



Introduced: 02/06/2017
Revised:
Adopted:
Effective

CITY OF PATASKALA

ORDINANCE 2017-4280

AN ORDINANCE AMENDING CHAPTER 1207 OF THE CODIFIED ORDINANCES OF THE CITY OF PATASKALA, AND REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH

WHEREAS, the latest Charter amendments, which were approved at the ballot in November 2016 by the residents of the City of Pataskala, amended the appointment processes for vacancies on the Planning and Zoning Commission and the Board of Zoning Appeals; and

WHEREAS, the City Administration initiated this legislation to amend Chapter 1207 of the Pataskala Codified Ordinances for consistency of the process for appointments to the Planning and Zoning Commission and the Board of Zoning Appeals, and

WHEREAS, Council of the City of Pataskala believes it is necessary to amend Codified Ordinance Chapter 1207 so that it is consistent with the 2016 Charter Amendments.

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

Section 1: Chapter 1207 of the Codified Ordinances of the City of Pataskala are hereby amended to read as found in the document attached hereto as Exhibit A and incorporated herein by reference.

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

Section 3: All prior legislation, or any parts thereof, which is/are inconsistent with legislation is/are hereby repealed as to the inconsistent parts thereof.

Section 4: This Ordinance shall become effective upon the earliest date allowed by the Charter of the City of Pataskala.

ATTEST:

Kathy M. Hoskinson, Clerk

Michael W. Compton, Mayor

APPROVED AS TO FORM:

Brian M. Zets, Law Director

**CHAPTER 1207
Administration**

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

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 ~~Mayor shall appoint~~ 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.

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.

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.

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 ~~citizen~~ members, who are electors of the City, to be appointed by ~~the Mayor~~ 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.

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. 2006-3733. Passed 12-18-06.)

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.

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.

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. 2008-3872. Passed 8-18-08.)