



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

### CHAPTER 1287 Off-Site Impacts

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

#### 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**

**EXHIBIT A**

**CHAPTER 1287  
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