

CITY OF PATASKALA, OHIO

City of Pataskala
Administrative Offices
www.ci.pataskala.oh.us



621 West Broad Street
Suite 2B
Pataskala, Ohio 43062
Telephone: 740-927-2021
Fax: 740-927-0228

NOTICE OF PUBLIC HEARING

CITY OF PATASKALA COUNCIL

The City of Pataskala Council will hold a public hearing on February 18, 2020, at 6:45 PM at City Hall in Council Chambers located at 621 West Broad Street, Pataskala, Ohio.

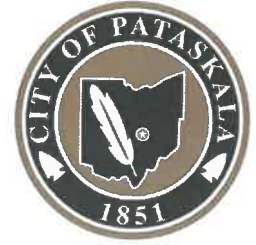
The following amendment to the Codified Ordinances will be considered:

Amendment to Chapter 1287 (off-site impacts) of the Codified Ordinances of the City of Pataskala, and repeal all other ordinances and parts of the ordinances in conflict therewith.

All interested citizens are welcome to attend.

All documents pertaining to the above will be available for examination at City Hall, 621 W. Broad Street, Monday through Friday, 8:00 AM to 4:00 PM.

Kathy Hoskinson
Clerk of Council



*Planning and Zoning
Department*

January 3, 2020

Pataskala City Council
621 West Broad Street
Pataskala, Ohio 43062

RE: Zoning Application ZON-19-009

Dear Council:

The request to add Chapter 1287 – Off-Site Impacts, pursuant to Section 1217.10 of the Pataskala Code, was given a public hearing on Thursday, January 2, 2020.

The City of Pataskala Planning and Zoning Commission recommended approval of the request.

The recommendation shall be forwarded to Pataskala City Council for consideration, as Ordinance Number 2020-4359, for a public hearing on Tuesday, February 18, 2020.

Should you have any questions, please feel free to contact me at (740) 927-4910 or via email at lpaxton@ci.pataskala.oh.us.

Sincerely,

Lisa Paxton
Zoning Clerk

cc: Zoning Inspector
File



CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

STAFF REPORT

January 2, 2020

Code Amendment Application ZON-19-009

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

Description of the Request:

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

Staff Summary:

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

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

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

Code Amendment Approval:

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

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Comprehensive Plan and/or this Code.
2. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
8. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Department and Agency Review

- Zoning Inspector – No Comments
- Public Service Department – No Comments
- City Engineer – No Comments
- Pataskala Utilities – No Comments
- Police Department – No Comments
- West Licking Joint Fire District – No Comments
- Southwest Licking Schools – No Comments
- Licking Heights Schools – No Comments
- Licking County Health Department – No Comments
- SWLCWSD – No Comments

Modifications:

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

- None

Resolution:

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

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



*Planning and Zoning
Department*

NOTICE OF PUBLIC HEARING

The Pataskala Planning and Zoning Commission will hold a public hearing on Thursday, January 2, 2020 at 6:30 p.m., First Floor Council Chambers, Pataskala City Hall, located at 621 West Broad Street. The Planning and Zoning Commission will discuss the following applications:

Amendment to Preliminary Plan Application ZON-19-005: Scenic View Estates LLC, is requesting approval of an Amendment to the Preliminary Plan for Scenic View Estates Planned Development, pursuant to Section 1113.14 of the Pataskala Code, for property located on 0 Middleground Road, Parcel Nos. 064-068087-00.000 and 064-068322-00.009.

Code Amendment Application ZON-19-009: The City of Pataskala is requesting a recommendation to amend Chapter 1287–Off-Site Impacts, pursuant to Section 1217.10 of the Pataskala Code.

The applications are available for review at the Pataskala Planning and Zoning Department, located at 621 West Broad Street, Suite 2A, and will be available December 26 on our homepage, www.cityofpataskalaohio.gov, under the “Planning and Zoning Commission Info” tab.

If you have any questions, please contact the Zoning Clerk at 740-927-4910. Office hours are Monday through Friday, 8:00 a.m. to 4:00 p.m.



Introduced: 2/18/2020
Revised:
Adopted:
Effective:

CITY OF PATASKALA

ORDINANCE 2020-4359

AN ORDINANCE TO AMEND CHAPTER 1287 (OFF-SITE IMPACTS) OF THE CODIFIED ORDINANCES OF THE CITY OF PATASKALA, AND REPEAL ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH

WHEREAS, the proposed amendment would add a penalty Section to the exiting provisions of Chapter 1287 (Off-Site Impacts) to allow for enforcement of properties determined to be in violation.

WHEREAS, the City Planning and Zoning Commission initiated the amendment pursuant to Section 1217.02, and

WHEREAS, a public hearing was held by the City Planning and Zoning Commission on January 2, 2020 pursuant to Section 1217.07, and

WHEREAS, the notice of a public hearing to be held by the City Planning and Zoning Commission was published in a newspaper of general circulation on December 19, 2019 pursuant to Section 1217.08, and

WHEREAS, upon hearing the application the City Planning and Zoning Commission recommended approval of the amendment on January 2, 2020 pursuant to Section 1217.10, and

WHEREAS, a public hearing was held by Council on February 18, 2020 pursuant to Section 1217.11, and

WHEREAS, the amendment was on file for public examination for a minimum of 30 days preceding the Council public hearing pursuant to Section 1217.12, and

WHEREAS, Council hereby determines that all applicable procedures required by Chapter 1217 of the Codified Ordinances have been followed, and that notice was given and a public hearing was held as required by Section 1217.11 of the Codified Ordinances, and Council hereby adopts the recommendation of the City Planning and Zoning Commission as provided for in Section 1217.13 of the Codified Ordinances;

WHEREAS, the Council of the City of Pataskala has determined that it is necessary to amend the Zoning Code of the Codified Ordinances.

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

Section 1: That Chapter 1287 (Off-Site Impacts) of the Zoning Code of the Codified Ordinances of the City of Pataskala be amended to read as found in Exhibit A.

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: This Ordinance shall become effective from and after the earliest period allowed by the Charter of the City of Pataskala.

ATTEST:

Kathy M. Hoskinson, Clerk of Council

Michael W. Compton, Mayor

Approved as to form:

Brian M. Zets, Law Director

EXHIBIT A

521.11 WEEDS AND OTHER NUISANCES

- a) Any person and/or entity owning or having charge of any lot, parcel or land of one and one-half (1.5) acres or less and all commercially zoned lots, lots zoned R-M – Multi-Family Residential, lots zoned R-MH – Manufactured Home Residential, and lots located within a platted subdivision other than woodland areas, conservation and/or agricultural easements, CAUV and/or agricultural preservation districts as set forth in the Ohio Revised Code, subdivision reserves designated to remain in a natural state or for agricultural use, within the Municipality shall, in the absence of an exemption granted by the City Administrator upon written application and for good cause shown, shall be required to control all weeds, grasses and vegetation, except trees, shrubs, acceptable flowers and farms crops, by cutting or other effective legal means of control as is necessary to keep the growth of such weeds, grasses and vegetation under eight inches high.

- b) The Zoning Inspector is authorized to determine on what lots and lands in the Municipality, weeds, grasses and vegetation are being permitted to grow, spread, mature or seed and declare the same as constituting a nuisance or endangering public health. After determination has been made that such weeds, grasses and vegetation constitute a nuisance or endanger the public health, it shall be the duty of the Zoning Inspector to see that they are removed, or such nuisance abated.
 1. A separate offence shall be deemed committed each day during or on which the offense occurs or continues.
 2. Whoever fails to comply with the orders of the Zoning Inspector with respect to these provisions is guilty of a minor misdemeanor.

- c) The Zoning Inspector shall cause written notice to be served upon the owners or lessees or agents or tenants having charge of such lots and lands referred to in subsection (b) hereof, notifying them that weeds, grasses and vegetation growing eight inches or more in height are growing on such lots and lands and that they must be cut or destroyed within 10 days after the service of such notice.
 1. If the address of the owner or person having charge of such lands is known, the Zoning Inspector must send a copy of the notice to said address by regular U.S. mail giving 10 days to correct the violation. For purposes of this Ordinance, service of the notice is complete upon such mailing.
 2. If the address of the owner or person having charge of such lands is unknown, the Zoning Inspector must publish notice in a newspaper of general circulation or by electronic means. After completion of such notice, the Director of Planning and Zoning shall make due return thereon setting for the cost of service.

- d) Upon the failure of any owner, lessee, agent or tenant having charge of the lots and lands under the provisions of subsections (b) and (c) hereof to comply with the notice within the period of time stipulated under the provisions of subsection (c) hereof, the Zoning Inspector shall cause such weeds to be cut or destroyed by the direct employment of labor or authorize some person to cut the weeds on behalf of the Municipality.

- e) Upon the performance of the labor, under the provisions of subsection (d) hereof, the Zoning Inspector shall report to Council the costs thereof with respect to each lot or parcel of land, including the cost of investigation, handling of weed complaints and cost of service and notification. The total cost to be reported to Council shall be the actual cost incurred for the work performed (per incident) plus an additional administrative cost of either two hundred dollars (\$200.00) or twenty percent (20%) of the actual cost incurred for the work performed rounded up to the next whole dollar, whichever is greater.
- f) Upon receipt of the report, under the provisions of subsection (e) hereof, and approval thereof by Council the Clerk of Council shall make a return in writing to the Auditor of Licking County such charges which shall be entered upon the tax duplicate of Licking County, all in accordance with Ohio R.C. 731.54.
- g) In addition to the procedures set forth above in subsections (d), (e) and (f), whoever violates any provision of this Section 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 guilty of a minor misdemeanor per violation. Each day a 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 necessary to prevent or remedy any violation.

EXHIBIT A

REDLINE

521.11 WEEDS AND OTHER NUISANCES

- h) Any person and/or entity owning or having charge of any lot, parcel or land of one and one-half (1.5) acres or less and all commercially zoned lots, , **lots zoned R-M – Multi-Family Residential, lots zoned R-MH – Manufactured Home Residential, and lots located within a platted subdivision** other than **designated** woodland areas, conservation and/or agricultural easements, CAUV and/or agricultural preservation districts as set forth in the Ohio Revised Code, **subdivision reserves designated to remain in a natural state or for agricultural use**, within the Municipality shall, in the absence of an exemption granted by the City Administrator upon written application and for good cause shown, shall be required to control all weeds, grasses and vegetation, except trees, shrubs, acceptable flowers and farms crops, by cutting or other effective legal means of control as is necessary to keep the growth of such weeds, grasses and vegetation under eight inches high.
- i) The Zoning Inspector is authorized to determine on what lots and lands in the Municipality, weeds, grasses and vegetation are being permitted to grow, spread, mature or seed and declare the same as constituting a nuisance or endangering public health. After determination has been made that such weeds, grasses and vegetation constitute a nuisance or endanger the public health, it shall be the duty of the Zoning Inspector to see that they are removed, or such nuisance abated.
1. A separate offence shall be deemed committed each day during or on which the offense occurs or continues.
 2. Whoever fails to comply with the orders of the Zoning Inspector with respect to these provisions is guilty of a minor misdemeanor.
- j) The Zoning Inspector shall cause written notice to be served upon the owners or lessees or agents or tenants having charge of such lots and lands referred to in subsection (b) hereof, notifying them that weeds, grasses and vegetation growing eight inches or more in height are growing on such lots and lands and that they must be cut or destroyed within ~~seven, (7),~~ 10 days after the service of such notice.
1. ~~Notice shall be posted to the violating property giving seven (7) days to correct the violation.~~ If the address of the owner or person having charge of such lands is known, the Zoning Inspector must **also** send a copy of the ~~posted~~ notice to said address by regular U.S. mail giving ~~seven (7)~~ 10 days to correct the violation. For purposes of this Ordinance, service of the notice is complete upon such mailing.
 2. If the address of the owner or person having charge of such lands is unknown, the Zoning Inspector must publish notice in a newspaper of general circulation ~~and may also publish the notice or~~ by electronic means. After completion of such notice, the Director of Planning and Zoning shall make due return thereon setting for the cost of service.
- k) Upon the failure of any owner, lessee, agent or tenant having charge of the lots and lands under the provisions of subsections (b) and (c) hereof to comply with the notice within the period of time stipulated under the provisions of subsection (c) hereof, the Zoning Inspector shall cause such weeds

to be cut or destroyed by the direct employment of labor or authorize some person to cut the weeds on behalf of the Municipality.

- l) Upon the performance of the labor, under the provisions of subsection (d) hereof, the Zoning Inspector shall report to Council the costs thereof with respect to each lot or parcel of land, including the cost of investigation, handling of weed complaints and cost of service and notification. The total cost to be reported to Council shall be the actual cost incurred for the work performed (per incident) plus an additional administrative cost of either two hundred dollars (\$200.00) or twenty percent (20%) of the actual cost incurred for the work performed rounded up to the next whole dollar, whichever is greater.
- m) Upon receipt of the report, under the provisions of subsection (e) hereof, and approval thereof by Council the Clerk of Council shall make a return in writing to the Auditor of Licking County such charges which shall be entered upon the tax duplicate of Licking County, all in accordance with Ohio R.C. 731.54.
- n) In addition to the procedures set forth above in subsections (d), (e) and (f), whoever violates any provision of this Section 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 guilty of a minor misdemeanor per violation. Each day a 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 necessary to prevent or remedy any violation.

CHAPTER 1287
Off-Site Impacts

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

CROSS REFERENCES

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

1287.01 PURPOSE

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

1287.02 APPLYING THESE REGULATIONS

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

1287.03 TRANSITIONAL PERIOD EXEMPTIONS

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

1287.04 RELATIONSHIP TO OTHER REGULATIONS

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

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

1287.05 NOISE

- A. Noise standard. Continuous, frequent, or repetitive noise which exceeds 60 dBA (decibels) may not be produced. Noise from external speakers shall not be audible by an occupant of an adjacent property at the property line nearest the source of the speaker noise.
- B. Exceptions. Noise from temporary construction is exempt. Noise from vehicles which leave the site (such as trucks, trains, airplanes and helicopters) is exempt. Air-raid sirens and related apparatus used solely for public purposes are exempt. Noise lasting less than 5 minutes per day is also exempt. Noise from primarily on-site vehicles and equipment is not exempt.

1287.06 VIBRATION

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

1287.07 ODOR

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

1287.08 AIR POLLUTION

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

1287.09 GLARE

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

1287.10 FIRE HAZARD

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

1287.11 ELECTROMAGNETIC RADIATION DISTURBANCE

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

1287.12 EROSION

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

1287.13 WATER POLLUTION

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

1287.14 MEASUREMENTS

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

1287.15 DOCUMENTATION IN ADVANCE

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

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

1287.99 PENALTY

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

REDLINE

CHAPTER 1287 Off-Site Impacts

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CROSS REFERENCES

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

1287.01 PURPOSE

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

1287.02 APPLYING THESE REGULATIONS

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

1287.03 TRANSITIONAL PERIOD EXEMPTIONS

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

1287.04 RELATIONSHIP TO OTHER REGULATIONS

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

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

1287.05 NOISE

- A. Noise standard. Continuous, frequent, or repetitive noise which exceeds 60 dBA (decibels) may not be produced. Noise from external speakers shall not be audible by an occupant of an adjacent property at the property line nearest the source of the speaker noise.
- B. Exceptions. Noise from temporary construction is exempt. Noise from vehicles which leave the site (such as trucks, trains, airplanes and helicopters) is exempt. Air-raid sirens and related apparatus used solely for public purposes are exempt. Noise lasting less than 5 minutes per day is also exempt. Noise from primarily on-site vehicles and equipment is not exempt.

1287.06 VIBRATION

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

1287.07 ODOR

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

1287.08 AIR POLLUTION

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

1287.09 GLARE

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

1287.10 FIRE HAZARD

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

1287.11 ELECTROMAGNETIC RADIATION DISTURBANCE

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

1287.12 EROSION

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

1287.13 WATER POLLUTION

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

1287.14 MEASUREMENTS

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

1287.15 DOCUMENTATION IN ADVANCE

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

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

1287.99 PENALTY

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