

ORDINANCE NO. 15-2019

To Amend Sections 1301.05, 1301.06, 1305.01, 1305.06, 1305.07, 1305.08, 1305.09, 1311.01, 1311.02, 1311.07, 1301.05, and 1301.06; and Enacting Section 1301.07 of the Codified Ordinances of the City of Worthington Related to the Coordination with the State of Ohio Building Codes, the Establishment of Demolition Standards, Modifying Pool Barrier Requirements, and Adjusting Fees.

WHEREAS, the City Council is certified by the State of Ohio to enforce the state building codes; and,

WHEREAS, the City Council wishes to amend provisions of the City's Codified Ordinances to coordinate with the state building codes; and,

WHEREAS, the City Council wishes to adopt additional requirements for the demolition of buildings.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Sections 1301.05 and 1301.06 of the Codified Ordinances be amended, and Section 1301.07 be added, and the same is hereby enacted to read as follows:

1301.05 COMPLIANCE WITH ORDINANCES.

(a) A permit is the document issued by the Division of Building Regulation authorizing work as shown on the application and/or the construction documents when the proposed work is in compliance with the Ohio Building Code and not in violation of the Codified Ordinances.

(b) The permit authorizing the work as shown on the approved construction documents is invalid if the work is not completed within eighteen months of the issuance of the permit.

Exception: A permit for the demolition of a structure is invalid if the demolition and site restoration work is not completed within six months of the issuance of the permit.

(c) Before any work authorized by a permit may continue for which the permit is invalid, the owner of the property shall make application to the Board of Zoning Appeals for an extension of time as required under Chapter 1129 of the Planning and Zoning Code. Failure to complete work within time period or any additional time granted by the Board of Zoning Appeals shall constitute a violation of this code.

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(d) No permit shall be issued unless the construction documents submitted are in accordance not only with the Ohio Building Code but also with the Zoning Ordinance and the Subdivision Regulations as set forth in these Codified Ordinances and amendments thereto, so far as they may be applicable.

(e) No permit for a lot adjacent or contiguous to the flood plain of the Olentangy River shall be issued unless the application for the permit is accompanied by a certification by an Ohio registered surveyor or engineer that the finished grades at the building elevation comply with the minimum requirements set forth in Chapter 1105 of the Codified Ordinances.

(f) No permit shall be issued for any new building to which this Code is applicable, nor for any addition exceeding 1,000 square feet, nor for any parking lot, until the provisions therein for disposal of storm drainage have been reviewed and approved by the City Engineer.

(g) Lot grading and landscaping shall be completed in such a manner as to provide positive drainage away from building foundations. Grading and landscaping that will significantly alter existing drainage conditions to surrounding properties shall not be permitted unless it is demonstrated that the change is acceptable to the owners of the affected properties and the new drainage conditions shall not detrimentally affect the property or structures located thereon. Where possible, runoff shall be directed to public or private storm sewers or drainage ways. Lot grading shall be completed in such a manner as to be consistent with surrounding street, curb, parking area or lot grades. Grading that offers obstruction to natural drainage of storm water whether by sheet flow or in established open ditches shall not be permitted.

1301.06 FEES.

Fees required for permits relating to buildings being constructed, remodeled, changed in use, or demolished under the Ohio Building Code shall be determined according to the following schedule:

(a) New Construction and Additions:

(1) Processing Fee \$300.00

(2) Area Fee \$20.00 per 100 Square Feet Gross Floor Area

(b) Remodeling, Alteration, Change in Use, or Temporary Structures or Uses:

(1) Processing Fee \$150.00

(2) Area Fee \$10.00 per 100 Square Feet Gross Floor Area

(c) Change of Occupancy only, no work except cosmetic: \$72.82

(d) Whenever the work is substantially complete but not in full compliance with the requirements of this chapter, and the building official is granting a Temporary or Partial Certificate of Occupancy of a new, expanded, or altered structure to allow beneficial use of the structure while the remaining work is completed, a fee of \$150.00 shall be paid prior to the granting of such temporary or partial occupancy.

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- (e) Heating, Ventilating, Air Conditioning, Electrical, Fire Suppression:
 - (1) Area Fee \$10.00 per 100 Square Feet for first 5000 Square Feet
\$2.00 per 100 Square Feet greater than 5000 Square Feet
 - (2) Minimum Fee \$100.00
- (f) Plumbing:
 - First fixture \$200.00
 - Each additional fixture \$20.00
 - Hot water heater replacement \$60.00
- (g) Demolition or Moving Buildings: \$200.00 per building
- (h) Parking Lot:
 - (1) Area Fee \$5.00 per 1000 Square Feet
 - (2) Minimum Fee \$50.00
- (i) Additional Inspection Fees:
 - (1) When, for any reason, an inspection is desired outside the normal working hours of the Division of Building Regulation, an Overtime Inspection shall be applied for in writing during normal hours and accompanied by a fee of \$150.00. Overtime inspections shall be performed only if approved by the Director of Engineering and if an inspector is available at the time required.
 - (2) When the work requiring inspection does not comply with the requirements of this chapter, and the work requires a third or subsequent re-inspection to determine compliance, a fee of \$75.00 shall be paid prior to the re- inspection being conducted.
- (j) Refunds. No fee imposed by this section shall be considered refundable.
- (k) Waiver of Fees. The City Manager is hereby empowered to order that fees be waived for charitable, philanthropic, governmental agencies or for construction or improvements yielding economic development benefits to the City in specific cases.
 - (l) Public Area Payment.
 - (1) Multi-family developments: \$250.00 per unit
 - (2) Commercial and industrial developments: \$100.00 per 1,000 gross square feet of new or expanded space.
- (m) A credit shall be granted for any multi-family, commercial and industrial development constructed on a lot which previously contained a similar structure, but which structure was demolished on or after January 1, 1995. The credit shall be in an amount which would have been paid for such demolished structure in accordance with the provisions of subsection (l) hereof. In no event shall the credit granted be greater than the payment due in connection with the new development.

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1301.07 DEMOLITION OR MOVING BUILDINGS

(a) The following are requirements when making application to completely demolish or move a building. In addition to a completed application on the prescribed form, the application shall be accompanied by 2 copies of documents containing the following information in addition to that required by the Ohio Building Code:

- (1) A site plan of the parcel of land indicating which structure or structures are being completely removed, including any walks, pavement, parking areas, fencings, poles, walls, sheds, driveways, etc.
- (2) A site restoration plan indicating how the site will be restored after any structure is removed. This plan shall include information on backfill, proposed landscaping, what structures will remain like foundations and subsurface slabs, and method of preventing voids and water accumulation.

Exceptions:

- A. A site restoration plan is not required for detached accessory structures not over 120 square feet in area. The site must still be restored.
 - B. A site restoration plan is not required if an application for a permit to construct a replacement structure on the site is received within 60 days of receipt of the application for demolition, the application date is shown on the demolition schedule, and the permit application addresses the restoration of the site. Failure to receive such application for permit shall cause the permit for demolition to be invalid until a site restoration plan is submitted.
- (3) A schedule including: 1) when utilities are to be disconnected, 2) when demolition or movement of structures is to start, 3) the time duration of demolition or movement of structures, 4) when site restoration is to start, and 4) the time duration of site restoration. The entire schedule duration shall not exceed 90 days.

Exceptions:

- A. A schedule is not required for detached accessory structures not over 120 square feet in area. The 90 day maximum time period still applies.
- B. The schedule is not required to include the start date and time duration of site restoration if the application date for a replacement structure is shown on the schedule.

(b) Any substantive changes to the site plan, site restoration plan, or schedule shall be submitted for review and approval following the same process as the original application.

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(c) The review of the application shall be completed within 30 days of receipt. Approval, denial, or modification of the application shall be in writing by the Chief Building Inspector and shall state the reasons for denial or modification.

(d) All demolition and site restoration work shall be completed, inspected, and approved.

(e) Variances from the requirements of 1301.07 or an appeal of the denial or modification of the application shall be made to the Board of Zoning Appeals under Chapter 1129 of the Planning and Zoning Code.

SECTION 2. That Sections 1305.01, 1305.06, 1305.07, 1305.08, and 1305.09 of the Codified Ordinances be amended, and the same is hereby enacted to read as follows:

1305.01 ADOPTION OF RESIDENTIAL CODE OF OHIO.

(a) Pursuant to Ohio R.C. 731.231, there is hereby adopted by the Municipality, the Residential Code of Ohio (RCO) as adopted by the Ohio Board of Building Standards, Ohio Department of Commerce, and as published in Division 4101:8 of the Ohio Administrative Code (OAC) and as the same may be amended.

(b) The Municipality hereby adopts Appendix G Swimming Pools, Spas and Hot Tubs of the ICC International Residential Code/2012. Such codes are incorporated herein as fully as if set out at length.

1305.06 COMPLIANCE WITH ORDINANCES

(a) A permit is the document issued by the Division of Building Regulation authorizing work as shown on the application and/or the construction documents when the proposed work is in compliance with the Residential Code of Ohio and not in violation of the Codified Ordinances.

(b) The permit authorizing the work as shown on the approved construction documents is invalid if the work is not completed within eighteen months of the issuance of the permit.

Exception: A permit for the demolition of a structure is invalid if the demolition and site restoration work is not completed within six months of the issuance of the permit.

(c) Before any work authorized by a permit may continue for which the permit is invalid, the owner of the property shall make application to the Board of Zoning Appeals for an extension of time as required under Chapter 1129 of the Planning and Zoning Code. Failure to complete work within said time period or any additional time granted by the Board of Zoning Appeals shall constitute a violation of this code.

(d) No permit shall be issued unless the construction documents submitted are in accordance not only with the Residential Code of Ohio but also with the Zoning Ordinance and the Subdivision Regulations as set forth in these Codified Ordinances and amendments thereto, so far as they may be applicable.

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(e) No permit for a lot adjacent or contiguous to the flood plain of the Olentangy River shall be issued unless the application for the permit is accompanied by a certification by an Ohio registered surveyor or engineer that the finished grades at the building elevation comply with the minimum requirements set forth in Chapter 1105 of the Codified Ordinances.

(f) No permit shall be issued for any new building to which this Code is applicable, nor for any addition exceeding 1,000 square feet, nor for any parking lot, until the provisions therein for disposal of storm drainage have been reviewed and approved by the City Engineer.

(g) Lot grading and landscaping shall be completed in such a manner as to provide positive drainage away from building foundations. Grading and landscaping that will significantly alter existing drainage conditions to surrounding properties shall not be permitted unless it is demonstrated that the change is acceptable to the owners of the affected properties and the new drainage conditions shall not detrimentally affect the property or structures located thereon.

1305.07 AMENDMENTS TO ADOPTED CODE.

These provisions shall be incorporated into the Residential Code of Ohio for One, Two, and Three- Family Dwellings and shall be cited as such and will be referred to herein as “this code.”

(a) Section 301, 301.2, Table 301.2(1) the following is inserted into the table as follows:

Ground Snow Load: 20 psf

Seismic Design Category: A

Frost line depth: 32”

Winter Design Temperature: 5°F

Flood Hazards: Chapter 1105 Minimum Elevations

Air Freezing Index: 1066

Mean Annual Temperature: 52.2°F

(b) Section AG101.1 General shall be modified as follows: The provisions of this appendix shall control the design, and construction of swimming pools, spas, and hot tubs installed in or on the lot of a one-, two-, or three-family dwelling.

(c) Section AG102 Definitions. The following definitions shall be amended to read as follows:

RESIDENTIAL. That which is situated on the premises of a detached one-, two-, or three-family dwelling or a one-family townhouse not more than three stories in height.

1305.08 FEES.

Fees for all permits required under this chapter shall be determined according to the following schedule:

(a) Construction of New Buildings or Additions to Existing Buildings, or Remodeling, Alteration, Change of Use or Reconstruction of Existing Buildings.

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- (1) Processing fee: \$100.00
- (2) Area fee: \$10.00 per 100 square feet gross floor area.
- (b) Construction of uncovered decks, detached storage buildings under 200 square feet in size, or other minor alterations such as moving or adding doors and windows, the permit fee shall be \$70.00.
Exception: For work valued under \$1,500, the permit fee shall be \$50.00.
- (c) Heating, Air Conditioning, Ventilating, Refrigeration Systems, Electrical, and Fire Suppression.
 - (1) Area Fee \$8.00 per 100 square feet gross floor area
 - (2) Minimum fee \$50.00
- (d) Plumbing:
 - First fixture \$60.00
 - Each additional fixture \$15.00
- (e) Fireplace Repair. For each fireplace: \$40.00
- (f) Demolition or Moving Buildings: \$50.00 per building
- (g) Special/Additional Inspections Fees. When, for any reason, an inspection is required outside the normal working hours of the Division of Building Regulation, an Overtime Inspection shall be applied for during normal hours, in writing, and accompanied by a fee of \$75.00. Overtime inspections shall be performed only if approved by the Director of Planning and Building and if an inspector is available at the time required. When the work requiring inspection does not comply with the requirements of the Building Code, and the work requires a second or subsequent re-inspection to determine compliance, a fee of \$75.00 shall be paid prior to the re-inspection being conducted.
- (h) Refunds. No fee imposed by this section shall be considered refundable.
- (i) Waiver of Fees. The City Manager is hereby empowered to order that fees be waived for charitable, philanthropic or governmental agencies, in specific cases.
- (j) Public Area Payment.
 - (1) Multi-family developments: \$250.00 per unit
 - (2) Single-family residences are subject to payment only when a new lot is created, in accordance with Section 1101.06.
- (k) A credit shall be granted for any multi-family development constructed on a lot which previously contained a similar structure, but which structure was demolished on or after January 1, 1995. The credit shall be in an amount, which would have been paid for such demolished structure in accordance with the provisions of subsection (j) hereof. In no event shall the credit granted be greater than the payment due in connection with the new development.

1305.09 DEMOLITION OR MOVING BUILDINGS

- (a) The following are requirements when making application to completely demolish or move a building. In addition to a completed application on the prescribed form, the application shall be accompanied with 2 copies of documents containing the following information:

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- (1) A site plan of the parcel of land indicating which structure or structures are being completely removed, including any walks, pavement, parking areas, fencings, poles, walls, sheds, driveways, etc.
- (2) A site restoration plan indicating how the site will be restored after any structure is demolished. This plan shall include information on backfill, proposed landscaping, what structures will remain like foundations and subsurface slabs, and method of preventing voids and water accumulation.

Exceptions:

- A. A site restoration plan is not required for detached accessory structures not over 200 square feet in area. The requirement that the site be restored is still required.
 - B. A site restoration plan is not required if an application for a permit to construct a replacement structure on the site is received within 60 days of receipt of the application for demolition, the application date is shown on the demolition schedule, and the permit application addresses the restoration of the site. Failure to receive such application for permit shall cause the permit for demolition or moving to be invalid until a site restoration plan is submitted.
- (3) A schedule including: 1) when utilities are to be disconnected, 2) when demolition or movement of structures is to start, 3) the time duration of demolition or movement of structures, 4) when site restoration is to start, and 4) the time duration of site restoration. The entire schedule duration shall not exceed 90 days.

Exceptions:

- A. A schedule is not required for detached accessory structures not over 200 square feet in area. The 90 day maximum time period still applies.
 - B. The schedule is not required to include the start date and time duration of site restoration if the application date for a replacement structure is shown on the schedule.
- (b) Any substantive changes to the site plan, site restoration plan, or schedule shall be submitted for review and approval following the same process as the original application.
 - (c) The review of the application for demolition shall be completed within 30 days of receipt. Approval, denial, or modification of the application shall be in writing by the Chief Building Official and shall state the reasons for denial or modification.
 - (d) All demolition and site restoration work shall be completed, inspected, and approved.

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(e) Variances from the requirements of 1305.09 or an appeal of the denial or modification of the application shall be made to the Board of Zoning Appeals under Chapter 1129 of the Planning and Zoning Code.

SECTION 3. That Sections 1311.01, 1311.02, and 1311.07 of the Codified Ordinances be amended, and the same is hereby enacted to read as follows:

1311.01 ADOPTION OF ICC CODE.

The Municipality hereby adopts the ICC International Property Maintenance Code/2018 as published by the International Code Council, Inc., which hereinafter may be referred to as this code, and is incorporated herein as fully as if set out at length.

1311.02 INSPECTION COPY.

One copy of the ICC International Property Maintenance Code together with copies of ordinances amending same, shall be kept on file by the City Clerk in the Department of Planning and Building for public examination during usual business hours.

1311.07 AMENDMENTS TO ADOPTED CODE.

(a) Subsection 101.1 Title is amended to read as follows: These regulations shall be known as the Property Maintenance Code of the City of Worthington, hereinafter referred to as “this code.”

(b) Subsection 102.3 Application of other codes shall read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be completed in accordance with the procedures and provisions of Part Eleven Planning and Zoning and Part Thirteen Building Code of the Codified Ordinances.

(c) Section 103 Department of Property Maintenance Inspection is hereby deleted. It shall be the duty of the Building Inspector, or any other person designated by the City Manager, to enforce this code. The Building Inspector is also referred to as the “code official” throughout this code.

(d) Section 111 Means of Appeal is hereby deleted.

(e) Subsection 112.4 Failure to comply is hereby deleted.

(f) In Section 202, add new definitions as follows:

CONSTRUCTION MATERIAL. Material typically used in construction or maintenance of buildings, fences, and property including, doors, windows, concrete block, brick, lumber, shingles, gutters, cement board, tubing, conduit, fencing, downspouts, vinyl and aluminum siding, cement, concrete, nails, and fasteners or similar material including plastic material used in the same manner as other, traditional construction material.

EQUIPMENT. The implements used, whether motorized or non-motorized, in an operation or activity. Equipment may include lawn care, automotive repair, maintenance, and construction equipment.

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FRONT YARD. That portion of the property between the right of way and the front of the principal structure including the required yard as defined in Chapter 1149 of the Planning and Zoning Code. For the purposes of this code, corner lots shall be considered to have two front yards.

LAWN CARE EQUIPMENT. Equipment used for the installation and maintenance of yards and landscaping including, but not limited to lawn mowers, spreaders, mulchers, trimmers, tillers, rollers, and edgers.

LAWN CARE MATERIAL. Material used for the installation, alteration or maintenance of yards and landscaping including, but not limited to dirt, topsoil, mulch, seeds, sprouts, shoots, starter pots, temporary pots, and unplanted material including bushes, trees and flowers, and similar material removed from the ground. For the purposes of this code, firewood shall be considered a lawn care material if it is split, neatly stacked, and protected for future use. Brush, limbs, twigs and other such rubbish not neatly stacked and protected for future use shall not be considered firewood.

REQUIRED YARD. A front, side, and rear yard as defined in Chapter 1149 of the Planning and Zoning Code.

STORE. To place equipment or material on property, either temporarily or permanently, while not in use for its intended purposes.

TRAILERS. Trailers are unpowered vehicles intended to be towed behind a powered vehicle. Trailers include boat trailers, campers, and utility trailers.

(g) Subsection 302.4 Weeds is deleted. Section 521.13 Noxious weeds of the Codified Ordinances shall apply.

(h) Add new subsection 302.10 as follows:

302.10 Miscellaneous equipment and material.

302.10.1 - General. Unless otherwise provided for in this code, no equipment or material shall be stored outdoors in any residential district.

302.10.2 - Lawn care equipment. Each property is permitted a maximum of two pieces of lawn care equipment to be stored on the property.

Exception: Lawn care equipment stored in an accessory structure and not visible from adjoining properties or the public way.

302.10.3 - Lawn care material. Lawn care material may be stored on residential property if neatly stacked and maintained free of weeds, insects, and rodents. Lawn care material delivered to a property may be placed in the front yard for a maximum period of 60 days.

302.10.4 - Construction material. Construction material is permitted on a property, visible from adjoining property or the public way if the material is associated with construction or maintenance activity, necessary permits have been secured, and the work is in progress, otherwise, the storage of construction material is not permitted.

(i) Subsection 304.14 shall be amended with the following dates: from April 1 to September 30.

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(j) Add new subsection 308.4 as follows: 308.4 Container location. Containers for the purpose of placing rubbish per 308.2 or garbage per 308.3 in a residential district shall not be located in the front yard.

(k) Subsection 404.3 Minimum ceiling heights shall be amended with a new exception 4 as follows:

4. Where specifically allowed per Chapter 1305 Building Code for One, Two and Three-Family Dwellings.

(l) Add Subsection 507.02 as follows:

507.02 Regulation of storm drainage facilities. All storm drainage facilities including culverts, storm sewers, detention/retention facilities, energy dissipaters and flow restrictors shall be maintained in operating condition and clear of accumulations of silt, trash or debris.

All storm drainage facilities constructed as a requirement of the Codified Ordinances or regulations of the City shall not be modified or altered unless the modifications or alterations are approved by the City Engineer.

(m) Subsection 602.3 Heat supply shall be amended with the following dates: from October 1 to April 30.

(n) Subsection 602.4 Occupiable work spaces shall be amended with the following dates: from October 1 to April 30.

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the first day of July, 2019.

Passed May 6, 2019

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ D. Kay Thress
Clerk of Council

Introduced April 15, 2019
P.H. May 6, 2019
Effective May 29, 2019