsafe or insecure, the Inspector shall give written notice to the named owner of the land upon which it is located. The owner shall remove or repair the sign within thirty (30) days from the date of the violation notice. Failure to remove or repair such sign shall be considered a violation of this provision. The permit issued for such sign found to be in violation shall be revoked.
- B. All signs prohibited in this section relating to obstruction of view at street intersections; all illuminated signs that are erected in such a location that a traffic signal light is in a direct line between the sign and oncoming traffic, and any other signs that are unsafe or dilapidated shall conform to the provisions of this Code either by removal or reconstruction, whichever applies, within thirty (30) days after the owner of such sign is notified for the violation.
- C. All signs that employ a lighting or control mechanism which causes radio, radar or television interference; any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as a means of egress or ingress or for firefighting purposes or so placed as to interfere with any opening required for light or ventilation shall constitute a nuisance and shall be ordered to be removed immediately.

- (2) **Note:** In order to provide an incentive for removal of nonconforming signs, there will be no fees for sign permit where a non-conforming sign is removed and replaced by a sign fully conforming with these regulations.  
(Ord. 2012-4067. Passed 10-1-12.)

**1295.12 CONSTRUCTION STANDARDS.**

This section provides guidance and standards for construction of signs requiring permits and shall serve as guidance for the construction of exempt signs. It identifies the specifications needed so that signs are constructed to ensure the community's safety.

- (a) All permanent signs installed after the effective date of this Code shall have legible identification attached to the sign giving the sign permit number.
- (b) The design of all sign structure members and foundation shall conform to the requirements of the Ohio Commercial Building Code relative to allowable stresses, materials and engineering standards. Loads, both vertical and horizontal, shall not produce stresses exceeding those specified in the Building Code, and material construction shall be of the quality and grade required by this section and/or by the Building Code.
- (c) All signs, including wall-mounted and projecting signs, shall be securely anchored and shall not be designed to spin or move by mechanical means (this does not apply to movement caused by wind (for example of a cantilever or projecting wall sign), so long as there is no danger of detachment of the sign.

- (d) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys, and/or anchors.
- (e) All projecting, free-standing or wall signs shall employ acceptable safety material and shall not constitute a hazard to pedestrian travel or the general public.
- (f) All signs shall not conflict with the Manual on Uniform Traffic Control Devices for Streets and Highways (USDOT/FHWA) as applicable. All electrical wiring of signs shall conform to the National Electrical Code.
- (g) The base of all permanent ground signs shall be effectively landscaped with living plant material and maintained in good condition at all times. The minimum landscaped area must extend at least two feet beyond all faces or supporting structures in all directions.
- (h) Sign bases or exposed foundations must be constructed with a finished material. Examples include, but are not limited to brick, stone, faux brick, stone, stucco, flat finish metals, decay resistant wood, or can consist of composites and synthetics that achieve the appearance similar to natural materials as listed above.
- (i) Any lettering smaller than one-half (1/2) inch in size shall be exempt from these requirements. (Ord. 2012-4067. Passed 10-1-12.)

**1295.13 SIGN MASTER PLANS DESIGN REVIEW.**

(a) The Planning and Zoning Commission may approve a master sign plan for planned unit developments of any size and for any existing or proposed business center, industrial center, office complex or mixed used developments which are under unified control either by ownership, legal association or leasehold.

(b) The intent and purpose is to encourage well planned and designed signage within multiple building or multiple use complexes which expresses unification and integration by elements of architectural style, size, color, placement and lighting, while at the same time allowing for reasonable individual business identification. An additional purpose is to encourage the elimination of existing nonconforming signs. The Planning and Zoning Commission may grant a bonus for exceptionally well designed plans of up to one hundred percent (100%) increase in the number of signs and/or fifty percent (50%) increase in the maximum square footage, and/or may permit signs in locations other than normally permitted, based upon a finding that the proposed master sign plan substantially meets the intent and purpose of this Subsection relating to unification and integration of signage, without hindering vehicular or pedestrian traffic.

(c) Once approved at a public hearing by the Planning and Zoning Commission, all master sign plans shall be recorded with the Licking County Recorder's office and shall constitute a covenant and must be complied with by all owners, proprietors, lessees or assigns, whether current or future. No substantial variation from the plan shall be permitted without the Planning and Zoning Commission's approval.

(d) Directional signs for the convenience of the general public and for the purpose of directing persons to a business, activity, service, parking or community facility operating within the City of Pataskala may be erected with the permission of the City Services Director, and as part of the Sign Master Plan, providing such signs do not exceed four (4) square feet per face for a doublefaced sign nor total more than two (2) such signs per development. Messages shall be limited to name or identification, arrow or direction, and distance. Advertising messages shall be prohibited. Off-premise directional signs shall be classified as free-standing signs and shall not be placed within 100 feet of another free-standing sign. Illumination is prohibited. Clustering of several directional signs on a single support is encouraged.

- (1) Such signs shall be limited to Major Arterial and Minor Arterial roads as defined in the City Major Thoroughfare Plan. Such signs may be permitted on Collector streets, as defined in the same classification system, within the Business Sign District.
- (2) Such Sign panels may be made of any conventional weather resistant and rigid sign material acceptable to the City Services Director. They shall be fully reflectorized and shall be similar to "Engineering Grade" reflective sheeting with respect to color (day and night), brightness, reflectivity and durability as specified in the latest edition of the Manual on Traffic Control Devices for Streets and Highways.
- (3) The panel shall have white legend on a blue background with a 1/2 inch white border. The legend shall be white "Highway Type" letters, except that nationally, regionally or locally known commercial symbols or trademarks, in their customary colors, may be used when applicable.
- (4) When in an Area of Special Character, or used internally in a master planned development, the sign colors may be coordinated with the Special Area or development's master plan color scheme provided that such a display does not conflict with standardized traffic control devices and is specifically approved by the Planning and Zoning Commission and City Services Director. International symbols for services may be incorporated as alternates to word messages. All off-premise sign legends are subject to approval by the Planning and Zoning Commission. Sign placement and installation shall be subject to approval by the City Services Director.  
(Ord. 2012-4067. Passed 10-1-12.)

**1295.14 AREAS OF SPECIAL CHARACTER AND CREATIVE SIGNS PERMIT**

**- DESIGN REVIEW. (See Section 1295.09(b)(1), Standards)**

(a) Purpose. It is difficult to adequately regulate all street graphics in a City as diverse as Pataskala. The designation of an area as an Area of Special Character is an incentive to stimulate greater creativity, artistic interest and aesthetic appeal, to integrate the design of street graphics with the architecture, culture, identity and function of the Area of Special Interest. Initially designated Areas of Special Interest include the Historic Old Village Center (below) and the Pataskala Corporate Park. The Council of the City of Pataskala by ordinance and following notice and public hearing, may therefore designate additional Areas of Special Character and outline their specific design guidelines and themes.

- (1) Zoning Map. The Planning and Zoning Department shall maintain and continually revise a zoning map of the City of Pataskala on which the boundaries of all designated Areas of Special Character shall be noted.
- (2) Special Regulations. The Planning and Zoning Commission may approve after notice and public hearing, and forward to Council for adoption, a plan of special regulations signage and graphics for any designated or proposed Area of Special Character. The Council of the City of Pataskala, through normal proceedings to amend the Zoning Code, may adopt or modify special regulations for signs and street graphics in Areas of Special Character. Such regulations, if adopted, shall complement, enhance and be consistent with the character of the Area of Special Character.
- (3) Effect of Special Regulations. Special regulations for Areas of Special Character shall supersede the general regulations for signs and street graphics regardless of whether they are more or less restrictive.

- (4) Scope of Regulation for Areas of Special Character. The special regulations for signs and graphics shall contain visual representations of the lettering, illumination, color, area and height of street graphics and may indicate the areas and buildings where they may be placed and located. The special regulations may incorporate by reference a document containing the visual representation of street graphics in the street graphics plan.
- (5) The Planning and Zoning Commission may approve special regulations for signage and graphics if they are consistent with the purposes of this chapter and the stated theme, vision or character of the Area of Special Character. These regulations shall supersede the general signs standards of this chapter regardless of whether they are more or less restrictive.
- (6) Any owner of a property, or multiple owners of adjacent premises, or one or more occupants of a shopping center or multi-use building, not located in an Area of Special Character, may submit a Creative Sign proposal to the Planning and Zoning Commission that need not comply with some or all the requirements of this chapter if the Planning and Zoning Commission approves of the proposal. This Creative Sign proposal must contain a visual representation of the lettering styles, illumination, colors, size, height, materials, placement, and location of any street graphics proposed for display.
- (7) Standards for approval. The Planning and Zoning Commission may approve Creative Signs Proposal (or Master Sign Plan or graphics for an Area of Special Character) if the signs and street graphics visually represented are:
  - A. Consistent with the purpose of this chapter.
  - B. Compatible with the theme, visual quality, and overall character of the surrounding area or an Area of Special Character, if the street graphics are to be located in such an area.
  - C. Appropriately related in size, shape, materials, lettering, color, illumination, height, location, and character to the function and architectural character of the building, or premises on which they will be displayed, and are compatible with existing adjacent activities. The Planning and Zoning Commission shall base its compatibility determination on the following criteria:
    1. The relationship of the scale and placement of the street graphic to the building or premises on which it is to be displayed.
    2. The relationship of the colors of the street graphic to the colors of adjacent buildings and nearby street graphics.
    3. The similarity or dissimilarity of the street graphic's size and shape to the size and shape of other street graphics in the area.
    4. The similarity or dissimilarity of the style of lettering on the street graphic to the style of lettering of nearby street graphics.
    5. The compatibility of the type of illuminations, if any, with the type of illumination in the area.
    6. The compatibility of the materials used in the construction of the graphic with the materials used in the construction of other street graphics in the area.

- D. Authorized variances. The Planning and Zoning Commission may grant minor variances from the regulations contained in this chapter, including:
1. To permit a setback for a sign that is up to 25% less than the required setback, and
  2. To permit the area or height of a sign to be increased by up to 25% more than the maximum height or area allowed.
  3. These minor variance may be authorized if the Planning and Zoning Commission finds that a special or unique hardship prevents compliance because of:
    - a. Exceptional narrowness, shallowness, or shape of the premises on which a sign is located, or
    - b. Exceptional topographic conditions or physical features uniquely affect the premises.
    - c. Allegations that the display of a particular sign would be more profitable or that the graphic would be more valuable is not a special or unique hardship as required by this section.
    - d. The variance is consistent with the goals of the comprehensive plan and there are no other reasonable alternatives for displaying a sign that would be permitted per the standards of this code.
- (8) Display of Specially Approved Signs. A premises or occupancy for which a set of special sign regulations has been approved by the Planning and Zoning Commission and City Council , such as those for an Area of Special Character, a creative sign permit or a Master Sign Plan, may only display signs and graphics that comply with the approved plan, which shall supersede and replace the general sign regulations of this chapter.
- (9) The Historic Old Village Center Sign District is bounded by SR 16 (south side of street only) from Vine Street east to Township Road, south to Mill Street, west to Licking Street, north across Granville east to Spring Street, north to Cedar, east to Vine, and north ending at the south side of SR 16. These boundaries shall include all properties on either side of all street boundaries other than SR 16 (Broad Street). See Figure I Attached.
- (10) The Pataskala Corporate Park Sign District shall include all land zoned PM and located south of State Route 16 and East of Mink Street, including both sides of Etna Parkway, except that no signs shall be oriented toward Columbia Road. See Figure II Attached.  
(Ord. 2012-4067. Passed 10-1-12.)

#### **1295.15 ENFORCEMENT AND REMEDIES.**

- (a) Review and Appeals. Any person aggrieved by a decision of the Zoning Inspector relative to the provisions of this Code may appeal such decision as provided in Chapter 1211. Any person aggrieved by a decision of the Planning and Zoning Commission relative to the provisions of this Code may appeal such decision as provided in Chapter 1211.

(b) Violations and Penalties. Any person, firm or corporation, whether as owner, lessee, agent or employee, who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit, or who, in any other way, violates any provision of this Code shall be guilty of an offense and receive punishment as established in Section 1209.99. Each day's continuous violation shall constitute a separate additional violation.

- (1) In case of a violation of this Code, the City and its officers may, in addition to any other remedies specifically conferred by ordinance, institute any appropriate proceedings to prevent unlawful erection, construction, reconstruction, alteration or use of any sign not in compliance with this Code.
- (2) Any sign, permitted or not, placed within any public right-of-way or placed so as to impede public access, may be considered to be a threat to public safety and may be removed at the direction of the public safety officers or Zoning Inspector.  
(Ord. 2012-4067. Passed 10-1-12.)

**Table 1295-1: Examples of Sign Characteristics Permitted by Zoning/ Special District**

	Historic Village Centers Special Area	Corporate Park Special Area	GB/LB/DB	PRO	M-1/PM	All residential "R" zones	AG/ or AG uses
Animation or Mechanical or Electronic Induced Motion/ Pennants/ Inflatable	N	N	N	N	N	N	N
Sandwich Board Signs	P	P	P	N	P	N	P
Changeable copy	P	P	P	N	P	N	N
Internal Illumination	N	P	P	P	P	N	N
External Illumination	P	P	P	P	P	N	N
Bent "Neon" Tube	P	P	P	P	P	N	N
Electronic Message or Graphic Signs	N	P	P	P	P	N	N

N = Not allowed

P = Allowed with Permit

(Ord. 2012-4067. Passed 10-1-12.)

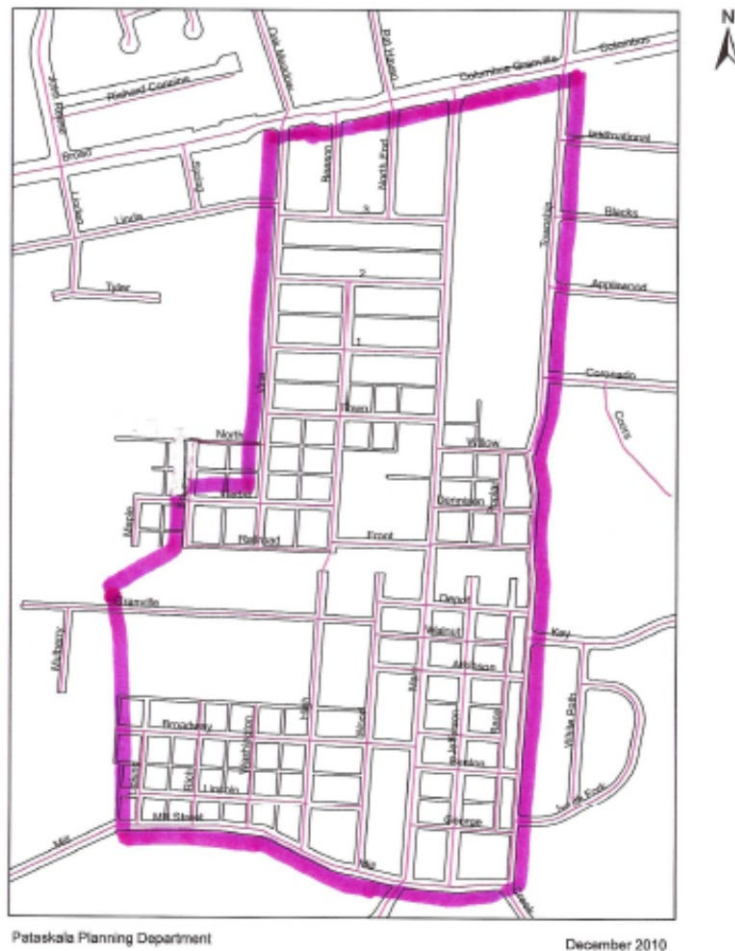


**Table 1295-2: Sign Sizes – These standards are subject to change by special provisions of a Master Sign Plan, Creative Sign Plan or Overlay District**

SIGN TYPE	SIZE PERMITTED
Apartment Community Marker	Max. 6 ft in height
In Business Developments	Total signage = 2 sf/ linear ft of building front
*each business unit/ wall/canopy or awning	Max. 32 sf
Corporate Park	By P&Z approval
Cultural Facilities & Institutions	24 sf in R zones; Other according to zones
Electronic Message Centers	Lesser of 24 sf or 30% of total sign face
Farm ID Signs	25 sf
For Sale /Rent Sign	10 sf
Historic Markers	6 sf
*House in office zoning or used for home occupation	2 sf if < 15 ft from ROW 6 sf if > 15 ft from ROW
Monument Sign	32 sf/ 10' tall
Open Banners	Up to 3 allowed-up to a total 60 sf
*Old Village Historic- commercial signs	Wall- 16 sf  Cantilever – 10 sf /side and 4 ft tall
Political Sign	6 sf; 16 sf if posted speed = or > 45 mph
Real Estate Development	16 sf in an R zone  32 sf all others
Roadside Markets	32 sf
Special Character Districts	24 sf per lot
Subdivision (Residential) Markers	Max. 6 ft in height
Temporary Sign & Community Activity Sign	16 sf (up to 6 allowed)
Sandwich Board Signs	9 sf
Wall Sign-when permit required	6 sf
Wall Sign-exempt from permit	6 sf –up to 4 allowed
Wall-Projecting Sign	10 sf/ 7.5 ft from ground
Warning/ private drive/ lawn signs	2 sf
Window Signs	25% of window /  Upper story business 25% up , but at least 6 sf Up to 16 sf for Temporary Community Activity Poster

(Ord. 2012-4067. Passed 10-1-12.)

**Figure 1** Historic Old Village Center Sign District





## CHAPTER 1296 Residential Appearance Standards

<b>1296.01</b>	<b>Purpose.</b>	<b>1296.09</b>	<b>Foundations.</b>
<b>1296.02</b>	<b>Applicability.</b>	<b>1296.10</b>	<b>Four-sided architecture.</b>
<b>1296.03</b>	<b>Definitions.</b>	<b>1296.11</b>	<b>Garages.</b>
<b>1296.04</b>	<b>Architectural diversity.</b>	<b>1296.12</b>	<b>Porches.</b>
<b>1296.05</b>	<b>Asphalt dimensional shingles.</b>	<b>1296.13</b>	<b>Roof pitch.</b>
<b>1296.06</b>	<b>Chimneys.</b>	<b>1296.14</b>	<b>windowtrim and shutters.</b>
<b>1296.07</b>	<b>Driveways.</b>	<b>1296.15</b>	<b>Vinyl houses.</b>
<b>1296.08</b>	<b>Finish building materials.</b>		

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### **1296.01 PURPOSE.**

Residential development in the City of Pataskala has a direct effect on the character and livability of the community. Therefore, the City of Pataskala has the responsibility to adopt standards that promote desirable residential development that fits the context and character of the existing community. These standards are designed to increase the quality of neighborhoods, to promote positive architectural appearance within residential areas, to encourage design flexibility and creativity, to establish an interesting, aesthetically pleasing residential environment, and to promote durable quality materials that will allow residential neighborhoods to endure and mature for future generations in the City of Pataskala. The following findings warrant the need for exterior appearance requirements for residential development:

- (a) The adopted comprehensive plan recommends promoting high quality standards in building design that is in good scale and harmony with surrounding neighborhoods and buildings, and the natural surroundings.
  - (b) Providing for compliance with appearance regulations will assist in creating quality development within residential neighborhoods.
  - (c) Limiting the garage appearance within the front elevation limits the negative visual impact.
  - (d) A balance of natural and synthetic building materials allows for design creativity and promotes a high-quality development.
  - (e) Trim around windows completes the appearance on every elevation.
  - (f) Placing windows, doors, porches and other features on each elevation enhances the visual environment, avoids large areas of blank exterior walls, and contributes to the overall architectural diversity of a neighborhood.
  - (g) The lack of detailing, architectural features, and trim on elevations detracts from a dwelling and reduces the visual quality of a neighborhood.
- (Ord. 2019-4355. Passed 2-18-20.)

**1296.02 APPLICABILITY.**

- (a) These standards shall apply to:
- (1) The construction of a new house within a Major Subdivision approved following the effective date of this chapter.
  - (2) The addition or alteration of an existing house within a Major Subdivision constructed in compliance with the standards of this chapter.

(b) These standards are the minimum appearance requirements except as may be specifically approved in a Planned Development District ordinance. Planned Development District proposals shall demonstrate how the proposal addresses the purpose of the residential appearance standards to replace these minimum requirements. In the case of absent, or non-specific requirements in a Planned Development District ordinance, the more restrictive requirement shall apply.

(c) These standards shall be in addition to all applicable zoning and development requirements of the Pataskala Code.  
(Ord. 2019-4355. Passed 2-18-20.)

**1296.03 DEFINITIONS.**

**Blank Elevation:** An elevation that lacks the minimum required openings and architectural features, such as windows, doors, exterior chimneys, or other similar architectural features.

**Cantilevered Chimney:** A chimney that projects from the exterior wall and does not have a foundation or extension to the ground.

**Chimney:** A structure projecting from the exterior wall of a house and enclosing or appearing to enclose a flue that carries off smoke. A chimney may or may not extend vertically to the eaves line or have a foundation/connection to the ground.

**Corbel:** A build out of one or more courses of brick or stone from the face of a wall, traditionally to form a support for timbers.

**Cornice:** Overhand of a pitched roof at the eaves line, usually consisting of a fascia board, a soffit for a closed cornice, and appropriate moldings.

**Direct Vent Outlet:** An outlet through an exterior wall associated with the air supply and/or exhaust of a fire burner. It may or may not occur in a projecting box/chimney.

**Dormer:** A window set vertically in a structure projecting through a sloping roof; also the roofed structure containing that window.

**Eaves:** The margin or lower part of a roof projecting over a wall.

**Elevation:** A geometric projection of the front, side, or rear outer surface of a building onto a plane perpendicular to the horizontal; a vertical projection.

**Façade:** The front, sides, or rear faces of a building.

**Fascia:** A horizontal piece, such as a board, covering the joint between the top of a wall and the projecting eaves also call a fascia board.

**Frieze Board:** A decorated band along the upper part of an exterior wall. In house construction a horizontal member connecting the top of the siding with the soffit of the cornice.  
**Foundation Cladding:** An aesthetic enhancement to the foundation concealing exposed portions with an approved material.

**Gable:** The vertical triangular end of a building from cornice or eaves to ridge, the similar end of a gambrel roof, the end wall of a building, and/or a triangular part of a structure.

**House:** For the purposes of this chapter, one, two, and three-family dwelling units.

**Major Subdivision:** The creation of six or more lots, including the remainder, from the original parcel and/or the creation or extension of any roads or easements of access.

**Masonry:** Natural or natural-appearing stone or brick.

**Plinth:** A continuous, usually projecting course of stone or brick forming the base our foundation of a wall.

**Projection:** Any component of a structure that extends out from the main building.

**Quoin:** Corner stones that anchor the edge of the building wall or decorative feature to imitate corner stones, which wrap the corner of an elevation and join two abutting walls.

**Shed-type Chimney:** A chimney that does not extend full height vertically to the eaves line. A shed chimney typically includes a direct vent outlet in the chimney wall.

**Soffit:** The exposed undersurface of any overhead component of a building.

**Stucco:** A coarse plaster composed of Portland or masonry cement, sand, and hydrated lime mixed with water and applied in a plastic state to form a hard exterior coating.

**Trim:** The finished woodwork or similar architectural element used to enhance, border or protect the edges of openings or surfaces, such as windows or doors.

**Vinyl Siding Accessories:** Exterior design elements that serve to provide more visual interest and complement the primary home design.

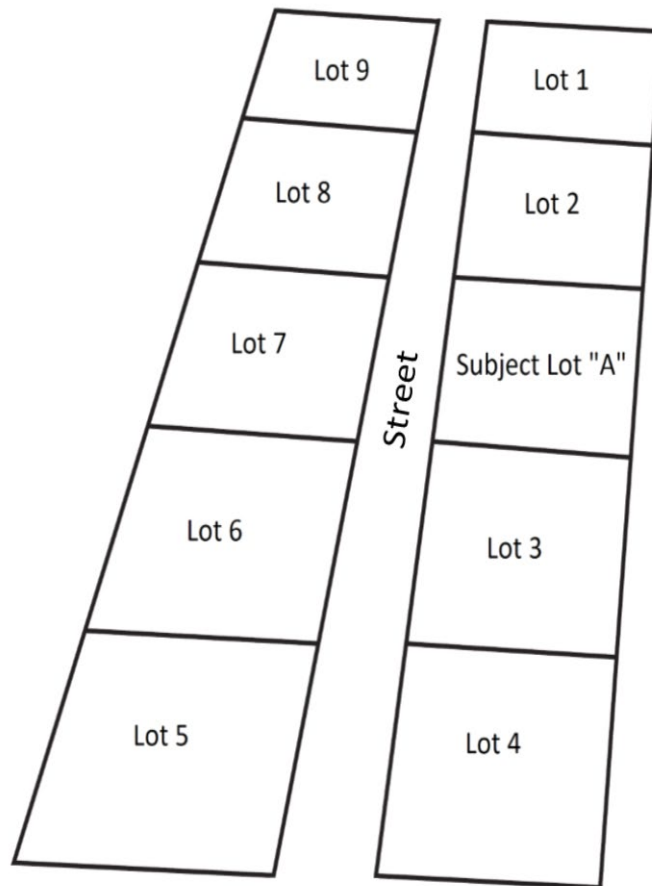
**Water Table:** A projecting brick or stone stringcourse, molding or ledge placed to divert rainwater from a building. (Ord. 2019-4355. Passed 2-18-20.)

#### **1296.04 ARCHITECTURAL DIVERSITY.**

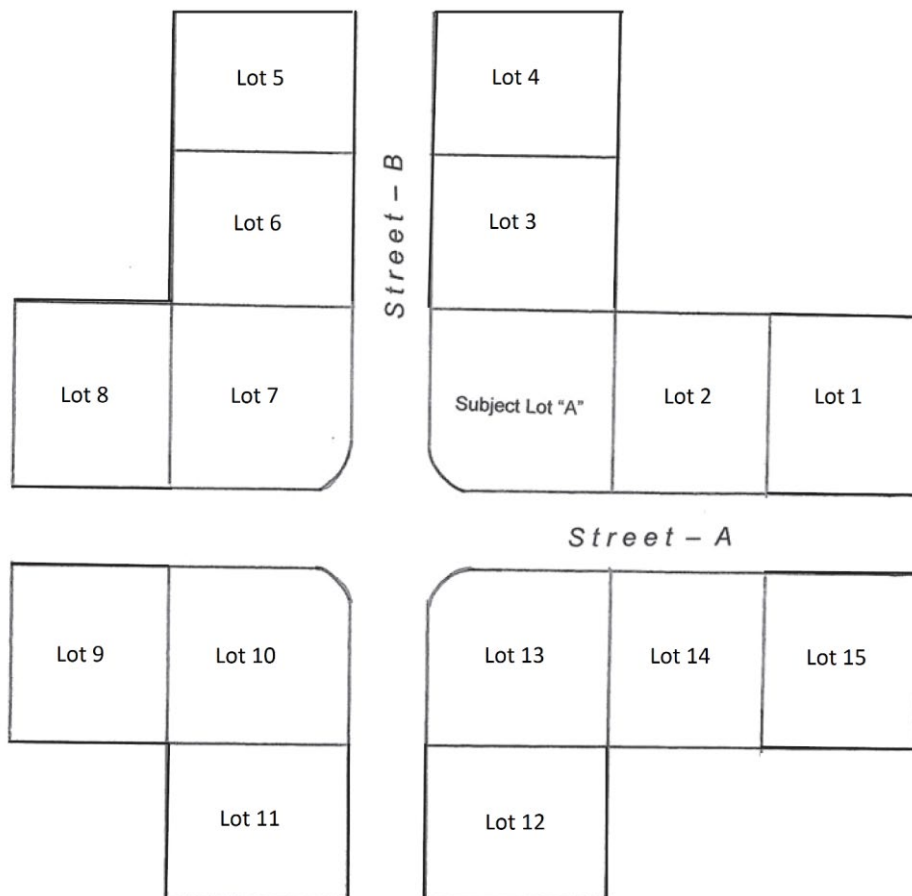
All single-family residential development shall incorporate architectural diversity whereby:

- (a) The same house model shall not be directly across the street, and
- (b) A minimum two lot separation shall be required between the same house model on the same side of the street or diagonal from each other.

Example A: The house model located on Subject Lot "A" cannot occur on lots 1 through 9.



Example B: The house model located on Subject Lot "A" cannot occur on lots 1 through 15.



(Ord.

2019-4355. Passed 2-18-20.)



**1296.05 ASPHALT DIMENSIONAL SHINGLES.**

Asphalt dimensional shingles shall be a 25-year "true" dimensional shingle. Painted shadows are not permitted. Shingles shall have a minimum weight of 240 pounds per 100 square feet and be installed according to the manufacturer's specifications.  
(Ord. 2019-4355. Passed 2-18-20.)

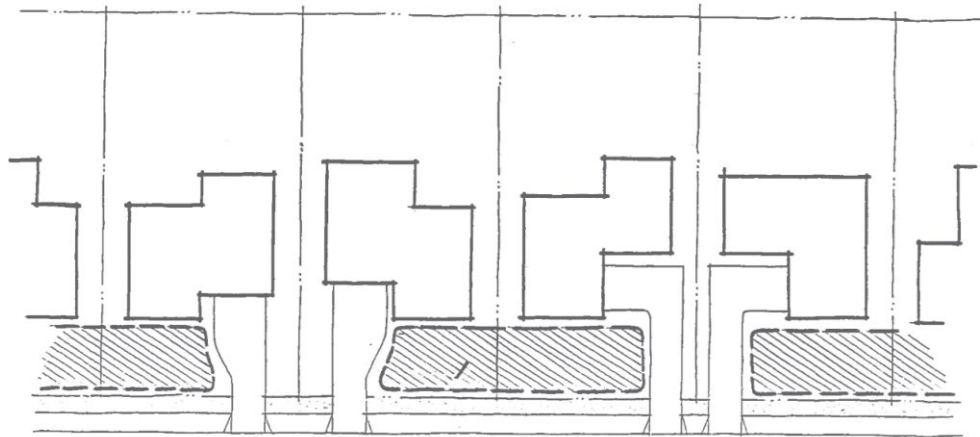
**1296.06 CHIMNEYS.**

All chimneys shall extend full height from the ground and vertically past the eaves line. Cantilevered and shed-type chimney are prohibited. Chimneys shall be finished in masonry or stucco but need not match the background wall in material or color.  
(Ord. 2019-4355. Passed 2-18-20.)

**1296.07 DRIVEWAYS.**

Driveways shall be constructed of concrete, asphalt or brick pavers; however, a similar construction material as an alternative may be approved as part of a Planned Development District ordinance. All driveway aprons shall be constructed of concrete. The maximum driveway width at the right-of-way line shall be 16 feet, not including the apron. Apron curb cuts for straight curbs and the flare for rolled curbs shall be three feet wider than the driveway material on each side. Driveways and curb cuts shall be located not less than three feet from the side lot line. Driveways shall have a maximum grade of 10 percent. Driveways shall be designed to be grouped to increase the amount of open space along the street and assist with the appropriate location of infrastructure to service the house and street trees.

Example C: Grouped driveways increase the amount of open space along the street and assist with the appropriate location of infrastructure to service the house and street trees.



(Ord. 2019-4355. Passed 2-18-20.)

**1296.08 FINISH BUILDING MATERIALS.**

(a) Wood board or shake, brick, stone, cultured stone, fibrous cement siding, stucco and vinyl siding are the permitted finish building materials. Asphalt dimensional shingles, natural or simulated slate, tile, standing seam metal, natural or simulated wood shingles or shakes are the permitted roof materials.

(b) When a change in materials occurs at corners, the change shall occur at the inside of the corner unless the masonry on the street-facing façade extends at least two feet past the outside corner. If a house has a side gable and a material change occurs on the outside corner, or if two different materials are used on the facades of main and upper floors, rather than extending the materials around the corner, a quoin or minimum 5¼-inch wide corner board shall be used along the vertical length of the non-masonry corner.  
(Ord. 2019-4355. Passed 2-18-20.)

**1296.09 FOUNDATIONS.**

There shall be no more than twelve inches of exposed foundation walls. If more than twelve inches of exposed foundation wall is exposed, the foundation shall be finished with brick, veneer brick, stone or cultured stone designed by the manufacturer for at grade or below grade installation.  
(Ord. 2019-4355. Passed 2-18-20.)

**1296.10 FOUR-SIDED ARCHITECTURE.**

Each side elevation shall contain at least two design elements per floor and each elevation facing a street or rear elevation shall contain at least three design elements per floor. Blank facades are prohibited for any detached garages. Typical design elements include, but are not limited to, the following:

(a) Eligible Design Elements.

- (1) A door of at least seventeen square feet in area.
- (2) A window of at least six square feet in area.
- (3) A chimney
- (4) An articulated gable vent of at least four-square feet in area.
- (5) Porches, decks, balconies or similar structures.
- (6) A similar significant permanent architectural feature consistent with the style of the house and purpose of this chapter upon approval of a Planned Development District ordinance.

(b) Ineligible Design Elements.

- (1) Side of porches.
- (2) Rooflines.
- (3) Water tables.
- (4) Garage Doors.

(Ord. 2019-4355. Passed 2-18-20.)

### **1296.11 GARAGES.**

Garages may be attached or detached and shall be clearly secondary in character by means of a simplified design compatible with that of the primary structure. All single-family residential developments shall have a mix of front loaded and side loaded, with a minimum of twenty-five percent (25%) of all lots designed for detached or side loaded garages accessed via a driveway adjacent to the side property line. Garages attached via a breezeway shall be considered detached for purposes of this chapter. For corner lots, the garage shall be oriented towards the "lower" designated street classification as determined by the City Administrator or their designee. Garage doors shall be a maximum of nine feet in height. If there is living area above the garage, the maximum height of the roof over the garage shall be thirty-five (35) feet, otherwise the maximum height of the roof over the garage is eighteen (18) feet.

(a) Front Loaded Garages.

- (1) Front loaded garage shall be located a minimum of four feet behind the front line of the livable area of the house. A covered or uncovered porch shall not be considered a livable area of a house.
- (2) Garage doors shall not exceed forty-five percent (45%) of the width of the house frontage. Where more than a standards two-car front loaded garage is provided, the additional garage bay(s) shall be offset from and architecturally designed to appear separate and distinct from the two-car front loaded garage and the garage doors shall not exceed fifty percent (50%) of the width of the house frontage.

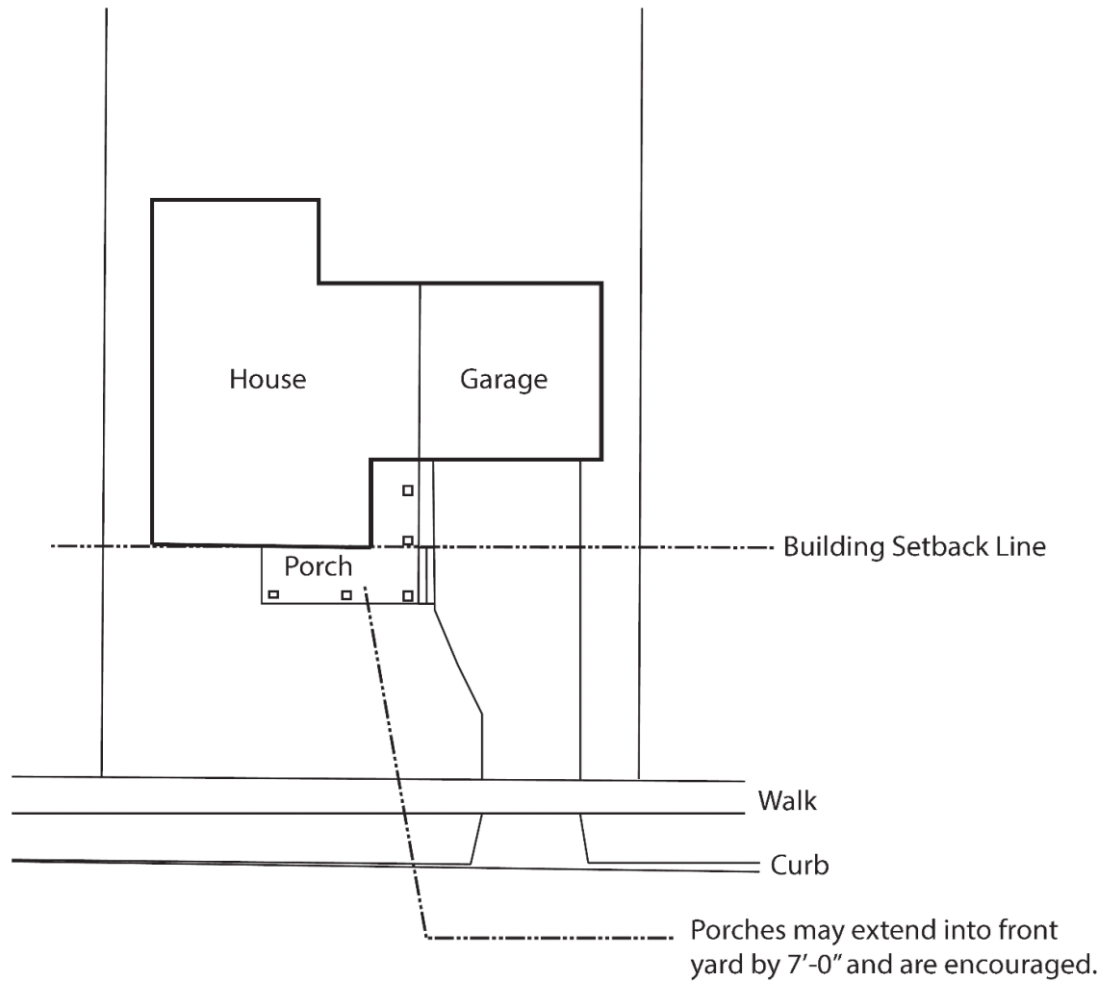
(b) Side Loaded Garages.

- (1) Side loaded garages may be located from an inside court area.
- (2) The garage elevation facing the street shall incorporate design features also found on the front elevation of the house including, but not limited to, windows.

### **1296.12 PORCHES.**

Front porches shall be required on every house and shall be a minimum of 7 feet in depth and 10 feet in width. Front porches may encroach into the established front building setback line by a maximum of seven feet.

Example D: Front porches may encroach into the established front building setback line by a maximum of seven feet.



(Ord.  
2019-4355. Passed 2-18-20.)

**1296.13 ROOF PITCH.**

The main architectural roof of a house must have a minimum 6:12 roof pitch. Dormers, porches, and other similar secondary features may have a minimum 4:12 roof pitch. Eaves and overhangs shall have a minimum width of twelve inches on every elevation. (Ord. 2019-4355. Passed 2-18-20.)

**1296.14 WINDOW TRIM AND SHUTTERS.**

(a) Trim is required with all windows on every elevation and shall include either a top and bottom finish of soldier course, rowlock, lintel or sill; or a minimum 3½-inch board around all sides of the window.

(b) Shutters shall be sized to fully cover the window and shall be louvered, raised or flat paneled or board and batten and made of painted wood, vinyl, painted synthetic, PVC or fibrous cement. (Ord. 2019-4355. Passed 2-18-20.)

**1296.15 VINYL HOUSES.**

All vinyl materials shall have a minimum of 0.046 inches and have a low gloss finish. All houses consisting of 50 percent or more of vinyl siding shall include complementary accessories and detailing where vinyl siding elevations occur, as follows:

- (a) A detailed main entryway by use of a minimum eight-inch wide three-dimensional door surround system.
- (b) Minimum six-inch wide frieze or fascia boards
- (c) Minimum eight-inch wide water table trim board at the foundation.
- (d) At least two accessory types shall occur on each vinyl sided elevation, as follows.
  - (1) Shutters as described pursuant to Section 1296.14
  - (2) Mantels that shall occur above, at a minimum, all windows on vinyl-sided elevations.
  - (3) Masonry water table and plinth shall occur along all elevations of a vinyl sided house. The height of this feature shall be at least two feet as measured from grade.
  - (4) Gable vents shall be an articulated decorative gable vent(s) of at least four square feet in area and in at least the front or side of vinyl sided houses. (Ord. 2019-4355. Passed 2-18-20.)

## CHAPTER 1297 Swimming Pools

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| <b>1297.01 Purpose.</b><br><b>1297.02 Private swimming pools.</b><br><b>1297.03 Community or club swimming pools.</b> | <b>1297.04 Zoning permit required.</b> |
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### CROSS REFERENCES

Swimming pools - see Ohio R.C. Ch. 3749

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#### **1297.01 PURPOSE.**

This chapter is enacted to provide regulations for the construction and operation of public and private swimming pools. It is applicable to bodies of water used for swimming and/or recreational bathing and is not applicable to storm drainage or detention facilities authorized by the City.

#### **1297.02 PRIVATE SWIMMING POOLS.**

A. A private swimming pool, as regulated herein, shall be any water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-ground pool, having a depth of more than thirty inches, designed, used, and maintained for swimming and bathing. Regulations of this section are not applicable to portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet.

B. Requirements: No such swimming pool shall be allowed in any AG or R- district except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements:

1. Exclusive Private Use: The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
2. Distance Requirements: The pool, including any walks, paved areas, and appurtenances thereto, may be located anywhere on the premises except in required front yards, provided it shall not be located closer than 10 feet to any property line or easement of the property on which located; provided further that pump and filter installations shall be located not closer than 20 feet to any property line.

3. Area: The area of the swimming pool, exclusive of decks, walks, and other appurtenances, shall not exceed 10 percent (10%) of the area of the lot or parcel.
4. Fencing: The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. Such wall or fence shall not be less than five (5) feet in height, maintained in good condition, and affixed with an operable self-closing gate and lock.
5. Lighting: Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.
6. Electrical: All electrical appurtenances shall meet the requirements of applicable City-approved Building Codes.

#### **1297.03 COMMUNITY OR CLUB SWIMMING POOLS.**

A. A community or club swimming pool, as regulated herein, shall be any pool constructed by an association of property owners or a private club for use and enjoyment of its members, or any individual or organization for use by the general public for a fee or charge.

B. Requirements: Community and club swimming pools where allowed as a permitted or conditional use shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 30 feet to any property line or easement.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six feet in height and maintained in good condition and locked. Each gate in the fence or wall shall be provided with a secure lock and shall be kept locked at all times when the pool is not in use or under immediate control of a responsible person. All gates shall be self-closing.
4. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.
5. The pool facility meets parking requirements as prescribed in Chapter 1291 of these regulations.
6. Electrical: All electrical appurtenances shall meet the requirements of applicable City-approved Building Codes.

#### **1297.04 ZONING PERMIT REQUIRED.**

A zoning permit shall be required for the construction or installation of any private or community swimming pool; The application for the zoning permit shall provide evidence that the pool will be constructed, maintained and/or installed in conformance with the above provisions of this Code, as well as all other applicable ordinances in effect at time of the application.

## CHAPTER 1298 Temporary Activities

1298.01	Purpose.	1298.03	Zone and duration.
1298.02	Description.	1298.04	General regulations.

### CROSS REFERENCES

Garage sales - see BUS. REG. Ch. 717

#### **1298.01 PURPOSE.**

This chapter allows short-term and minor deviations from the requirements of the Zoning Code for uses which are truly temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate.

#### **1298.02 DESCRIPTION.**

Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: temporary buildings, equipment, and materials used in conjunction with construction activities; construction trailers; leasing offices; garage sales; temporary carnivals and fairs; parking lot sales; retail warehouse sales; and seasonal sales such as Christmas tree sales and vegetable stands. There are two categories of temporary activities. First, there are those which are allowed by the zone but do not meet the development standards. Examples include Christmas tree sales and a parking lot sale in a commercial zone. Second, there are temporary activities which if permanent, would not be allowed by the base zone. Examples include church carnivals in residential zones and retail warehouse sales in industrial zones.

#### **1298.03 ZONE AND DURATION.**

A. Residential (R-) zones. The regulations for temporary uses in the R- zones are as follows:

1. Mobile or manufactured home use during construction: Mobile or manufactured homes may be used for a residence while a permanent residence is being constructed. Mobile or manufactured homes may remain on the site until the completion of the construction, or for not more than 2 years, whichever time period is less. The mobile or manufactured home must be removed within 1 month of issuance of certificate of occupancy for the permanent residence. A performance bond or other surety must be posted to ensure removal of the mobile or manufactured home.



2. Residential sales offices: Sales offices (not located inside a model home) for subdivisions are allowed at the development site until 80% of the total number of lots for the development are sold. Use of the sales office for sites outside of the project is prohibited.
3. Sales:
  - a. Garage sales: Garage sales and other sales for items from the site may occur for no more than three consecutive days on two different occasions during a calendar year.
  - b. Seasonal outdoor sales: Seasonal outdoor sales of plants and produce are allowed twice a year for up to five consecutive weeks each time.
4. Fairs, carnivals and other major public gatherings in the R-zones: Fairs, carnivals and other major gatherings are allowed for up to nine consecutive days at a site with an existing institutional use. Two events are allowed per calendar year.
5. Show of model homes: The viewing of model homes within a subdivision for a fee is allowed for a period not to exceed one month. Only one showing for a fee is allowed per phase of a subdivision.
6. Natural disasters and emergencies: Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.
7. Staging areas for public utility installation: Staging areas for public utility improvement projects such as the installation of sewer pipes, water pipes, and road improvements, are subject to the regulations below.
  - a. Length of project: Only projects that last one year or less are allowed as temporary activities. Projects that last over one year are subject to the regulations for permanent uses. Adjustments to the one year time period are prohibited.
  - b. Dust, mud and erosion control: During the project, operational procedures must include steps to reduce dust and mud on the site and to reduce dust and mud on adjacent streets from vehicles entering and leaving the site. During the length of the project, the site must be enclosed or protected in a manner to prevent on-site erosion and to prevent sediment from leaving the site.
  - c. Noise: The project must meet the applicable noise regulations in Chapter 1287.
  - d. Final site condition: At the end of the project, the site must be prepared and seeded with a mixture of at least 50 percent perennial grass to create a low maintenance vegetative ground cover. An exception to this requirement is sites that have paving prior to the start of the project. In these cases the portion of the site that has paving may remain in paving. All other portions of the site must be seeded as provided above. The ground cover or paving must meet all applicable City standard.

- e. Building permit: Prior to the start of the project, a building permit must be obtained from the appropriate authority. Applications for the building permit must contain evidence that the project will comply with the requirements above. If the project will be implemented through a contract with the City, then the evidence of compliance may be shown as specifications in the contract. If the project does not involve a contract with the City, then at a minimum, evidence of compliance must include performance guarantees to guarantee compliance with the requirements in Subsubparagraphs b. Dust, mud, and erosion control, and d. Final site condition, above.

B. Commercial and Manufacturing (PRO, LB, DB, GB, M-1, and PM) zones. The regulations for temporary uses in the commercial and manufacturing zones are as follows:

1. Parking lot sales: Parking lot sales in zones where outdoor display is not otherwise allowed, are allowed for up to two consecutive weeks at any one time.
2. Seasonal outdoor sales: Seasonal outdoor sales are allowed for up to three months, no more than three times per calendar year.
3. Fairs and carnivals: Fairs and carnivals are allowed for up to two consecutive weeks no more than three times per calendar year.
4. Warehouse sales: In manufacturing zones, retail warehouse sales are allowed for up to one week no more than twice per calendar year.
5. Natural disasters and emergencies: Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.
6. Staging areas for public utility installation: Staging areas for public utility improvement projects such as the installation of sewer pipes, water pipes, and road improvements, are subject to the regulations for the R zones stated in Subparagraph 1298.03A.7.
7. Seasonal outdoor activities: Seasonal outdoor activities are allowed for up to three months, no more than three times per calendar year. Seasonal outdoor activity permits shall only be allowed for public, nonprofit and religious organizations that are educational, charitable, cultural or recreational in their functions. A seasonal outdoor activity permit may be obtained and will be permitted to occur at multiple locations, so long as all locations are indicated on the submitted application.

C. Time between activities. For subsections A. and B. above, except for manufactured homes, construction trailers, and residential sales offices, the minimum time between temporary activities must be at least one week.

(Ord. 2006-3733. Passed 12-18-06.)

**1298.04 GENERAL REGULATIONS.**

All temporary activities are subject to the regulations listed below.

- A. Permanent changes to the site are prohibited.
- B. Temporary parking areas are allowed only during construction on the site. They must be removed within 1 month of issuance of a certificate of occupancy for the construction. The land must be restored to the condition it was in before the development of the temporary parking area unless an alternative development has been approved for the location. A performance bond or other surety must be posted to ensure removal.
- C. Permanent signs are prohibited. All temporary signs (see Section 1295.07A.) associated with the temporary activity must be removed when the activity ends.
- D. Temporary activities may not cause a significant reduction in required off-street parking.
- E. No temporary activities in Commercial and Manufacturing zoning districts shall be maintained beyond the allowed time limit.
- F. Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use.
- G. The operator shall meet all other applicable City requirements, such as sanitation facility permits or electrical permits.



## CHAPTER 1299 Medical Marijuana Facilities

<b>1299.01</b>	<b>Purpose.</b>	<b>1299.04</b>	<b>General requirements.</b>
<b>1299.02</b>	<b>Permitted.</b>	<b>1299.05</b>	<b>Basis of approval.</b>
<b>1299.03</b>	<b>Prohibited.</b>	<b>1299.06</b>	<b>Plan amendments.</b>

### CROSS REFERENCES

Definitions - see P. & Z. 1203.03  
Licensing - see BUS. REG. Ch. 715

#### **1299.01 PURPOSE.**

In addition to the licensing requirements of Chapter 715 of this Code, medical marijuana facilities shall be subject to the requirements defined in this Chapter.  
(Ord. 2017-4291. Passed 7-24-17.)

#### **1299.02 PERMITTED.**

Medical marijuana cultivators and processors, which are licensed under Ohio law and the City of Pataskala, shall be permitted only in the Planned Development District pursuant to Chapter 1255 of the Pataskala Code. (Ord. 2017-4291. Passed 7-24-17.)

#### **1299.03 PROHIBITED.**

Medical marijuana retail dispensaries, licensed under Ohio law, are hereby prohibited from locating and/or doing business within the City of Pataskala.  
(Ord. 2017-4291. Passed 7-24-17.)

#### **1299.04 GENERAL REQUIREMENTS.**

The following general requirements shall apply to all medical marijuana cultivators and processors:

- (a) Location: Medical marijuana cultivators and processors shall be located a minimum of 500 feet from any of the following:
  - (1) School
  - (2) Religious institution
  - (3) Public library
  - (4) Public park
  - (5) Public playground
  - (6) Recreational facility
  - (7) Daycare
- (b) A minimum six (6) foot fence located around the perimeter of the property in addition to all waste disposal containers, disposal areas or compost areas located outside the facility.

- (c) No medical marijuana cultivator or processor shall operate in the City of Pataskala unless the medical marijuana cultivator or processor possesses a valid state certificate of operation from the Ohio Department of Commerce.
- (d) Medical marijuana cultivators and processors shall comply with all local and state laws pertaining to medical marijuana facilities, including all local and state licensing requirements.  
(Ord. 2017-4291. Passed 7-24-17.)

**1299.05 BASIS OF APPROVAL.**

In addition to the standards set forth in Chapter 1255 - Planned Development Districts and Section 1299.03 - General Requirements, the Planning and Zoning Commission and City Council shall consider the following criteria when considering an application for a medical marijuana cultivator or processor:

- (a) The impact of the proposed use on public safety in the community.
- (b) The impact of the proposed use on the economic welfare of the community.
- (c) The impact of the proposed use on the general welfare of the community in regard off-site impacts pursuant to Chapter 1287 of the Pataskala Code.
- (d) The impact of the proposed use on any disproportional concentration of cultivation facilities or processing facilities in the community.  
(Ord. 2017-4291. Passed 7-24-17.)

**1299.06 PLAN AMENDMENTS.**

Amendments to an approved Preliminary or Final Development Plan shall be considered a zoning amendment and shall be reviewed pursuant to the procedures set forth in Section 1255.13. (Ord. 2017-4291. Passed 7-24-17.)

