

CHAPTER 148 - Department of Planning and Development

- 148.01 FINDING OF BLIGHT AND DEFINITIONS.
- 148.02 DIRECTOR OF PLANNING AND DEVELOPMENT.
- 148.03 CONTENTS OF URBAN RENEWAL OR URBAN REDEVELOPMENT PLANS AND THE RELOCATION PLAN.
- 148.04 PUBLIC HEARING AND COUNCIL ACTION.
- 148.05 IMPLEMENTATION OF URBAN RENEWAL OR REDEVELOPMENT PROJECTS.
- 148.06 BUILDING PERMITS RESTRICTED IN PROJECT AREAS.
- 148.07 PREVIOUS PROCEEDINGS.
- 148.08 TRANSFER OF CITY INTERESTS IN REALTY WITHOUT COMPETITIVE BIDDING.
- ~~148.09 LEASES AUTHORIZED WITHOUT BIDDING; CONDITIONS.~~
- ~~148.10 PLANNING GUIDE ADOPTED.~~
- ~~148.109~~ EMINENT DOMAIN.
- 148.10 FEES.
- 148.11 FEES; REFUNDS.

148.01 FINDING OF BLIGHT AND DEFINITIONS.

(a) It is found and determined that:

- (1) There exists within the City, blighted areas of the nature defined in subsection (b)(1) hereof which constitute a serious and growing menace presently or potentially injurious and inimical to the public health, safety, morals and general welfare of the residents of the City.
- (2) That the existence of such areas:
 - A. Contributed substantially and increasingly to the spread of disease, crime or to losses by fire and accident, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire and accident protection, or for other public services and facilities;
 - B. Constitutes an economic and social liability; and
 - C. Substantially impairs and arrests the sound growth of the community; retards the provision of housing accommodations, aggravates traffic problems, and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities;
- (3) That this menace is beyond remedy and control solely by regulatory processes and exercise of the police power, and cannot be dealt with effectively by the ordinary operation of private enterprise without the aids herein provided;
- (4) That the elimination in whole or in part of blighted areas, and the prevention of occurrence or recurrence of such areas by redevelopment and by the conservation, rehabilitation and reconditioning, to the extent feasible, of the salvageable portions of such areas, and by other activities pursuant to Urban Redevelopment or Urban Renewal as defined herein, are public uses and purposes for which public money may be expended and private property acquired by purchase, by donation and by appropriation, and are governmental functions

of concern to the City, and require the exercise of the powers of government granted to the City by the provisions of Article XVIII of the Ohio Constitution;

(5) That the necessity in the public interest and general welfare, for the provisions of this chapter, is hereby declared as a matter of legislative determination.

(b) As used in this chapter:

(1) "Blighted area" means an area requiring urban renewal or redevelopment within the City declared by ordinance as containing any of the following which either individually or in combination substantially impairs or arrests the sound growth, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare of the area or the City in its present condition and use:

A. Deteriorated or deteriorating structures, whether occupied, vacant or abandoned;

B. Buildings or other structures that have been destroyed or partially destroyed or damaged and have not been repaired or restored to comply with the City's building and other applicable codes;

C. Land that is extensively littered with demolition or other debris, scrap, refuse or solid waste;

D. Defective, inadequate or inefficient street layout, or inadequate, nonexistent or defective access to improved streets;

E. Inadequate or nonexistent public utility facilities for water or sewage within the area, or failure of residential units to connect to water or sewer facilities reasonably available within the area;

F. Unsanitary or unsafe conditions;

G. Faulty lot or parcel layout in relation to size, adequacy, accessibility or usefulness;

H. Diversity of existing land uses or uses of land in a manner that is detrimental to the orderly development and use of land in the area and surrounding areas;

I. The existence of public or private uses of land within or near the area for sanitary landfills (whether actively used or inactive), dumps, railroad tracks, lines, bridges, tunnels or facilities, limited access highways, airports or landing fields, junk or salvage yards, or sewage treatment facilities, or land, the contours of which have been both unnaturally and detrimentally affected;

J. Inadequate storm water drainage, conditions conducive to flooding or unhealthful retention of storm water, sewage or water of undeterminable origin;

K. Tax or special assessment delinquency exceeding the fair market value of the land;

L. Defective or unusual conditions in respect of real property titles;

M. The existence of conditions which endanger life or property by fire or other causes;

N. The existence of conditions which are conducive to ill-health, or the transmission of disease, including but not limited to conditions which foster and promote the habitation of rodents, vermin, mosquitos and other harmful insects;

O. Inadequate provision for ventilation, light, air, sanitation or open spaces;

P. The location of land near sources of noise of sufficient intensity to render as undesirable its use for residential purposes, including but not limited to such sources as airports, limited access highways and industrial or manufacturing plants.

(2) "City" means the City of Gahanna, Ohio.

(3) "Director" means the Director of Planning and Development of the City of Gahanna, Ohio.

- (4) “Redeveloper” means any person or entity, purchasing or leasing property from the City within a blighted area, or one owning property located within such area and entering into a conforming agreement with the City in consideration of being permitted by the City to retain title to such property.
 - (5) “Rehabilitation” or “conservation” or “reconditioning” includes those undertakings and activities identified in subsection (9), items B, C, D, E, G and H of this section.
 - (6) “Solid waste” means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural and community operations, including earth or material from construction, mining, or demolition operations and slag and other substances, including but not limited to garbage, combustible and noncombustible material, street dirt and debris.
 - (7) “Urban renewal” or “urban redevelopment” means the City activities for developing, undertaking and carrying out of urban renewal or redevelopment programs and projects, including all planning and other related activities of the City in connection therewith, or any part of such activities.
 - (8) “Urban renewal plan” or “urban redevelopment plan” means a plan as it exists from time to time for the urban renewal or redevelopment of a blighted area or part thereof.
 - (9) “Urban renewal project” or “urban redevelopment project” or “project” means undertakings and activities of the City, in accordance with urban renewal or urban redevelopment plans in a blighted area for the elimination and for the prevention of the development or spread of blight, and may involve clearance and redevelopment in a blighted area, or rehabilitation and conservation in a blighted area, or any combination or part thereof. Such undertakings and activities in a blighted area may include but not limited to:
 - A. Acquisition of real property, or interests and rights therein, including the acquisition of air rights by purchase or condemnation.
 - B. Demolition and removal of buildings, structures and improvements.
 - C. Installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out the urban renewal or urban redevelopment plan.
 - D. Disposition of property by sale, lease or otherwise, for uses in accordance with the urban renewal or urban redevelopment plan.
 - E. Encouraging and assisting interested citizens in a private or government program of voluntary repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan.
 - F. Construction of foundations and platforms necessary for the appropriate provision of air rights sites, and the preparation of land for development or redevelopment, including but not limited to clearance, grading, pilings, foundations and platforms.
 - G. Acquisition and repair or rehabilitation, and resale, of structures by the City or the purchaser under controls established by the City for dwelling use or related facilities.
 - H. Relocating within a blighted area a structure which the City determines to be of historic value and which will be disposed of to a public body or a private nonprofit organization which will renovate and maintain such structure for historic purposes.
- (Ord. 0120-2007. Passed 6-18-07.)

148.02 DIRECTOR OF PLANNING AND DEVELOPMENT.

- (a) There is hereby reestablished the position of Director of Planning and Development as a full-time position, to be appointed by the Mayor.
- (b) The Department and the Director shall have the following powers, duties and functions:
- (1) Maintain a continuing evaluation of the sources available for retention, development, redevelopment or expansion of residential dwelling units and industrial and commercial facilities in the City through both public and private agencies.
 - (2) Consult with the public or private agencies or authorities in the preparation of studies of human and economic needs or advantages relating to economic and community development and redevelopment.
 - (3) Assist the Planning Commission in the preparation and maintenance of comprehensive plans and recommendations for the promotion of more desirable economic patterns of growth within the City.
 - (4) Disseminate information concerning residential, industrial, commercial, governmental, educational, cultural, recreational and other advantages and attractions of this City.
 - (5) Provide technical assistance to public and private agencies in the preparation of promotional programs designed to attract business.
 - (6) Implement urban renewal and urban redevelopment plans and projects authorized and approved by ordinance by the Council.
 - (7) Prepare plans and studies concerning all matters affecting development of the City, including but not limited to urban renewal and urban redevelopment plans.
 - (8) Stimulating, promoting, and coordinating economic development and redevelopment within the City.
 - (9) Acting as an ex officio representative of the City with any corporation or association organized for the promotion and development of economic growth within the City, including but not limited to: the Chamber of Commerce, Community Improvement Corporation, and trade associations.
 - (10) Recruitment of new job-producing businesses to Gahanna for industrial and existing commercial areas;
 - (11) To recommend Gahanna's economic reality and development promotional efforts to accomplish;
 - (12) To provide information to investors/bankers for investment in the right businesses to operate and succeed in Gahanna;
 - (13) To visit and assist existing businesses on an ongoing basis;
 - (14) To assist in simplification of the process for interested businesses to get through boards and commissions and the permit and zoning procedure;
 - (15) To utilize key people in community as resources for special projects, e.g., Gahanna Chamber, Community Improvement Corporation, groups and individuals.
 - (16) Such other powers, duties, and functions as provided by ordinance or resolution adopted by the Council.
- (Ord. 0120-2007. Passed 6-18-07.)

148.03 CONTENTS OF URBAN RENEWAL OR URBAN REDEVELOPMENT PLANS AND THE RELOCATION PLAN.

In any urban renewal or redevelopment plan initiated and prepared after the effective date of this section, the Director of Planning and Development shall include, but not be limited to, the following:

- (a) A description of the boundaries of the project area;
 - (b) A land-use plan showing the location, character and extent of public and private land ownership, utilities, use and occupancy existing and proposed within the area;
 - (c) A delineation of areas of land acquisition, demolition and removal of structures, or of rehabilitation, conservation or reconditioning of existing structures, if any, as may be proposed to be carried out in the project area;
 - (d) A statement indicating the controls and the use, development and building restrictions to be placed on the property in the project area, to prevent a recurrence of slum or blighted conditions;
 - (e) A report showing the proposed changes, if any, in the building, housing or zoning ordinances or maps, and in the layout of streets or utilities;
 - (f) A statement from the appropriate City official or officials setting forth the capability of the City to finance the portion of the project costs to be contributed by the City;
 - (g) A statement of the relationship of such plan to the definite objectives of the City respecting appropriate land uses, improved traffic conditions and transportation, public utilities, recreation and community facilities and other public improvements;
 - (h) A proposed chronology of events and a narrative of any anticipated scheduling difficulties;
 - (i) A summary of any previous studies and plans concerning matters directly affecting the territory.
 - (j) A relocation plan which shall:
 - (1) Set forth a feasible method for the relocation of households to be displaced by the urban renewal or urban redevelopment project; and
 - (2) Indicate whether there are or are being provided in the blighted areas, or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of the individuals and families to be displaced from the urban renewal or redevelopment project area decent, safe and sanitary dwellings equal in number to the number of such displaced individuals or families, and available to them and reasonably accessible to their place of employment. The Mayor may submit such plans, prepared by the Director of Planning and Development to Council in the appropriate format.
- (Ord. 0120-2007. Passed 6-18-07.)

148.04 PUBLIC HEARING AND COUNCIL ACTION.

- (a) After the effective date of this section, the Council, before approving an urban renewal plan or urban redevelopment plan, or amendments to existing plans, shall refer all such plans to the Planning Commission pursuant to Section 11.05 of the Charter of Gahanna which may, but need not hold public hearings on the matter. Council shall then hold a public hearing on the plan, which hearing may be adjourned from time to time. Notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the City once a week for two consecutive weeks on the same day of the week, and at least five full days shall elapse between the second publication and the date set for the public hearing. The notice shall also

contain a description of the project area by its location in relation to highways, streets, watercourses or other natural or artificial boundaries, and shall also designate the place at which the plan, maps, plats and other materials describing the project area are and will be available for public inspection. The failure to give such notice or a defect in the notice given under this section shall not invalidate any urban renewal or redevelopment plan adopted by Council.

The public hearing may be held at a regular or special meeting of Council.
(Ord. 181-2001. Passed 9-4-01.)

- (b) Following completion of a public hearing held pursuant to subsection (a) hereof, Council may either approve or reject the urban renewal or redevelopment plan or make modifications and approve the plan as modified. Approval of an urban renewal or redevelopment plan shall be given by ordinance adopted pursuant to the provisions of the Charter of the City.
 - (c) The ordinance adopted by Council approving an urban renewal or redevelopment plan shall include the following findings:
 - (1) Specific findings of the fact as to the conditions in the blighted area.
 - (2) That the size and character of the area and the location of elements of blight in the area make it appropriate for urban renewal activities.
 - (3) That the proposals for the proper relocation of individuals and families displaced in carrying out the project in decent, safe and sanitary dwellings in conformity with acceptable standards are feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the project; and that such dwellings or dwelling units available or to be made available to such displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families in the project area, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment.
 - (4) That the plan for the blighted area will afford maximum opportunity consistent with the sound needs of the community as a whole for the rehabilitation or redevelopment of the blighted area.
 - (5) That the plan conforms to the existing comprehensive plan for the overall development of the City.
- (Ord. 85-78. Passed 9-19-78.)

148.05 IMPLEMENTATION OF URBAN RENEWAL OR REDEVELOPMENT PROJECTS.

- (a) When authorized by Council, and moneys appropriated, the Director of Planning and Development shall cause the City to acquire by negotiation the parcels of land in the blighted area in accordance with the urban renewal or redevelopment plan. In the event that appropriation of property is necessary, Council shall initiate and carry out the proceedings in accordance with the City Charter and applicable provisions of Ohio R.C. Chapter 163, and the City Attorney shall be responsible for implementing the appropriation of the property. Further, he shall then initiate such City activities as may be necessary to carry out the urban renewal or redevelopment project, including but not limited to the: demolition, rehabilitation or repair of structures (whether voluntarily by the private owners thereof or by the City); the removal of

pavement, sidewalks, lighting, debris, scrap, solid wastes, capping, removal and relocation of City-owned utility lines; grading, construction of site improvements and supporting facilities, temporary lease, rental or permission to let others use structures or parcels of land while owned by the City; relocation activities and the enforcement of any applicable provisions of law or nonconforming agreements relative to building, zoning, platting; and the repair or rehabilitation of land and structures remaining in private ownership. This section shall not be construed to modify the authority of the Mayor, Director of Finance and Director of Public Service concerning purchases, contracts, expenditures, credits and the like.

- (b) After determination that real property is not needed for any municipal purpose, other than the continuing municipal purpose of preventing the recurrence of blight, Council may authorize, by ordinance, the transfer, lease or conveyance of any real property in accordance with and for the purposes of the plan, subject to such lawful terms, conditions, restrictions and covenants (including covenants running with the land) to assist in carrying out the purposes of the plan. The manner of disposition shall be prescribed by ordinance, and may be by negotiation, with or without any competitive bidding. If disposition is by way of competitive bidding for the sale, lease or other disposition of property, the competition and award may be on factors other than price alone. The Mayor shall execute, on behalf of the City, such instruments as may be necessary to transfer, lease or convey such real property in the form approved by the City Attorney and authorized by Council, which form shall include all covenants, if any, running with the land, including any portions of the plan incorporated by reference.
- (c) If the owner of property in the project area is willing to make the use of his/her property conform to the urban renewal or redevelopment plan and Council finds and determines that the acquisition of the property by the City will not be necessary if so conformed, the Mayor, upon Council authorization, may enter into a conforming agreement upon such terms and security as may be authorized by Council. Such agreement may provide for the acquisition of property upon failure of the property owner to keep his/her agreement after notice from the City specifying such failure.
- (d) In the execution of urban renewal or redevelopment projects, Council may authorize, as to any appropriate projects or parts of projects, the employment of community improvement corporations, community redevelopment corporations, limited dividend housing corporations, and metropolitan housing authorities, as defined by the statutes of Ohio, and may authorize leases, conveyances and agreements with such corporations related to appropriate aspects of such projects to the full extent of the powers possessed by such corporations.
(Ord. 0120-2007. Passed 6-18-07.)

148.06 BUILDING PERMITS RESTRICTED IN PROJECT AREAS.

After approval of an urban renewal or redevelopment plan by Council, no building permit shall be issued for the improvement or enlargement of any existing structure, or for the construction of a new structure, in the clearance and redevelopment portion of the project area, except that such permit may be issued for the repair of an existing structure when such repair is deemed necessary for the immediate preservation of the public health or safety or is required by the redeveloper in accordance with the redevelopment plan.

(Ord. 85-78. Passed 9-19-78.)

148.07 PREVIOUS PROCEEDINGS.

All previous proceedings with respect to urban renewal or urban redevelopment projects and plans within the City, including all official actions by Council of the City, are hereby ratified and confirmed. The provisions of this chapter, except Sections 148.01 and 148.06, shall not apply to urban renewal and urban redevelopment projects and plans, and proceedings pending under such plans and projects, initiated and approved by Council prior to the enactment of this section. The Council, Mayor or the Director may elect to follow all or any part of the provisions of Section 148.05 in the implementation of such previously approved urban renewal and urban redevelopment projects and plans.

(Ord. 85-78. Passed 9-19-78.)

148.08 TRANSFER OF CITY INTERESTS IN REALTY WITHOUT COMPETITIVE BIDDING.

(a) Notwithstanding the bidding requirements of Chapter 135 of the Codified Ordinances, the Mayor or his designee, with the approval of Council, is hereby authorized to negotiate the sale, lease, transfer or conveyance of all or part of the interests in any real or personal property for uses in accordance with an urban renewal plan without competitive bidding. No land shall be sold, leased, transferred or conveyed by the Mayor except pursuant to an ordinance passed by Council authorizing such sale, lease, transfer or conveyance; and such ordinance shall prescribe the detailed terms and conditions upon which the sale, lease, transfer or conveyance shall be made, and the covenants or restrictions, if any, to be contained in any deed for real property from the City as grantor to the grantee thereof.

(b) Pending the use or sale, lease, transfer or conveyance of property in a project area, the Mayor may temporarily rent such property, without competitive bidding, for such uses and purposes as he may determine to be desirable, even though not in conformity with an applicable urban renewal or redevelopment plan.

(c) The Mayor or his designee, with the approval of Council, is hereby authorized to enter into any appraisal, market analysis, management or agency contracts without competitive bidding if he determines that such a contract is required or desirable in connection with the sale, lease, transfer or conveyance of real or personal property located within a project area.

(Ord. 47-78. Passed 4-18-78.)

~~**148.09 LEASES AUTHORIZED WITHOUT BIDDING; CONDITIONS.**~~

~~The Mayor is authorized to enter into a lease contract upon the acquisition of the land by the City according to terms and conditions as he deems just, providing:~~

~~(a) That the amount of the lease shall not be less than \$85.00 per acre, per month, for a lease term of 30 years nor less than \$65.00 per acre, per month, for a lease term of 35 years;~~

~~(b) That the term of the lease shall not exceed 35 years, however the lessee may acquire the property leased after 30 years;~~

~~(c) That prior to its execution, the lease be approved in form by the City Attorney;~~

~~(d) That prior to its execution, the lease be approved by bond counsel;~~

~~(e) That the Director of Planning and Development certify that the lease is consistent with the Urban Renewal and Redevelopment Plan of the City.~~

~~(Ord. 0120-2007. Passed 6-18-07.)~~

~~148.10 — PLANNING GUIDE ADOPTED.~~

~~Council hereby adopts the Planning Guide, 1990, Revised, November, 1990, as an official document of the City, and as a general planning guide for future development, and to serve as a technical reference supplement to the Master Development Plan of the City. The Planning Guide is attached to original Ordinance 203-90, as Exhibit A, and made a part herein. (Ord. 203-90. Passed 12-4-90.)~~

~~148.1109~~ EMINENT DOMAIN.

- (a) The City shall not use its power of eminent domain to appropriate, without the owner's consent, private property when the primary purpose for the appropriation is to promote private economic development and the appropriation is intended to result in long-term use of the property by another private person or entity.
- (b) The provisions of this section shall not apply to the use of eminent domain where the property is located in a blighted area.
- (c) The provisions of this section shall not apply to excess land appropriated in furtherance of a public use as permitted by Article XVIII, Section 10 of the Ohio Constitution.
- (d) The provisions of this section shall not otherwise restrict the Council's authority to appropriate private land as necessary for public uses as permitted by Article XVIII, Sections 3, 4 and 5 of the Ohio Constitution and Chapter 719 of the Ohio Revised Code, except as outlined in subsection (a) hereof.

(Ord. 0172-2005. Passed 9-19-05.)

148.10 FEES.

- (a) Council shall by ordinance establish and annually adjust fees for all types of applications and other specialized services provided by the Department of Planning and Development and such documents shall be referred to as the "Development Fee Schedule". The fee in effect on the date of receipt of any application shall be the fee charged.
- (b) Any person desiring to do or cause to be done anything for which a fee is required by the Development Fee Schedule, shall upon application or prior to issuance pay to the Department through the cashier the fee prescribed by the then current Development Fee Schedule. The Development Fee Schedule shall be made available upon request.

148.11 FEES; REFUNDS.

- (a) All fees as enumerated in the Development Fee Schedule are non-refundable except as otherwise denoted in this section.
- (b) A refund shall require a refund fee to cover the cost of making the refund and/or costs incurred. This refund fee shall be deducted from any amount to be refunded.
- (c) An overpayment equal to or less than the refund fee shall be considered the refund fee and shall be added to the application fee.
- (d) Any refund of an application fee submitted for land which is later determined to be located outside the city is subject to a refund fee.

(e)The Director of Planning and Development may waive the refund fee upon determination that the refund is necessary due to an error on the part of a city employee.

(f)The Director of Planning and Development shall not refund a fee upon determination that the refund is necessary due to an error on the part of an applicant.
(Ord. 0120-2007. Passed 6-18-07.)