



Introduced: 07/19/2021
Revised:
Adopted:
Effective:

CITY OF PATASKALA

ORDINANCE 2021-4396

AN ORDINANCE CREATING, ESTABLISHING, AND ADOPTING CHAPTER 1294 (IMPACT FEES) OF THE CODIFIED ORDINANCES OF THE CITY OF PATASKALA

WHEREAS, pursuant to Art. XVIII, §3 of the Ohio Constitution, and the caselaw interpreting this Section, the City of Pataskala has the authority to fix, impose, and provide for the collection of impact fees to finance, in whole or in part, the capital costs of public works, improvements, and facilities required to accommodate new development; and

WHEREAS, the City of Pataskala retained Strand Associates, Inc. to assist the City and prepare an Impact Fee Methodology and Costing Report; and

WHEREAS, the City of Pataskala Streets Committee held multiple meetings over the past year to discuss and deliberate whether the City of Pataskala needed to establish impact fees. Ultimately, the Street Committee recommended the City create and establish Chapter 1294 (Impact Fees); and

WHEREAS, the City of Pataskala Planning and Zoning Commission then initiated the instant amendment pursuant to Section 1217.10; and

WHEREAS, a public hearing was held by the City Planning and Zoning Commission on June 2, 2021 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 May 20, 2021 pursuant to Section 1217.08, and

WHEREAS, the Planning and Zoning Commission recommended approval of the amendment on June 2, 2021 pursuant to Section 1217.10, and

WHEREAS, Council for the City of Pataskala believes: (1) impact fees are necessary to offset the costs associated with meeting future public facility and service demands pursuant to the projections set forth in the Report; (2) impact fees bear a reasonable relationship to the burden imposed upon the City' to provide public facilities to new residents, employees, and businesses; and impact fees provide a benefit to such new residents, employees, and businesses reasonably related to the impact fee assessed; (3) an "essential nexus" exists between the projected new development and the need for additional facilities to be funded with impact fees, and between the impact fee and the benefits that accrue to new development paying the fee; and (4) the amount of the impact fees is "roughly

proportional" to the pro rata share of the additional facilities needed to service new residential and non-residential development, while maintaining the existing level of services standard currently provided to existing City residents, employees, and businesses: and

WHEREAS, based on the population, housing unit, and land use projections as well as the capital improvements associated with the projected growth, Council for the City of Pataskala believes impact fees are an appropriate and necessary technique to help ensure adequate public improvements are provided for new development; and

WHEREAS, Council for the City of Pataskala believes impact fees are necessary to protect the public health, safety, and general welfare of future residents and employees generated by new development; and

WHEREAS, Chapter 1294 contains administrative provisions to ensure that the benefit of capital improvements funded with the impact fee will accrue proportionately to new development paying the fee; and

WHEREAS, a public hearing was held by Council on July 19, 2021 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 for the City of Pataskala 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.

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: Council for the City of Pataskala hereby creates, establishes, and adopts Chapter 1294 (Impact Fees) of the Codified Ordinances of the City of Pataskala, as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

Section 2: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 3: 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 4: 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