



## CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

### STAFF REPORT

June 2, 2021

#### Code Amendment Application ZON-21-003

<b>Applicant:</b>	City of Pataskala
<b>Location:</b>	City Wide
<b>Request:</b>	Requesting to add Chapter 1294 – Impact Fees to the Pataskala Code pursuant to Section 1217.10 of the Pataskala Code.

#### Description of the Request:

The proposed amendment would create a funding mechanism to offset costs for roadway improvements made necessary from new development. There are provisions for imposition, collection, expenditure, and administration of impact fees within the proposed amendment.

#### Staff Summary:

Impact fees are payments required by local governments of new development for the purpose of providing new or expanded public capital facilities required to serve that development. The fees typically require payments in advance of the completion of development, are based on a methodology and calculation derived from the cost of the facility and the nature and size of the development, and are used to finance improvements offsite of, but to the benefit of the development.

Since January 2020 the City has developed the costing and methodology report based upon the draft future land use map, reviewed impact fee legislation from other communities, and collaborated with the Streets Committee to create the proposed amendment. The purpose of the proposed amendment is to establish uniform procedures for the imposition, collection and expenditure of impact fees to ensure new development contributes its fair share towards the costs of public facilities necessitated by the development. In the case of this amendment, the only public facilities impact fees would be used for are roads.

In general, impact fees will be imposed on new construction, the expansion of an existing building, or the rezoning of an existing building to a more intense use. Impact fees would not be imposed on improvements that do not increase the demand for public facilities such as fences, interior remodeling, or the replacement of a destroyed building in addition to governmental agencies or non-profit organizations. City council may waive impact fees on a project determined to have extraordinary economic development benefits.

Upon receipt of a zoning application for new development the Planning and Zoning Department will calculate the impact fee based upon the type of development (residential or non-residential), the category

of use and the fee based upon the square footage. The appropriate impact fee would then be submitted along with the application fee(s). If an applicant believes that the impact fee calculations were erroneous or in violation of a right, they may submit an independent impact fee analysis. The City Administrator may accept or reject the independent analysis. If rejected the applicant may appeal the decision to City Council.

The City may enter into a development agreement with an applicant, which provides reimbursement of impact fees in exchange for the dedication or construction of public facilities (roads) made necessary by a proposed new development. City Council will make the determination to accept or reject the development agreement.

The Finance Director will establish an impact fee fund in which all impact fees collected must be deposited. The appropriation of impact fees must be approved by City Council and may only be used for public facility improvements identified in the methodology report and will provide benefits to the new development. Impact fees may not be used for maintenance of public facilities (roads). Impact fees may be refunded, upon approval by City Council, if a zoning permit has expired, the City has not appropriated the funds within six years, or the abandonment of a new development.

The City Administration is required to prepare an annual report to City Council. This report will review the impact fees collected, appropriation of impact fees, and any recommendations for updates.

**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-21-003 pursuant to Section 1217.10 of the Pataskala Code. (“with the following modifications” if modifications are to be placed on the approval).”