

ORDINANCE NO. 09-2013

(As Amended)

To Amend Certain Provisions of the Administrative Code and of the Planning and Zoning Code; and Enacting Chapter 922 and Sections 923.06 and 923.07 and Repealing Chapter 1315, Section 1103.07(f) and Section 1129.05(f) of the Codified Ordinances of the City of Worthington Related to the Establishment of the Department of Service and Engineering and the Department of Planning and Building and Clarifying Relevant Regulations.

WHEREAS, the City Council approved the creation of the Department of Service and Engineering and the Department of Planning and Building; and,

WHEREAS, the City Council wishes to amend provisions of the City's Codified Ordinances to establish certain duties and requirements of the Department of Service and Engineering and the Department of Planning and Building.

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

SECTION 1. That Sections 131.04, 149.01(b), and 149.03 of the Administrative Code of the City of Worthington be and the same is hereby amended to read as follows:

131.04 DEPARTMENTAL ORGANIZATION.

The administrative service of the City shall be divided under the City Manager into the following departments, each headed by a director thereof:

Department of Law	Department of Service and Engineering
Department of Finance	Department of Parks and Recreation
Department of Personnel	Department of Planning and Building
Department of Safety	

149.01 DEPARTMENTAL DIVISIONS

(b) Building Regulation

149.03 DIVISION OF BUILDING REGULATION

The Division of Building Regulation shall be under the supervision of the Chief Building Inspector who shall be under the supervision of the Director of Planning and Building. It shall perform the following duties:

- (a) Enforce all applicable laws and ordinances of the City regulating building, housing, property maintenance, zoning, plumbing, heating and electrical installations.
- (b) Issue permits in conformity with the codes and laws applicable to building inspection.
- (c) Institute proceedings for the repair or destruction of unsafe buildings in conformity with the codes and laws of the City.

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- (d) Approve plans and enforce the Ohio Building Code and the Residential Code of Ohio within the City for all the occupancies named in such code, as is authorized by Ohio R.C. Chapters 3781 and 3791.
- (e) Perform such other duties as may be required by the City Manager.

SECTION 2. That Chapter 922 of the Codified Ordinances be and the same is hereby enacted to read as follows:

CHAPTER 922 Residential On-Site Sewage Disposal Facilities

- 922.01 Operating permit required
- 922.02 Issuance of permits
- 922.03 Inspections.
- 922.04 Grace period.
- 922.99 Penalty.

922.01 OPERATING PERMIT REQUIRED.

No property owner shall operate an on-site residential sewage disposal system without an operating permit issued by the Division of Public Service.

922.02 ISSUANCE OF PERMITS.

An operating permit shall be issued by the Division of Public Service, upon receiving a report from the Health Commissioner that the system is operating in conformance with Chapter 225 of the Health Code of the City of Columbus, household sewage disposal systems, and applicable regulations of the Ohio Environmental Protection Agency.

922.03 INSPECTIONS.

An inspection shall be conducted annually for compliance with Section 922.02. A fifty dollar (\$50.00) inspection fee shall be paid to the City of Columbus prior to September 30 of each calendar year, and the inspection shall take place thereafter. A permit shall be issued following satisfactory inspection and shall be valid from January 1 through December 31 in the next calendar year or from the date of issuance through December 31 in the same year for permits issued within the permit period.

922.04 GRACE PERIOD.

If an on-site sewage disposal system fails to comply with the requirements in Section 922.02, the property owner shall have a grace period of thirty days from the date of inspection to bring the system into compliance, unless there is an imminent hazard to public health and safety. During this grace period, the system may continue in use, but it is the responsibility of the property owner to request re-inspection of the system after action has been taken to bring it into compliance with Section 922.02. An operating permit shall be issued if the system has successfully passed re-inspection by the Health Commissioner.

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922.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. Each consecutive seven days that an unsafe or unlawful condition is permitted to remain after notice by the Director of Service and Engineering shall be a separate offense.

SECTION 3. That Sections 923.06 and 923.07 of the Codified Ordinances be and the same is hereby enacted to read as follows:

CHAPTER 923 Protection of Storm Sewers

923.06 Storm Water Post Construction Best Management Practices; Permit and Fee.

923.07 Inspection of Storm Water Post Construction Best Management Practices.

923.06 STORM WATER POST CONSTRUCTION BEST MANAGEMENT PRACTICES; PERMIT AND FEE.

No person shall construct or install or cause to be constructed or installed, any required Storm Water Post Construction Best Management Practice or storm water control structure without first obtaining a permit to do so from the Director of Service and Engineering. The application for such permit shall show the details of the proposed construction as specified in Section 1103.07 and include a written Operations and Maintenance Agreement to be held in perpetuity by the property owner. The fee for such permit shall be \$25.00 for each one-fourth acre or portion thereof.

923.07 INSPECTION OF STORM WATER POST CONSTRUCTION BEST MANAGEMENT PRACTICES.

An inspection shall be conducted annually for compliance with Section 1103.07. A fifty dollar (\$50.00) inspection fee shall be paid to the Finance Director prior to September 30 of each calendar year, and the inspection shall take place thereafter. A permit shall be issued following satisfactory inspection and shall be valid from January 1 through December 31 in the next calendar year or from the date of issuance through December 31 in the same year for permits issued within the permit period.

SECTION 4. That Sections 1101.08, 1101.11, 1101.12, 1101.15, 1101.17, 1103.01, 1103.04, 1103.07, 1103.09, 1103.11, 1103.14, 1127.01, 1127.03, 1129.01, 1129.02, 1129.04, 1129.05, 1145.02, 1173.01, 1173.10, 1175.01, 1175.02, 1177.03, 1177.05, 1177.06, and 1177.08 of the Planning and Zoning Code of the City of Worthington be and the same is hereby amended to read as follows:

1101.08 SUBMISSION OF PRELIMINARY PLAT; FILING FEE; NOTICE TO ABUTTING OWNERS.

The owner of land who desires to subdivide it shall submit twelve copies of the Preliminary Plat on paper and in a digital format acceptable to the Director of Planning and Building for the consideration of the Municipal Planning Commission. A copy of the

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Plat shall be in the possession of each member of the Commission for a minimum period of five days before consideration.

At the time of filing the Preliminary Plat, the applicant shall pay a fee of one hundred and fifty dollars (\$150.00), no part of which shall be refundable.

The Director of Planning and Building shall ensure that property owners abutting or directly across the street from any part of the Subdivision are notified, in writing of the pending consideration of a Preliminary Plat. This notice shall be mailed not less than five days prior to the meeting. The property in question is to be posted with a placard stating the date and location of the hearing.

**1101.11 FINAL PLAT SUBMISSION AND RECOMMENDATION:
FILING FEE.**

The owner shall submit a Final Plat of the Subdivision drawn on matte mylar twenty-four inches by thirty-six inches in size, in a scale of one inch to fifty feet, and in a digital format acceptable to the Director of Planning and Building for final recommendation of the Municipal Planning Commission. In addition to the Final Plat, for any Subdivision involving the extension of utilities or the construction of or alteration to any street, the owner shall also submit conceptual utility drawings.

At the time of filing the Final Plat, the applicant shall pay a fee of one hundred dollars (\$100.00), no part of which shall be refundable. If a conceptual utility plan is required, the applicant shall also pay a fee of fifty dollars (\$50.00) per acre for each acre in the Subdivision; however, such fee shall not be less than two hundred fifty dollars (\$250.00) for the purpose of reviewing such utility drawings.

The Commission shall make a recommendation and submit the Plat to Council for its consideration. Council shall act upon the recommendation within sixty days after receiving the Plat from the Commission. After receiving from the Commission a recommendation on the proposed Subdivision, Council may, by a majority of its members adopt or reject the Subdivision with or without change. If the Plat is approved by Council, the owner shall file and record the Plat with the County Recorder within six months, unless such time is for good cause shown extended by resolution of Council. If not recorded within this time, the approvals of the Commission and Council shall become null and void.

1101.12 FINAL PLAT CONTENTS.

(l) Proper form for the approval of the Municipal Planning Commission with space for the signature of the Director of Planning and Building.

(m) Space for approval by signature of the Director of Service and Engineering and the City Manager as to the public improvements required.

(p) The original tracing which will become the permanent record with the County Recorder. A mylar copy and a digital copy shall be provided to the Director of Service and Engineering, and that shows all approvals and the date and place of recording, shall be supplied by the owner to the Director of Service and Engineering as local public records.

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1101.15 BOND FOR IMPROVEMENTS; DEPOSITS.

(b) The owner or developer shall, prior to beginning construction, deposit with the Director of Finance a sum of money as prescribed by the Director of Service and Engineering to defray the cost of inspection and whatever engineering services may be required, and expense incurred by the City in the installation of the Improvements. Should the amount of such deposit be insufficient to pay the cost thereof, the subdivider shall immediately, upon demand, deposit such additional sums as are estimated by the Director of Service and Engineering to be necessary. Upon completion and acceptance of the improvement, any unexpended balance remaining from such deposit or deposits shall be refunded.

(c) No permits for structures within a Subdivision shall be issued until all public Improvements required by this chapter are substantially complete as determined by the City Engineer, except that construction of Sidewalks may be extended for a period of one year with the approval of the Director of Service and Engineering and with the submission of a certified check ensuring satisfactory completion of Sidewalks.

(d) The owner or developer shall, prior to the acceptance of public Improvements, deposit with the Director of Finance a sum of money as prescribed by the Director of Service and Engineering to ensure the removal of debris, grading and seeding of each undeveloped Lot within one year of the acceptance of public Improvements. Any unexpended balance remaining from such deposit shall be refunded.

**1101.17 PROCEDURE FOR SUBDIVISION WITHOUT PLAT;
FILING FEE.**

(a) R-16 or R-10 Districts. A proposed Subdivision of a parcel of land along an existing Public Street in any R-16 or R-10 Zoning District, not involving the opening, widening or extension of any street, road or access point and involving a tract of land from which no more than five Lots can be created after the original tract has been completely subdivided may be submitted to the Municipal Planning Commission for approval without Plat. If the commission is satisfied that such proposed Subdivision complies with applicable Zoning requirements, it may direct the Director of Planning and Building to stamp conveyances for Lots within the Subdivision "Approved by Municipal Planning Commission, No Plat Required." The Commission may also establish reasonable necessary procedures and requirements to be met by the owner desiring to subdivide property pursuant to this section.

(b) Districts Other Than R-10 and R-16. A proposed Subdivision of a parcel of land along an existing Public Street in all districts other than R-10 and R-16, not involving the opening, widening or extension of any street, road or access point and involving a tract of land from which no more than five Lots can be created after the tract has been completely subdivided, may be submitted to the Municipal Planning Commission for approval without Plat. If the Commission is satisfied that such proposed Subdivision complies with applicable Zoning requirements, it shall recommend to

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Council approval, approval with modification or disapproval of such request for Subdivision without Plat. Council may either accept or reject such request by resolution. If Council elects to approve the Subdivision, it shall authorize the Director of Planning and Building to stamp the conveyance of such parcel "Approved by City Council; No Plat Required". The Commission and/or Council may establish reasonable necessary procedures and requirements to be met by the owner desiring to subdivide property pursuant to this section.

(c) Filing Fee. Each application submitted and processed pursuant to this section shall be accompanied by a filing fee of fifty dollars (\$50.00).

1103.01 STREET CONSTRUCTION PLANS

The owner, subdivider or developer of any subdivision who desires to construct any street, road or alley therein shall submit to the Director of Service and Engineering four sets of construction plans for such improvement, prepared and certified correct by a professional engineer registered by the State of Ohio. If the proposed improvement is in conformity with the applicable City ordinances, the plans shall be approved within thirty days after the submission of such plans. After approval of the plans and posting the inspection deposit as specified in Section 1101.15, the Director of Service and Engineering shall be notified, in writing, at least seven days before construction starts, of the date when such construction is to begin so that property inspection can be provided.

One set of plans, bearing approval signatures of the City Manager and Director of Service and Engineering, shall be retained on file by the Director of Service and Engineering as a permanent public record. All changes found necessary during construction shall be approved by the Director of Service and Engineering before any alteration is made in construction work. After completion of the construction, corrected mylar and digital copies of the plans, showing all changes, shall be filed by the owner, subdivider or developer with the City Engineer, certified correct as constructed.

1103.04 DRAWINGS.

All construction drawings shall be submitted in ink, on matte mylar, twenty-four inches by thirty-six inches in size, and in a digital format acceptable to the Director of Service and Engineering. The basic principles of good surveying, engineering and draftsmanship shall be followed.

1103.07 STORM WATER MANAGEMENT.

(a) The owner, subdivider or developer shall provide the necessary means to assure storm water management in and immediately adjacent to his property and adequate storm water control facilities in accordance with the storm drainage policy of the City. For construction sites disturbing an area less than one acre, the City Engineer shall have the authority to determine if storm water management review and approval by the City is necessary. When necessary, storm water pre and post construction best management practices of a type and size approved by the City Engineer shall be required as part of the construction. If storm water management is across private property, rights-of-way or easements shall be obtained by the owner, subdivider or developer for the construction and future maintenance of these storm water best management practices. These rights-of-

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way or easements shall be shown on the construction plans with a document of record referenced. Two copies of the above easements properly executed and recorded shall be furnished to the Director of Service and Engineering.

(b) On streets with curbs, provisions shall be made for adequate post construction storm water best management practices to ensure proper drainage of the pavement as well as any future extensions of the Municipal Separate Storm Sewer System (MS4) beyond the scope of the subdivision or development for retention or detention of storm water.

(c) Where designs of pre and post construction storm water best management practices are necessary, such designs shall be submitted in detail in triplicate to the Director of Service and Engineering for approval in advance of the completion of the construction plans.

(d) Upon request by the Director of Service and Engineering, the owner, subdivider or developer shall submit three copies of the existing and proposed topographical plan of any storm water management improvements showing all areas that fall within the natural drainage basin. The owner, subdivider or developer shall also submit all drainage plans for review and approval by the Director of Service and Engineering.

(e) For construction sites disturbing an area equal to or greater than one acre, prior to land disturbing activity of any sort:

- (1) The owner, subdivider or developer shall incorporate erosion and sediment control best management practices conforming with the latest version of the NPDES Statewide Construction Storm Water General Permit (General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System issued by State of Ohio Environmental Protection Agency), a copy of which shall be on file in the office of the City Engineer.
- (2) The owner, subdivider or developer shall submit to the Director of Service and Engineering detailed plans for approval in the format specified by the Director of Service and Engineering demonstrating that the erosion and sediment control best management practices are conforming with the latest version of the NPDES Statewide Construction Storm Water General Permit (General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the Natural Pollutant Discharge Elimination System issued by State of Ohio Environmental Protection Agency).
- (3) The owner, subdivider or developer shall submit to the City Engineer detailed plans for approval in the format specified by the City Engineer demonstrating that the required post construction best management practices are conforming with the latest version

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of the NPDES Statewide Construction Storm Water General Permit (General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System issued by State of Ohio Environmental Protection Agency).

- (4) The owner, subdivider or developer shall submit to the City Engineer detailed Operations and Maintenance Agreement for the constructed Post Construction Best Management Practices conforming with the latest version of the NPDES Statewide Construction Storm Water General Permit (General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System issued by State of Ohio Environmental Protection Agency).
- (5) The owner, subdivider or developer shall submit to the City Engineer a copy of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) submitted to the Ohio Environmental Protection Agency (OEPA) conforming with the latest version of the NPDES Statewide Construction Storm Water General Permit (General Permit Authorization for Storm Water Discharges Associated with Construction Activity under the National Pollutant Discharge Elimination System issued by State of Ohio Environmental Protection Agency).

1103.09 DRIVEWAYS AND CURB MODIFICATION.

(a) Driveways. Driveways shall be constructed as shown in the standard drawings adopted by the City and in force at the time of approval by the Director of Service and Engineering.

1103.11 GUARD RAIL.

The necessity of the construction of a guardrail shall be determined by the Director of Service and Engineering before completion of the construction plan.

1103.14 LOCATION OF UTILITIES.

Utilities shall be placed underground and locations shall be approved by the Director of Service and Engineering.

1127.01 ORGANIZATION AND PROCEDURES.

(c) Minutes and Records. The Municipal Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be certified correct and kept on file by the City Clerk in the office of the Director of Planning and Building and shall be a public record.

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1127.03 CONDITIONAL USE PERMITS.

(a) Applications. An application for a hearing for a Conditional Use Permit shall be submitted to the Director of Planning and Building by the applicant at least ten days before the next regular meeting of the Municipal Planning Commission. After such application has been filed with the Director of Planning and Building, it shall be transmitted to the Commission. A fee of twenty-five dollars (\$25.00) shall accompany each application for a Conditional Use Permit.

(c) Decisions of the Commission; Appeal to Council.

- (2) The applicant shall be notified in writing of the Commission's decision. Such notice shall be transmitted by the Director of Planning and Building.

1129.01 ORGANIZATION AND PROCEDURES.

(c) Minutes and Records. The Board of Zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be certified correct and kept on file by the City Clerk in the office of the Director of Planning and Building and shall be a public record.

1129.02 APPLICATIONS AND APPEALS.

(a) Applications. An application for a hearing in cases in which the Board of Zoning Appeals has original jurisdiction under the provisions of this Zoning Ordinance, may be submitted by any person aggrieved. An application for a hearing before the Board shall be submitted to the Director of Planning and Building at least twenty-seven days before the next regular meeting. After such application has been filed, the Director of Planning and Building shall transmit same to the Board. A fee of twenty-five dollars (\$25.00) for all applications for variance in any residential district and a fee of fifty dollars (\$50.00) for any and all requests in any nonresidential district shall be charged. Fees shall be paid at the time notice of appeal is filed.

(b) Appeals.

- (1) An appeal to the Board may be taken by any person aggrieved or by an officer of the Municipality adversely affected by any decision of the Chief Building Inspector or a person designated by the City Manager. Such appeal shall be made within twenty days after the decision, by filing with the City Clerk and with the Board a notice of appeal specifying the grounds thereof. Within three days of the filing of such an appeal, the City Clerk shall transmit the same to the Director of Planning and Building. The Director of Planning and Building shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

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- (2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Chief Building Inspector or designated person shall certify to the Board after the notice of appeal shall have been filed with it, that a stay would, in his/her opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed.

1129.04 DECISIONS OF THE BOARD OF ZONING APPEALS.

(b) The appellant shall be notified in writing of the Board's decision. Such notice shall be transmitted by the Director of Planning and Building. The decision of the Board shall be binding upon the Chief Building Inspector or designated person.

1129.05 POWERS AND DUTIES.

(b) Exceptions. In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:

- (6) Extension and construction completion periods. The Board may authorize, for good cause shown, extension of the time period provided for the completion of structures in the Building Code. However, the Board may not authorize extension of the period for greater than a one-year extension of time subject to one-year renewals and such conditions as well safeguard the public health, safety, convenience and general welfare.

(g) Variances to the Building Code. The Board shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of the Building Code, Chapter 1305 of the Codified Ordinances for one, two and three family dwellings as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objective of the Building Code. The Board may grant a variance in the application of the provisions of the Building Code for one, two and three family dwellings after hearing expert independent testimony on the application only if all of the following findings are made:

- (1) There are unique circumstances or conditions present by which strict conformity to the provisions of the Building Code would create significant hardship for the property owner or contractor performing services for the property owner;
- (2) The unique circumstances or conditions were not created by the property owner or contractor performing services for the property owner; and,
- (3) The variance, if authorized, shall not, in any way endanger the health, safety or welfare of the building occupants or the general public. Such determination shall be based on independent expert testimony.

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1145.02 PROCEDURES FOR CHANGE IN ZONING DISTRICTS.

(a) Applications. Applications for any change of district boundaries or classifications of property as shown on the Zoning District Map shall be submitted to the Director of Planning and Building at its public office, upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Municipal Planning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each proposal for a zoning change shall be accompanied by a legal description and reproducible vicinity map to a scale of one inch equals 200 feet, or other scale as may be approved by the Director of Planning and Building, showing the property lines, streets, proposed zoning, land uses within 300 feet of the area proposed to be reclassified and location of structures and natural features on adjacent properties. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Proposals to amend, supplement or change the regulations, district boundaries or classification of property initiated by the Commission shall be accompanied by its motion pertaining to such proposed action.

1173.01 COMMUNITY DEVELOPMENT PROJECTS (APARTMENT GROUPS AND CLUSTER SUBDIVISIONS).

(e) Changes, Adjustments, or Rearrangements of the Final Development.

- (1) After the final development plan has been approved by Council, a request for the change, adjustment, or rearrangement of buildings, parking areas, entrances, heights, or yards shall be submitted to the Director of Planning and Building for a determination as to whether a review of such change, adjustment, or rearrangement by the Planning Commission is required. If the proposed amendment otherwise complies with this Planning and Zoning Code, contains changes that do not conflict with the standards established by the final development plan, and maintains the character and integrity of the original development, then such amendment may be approved by the Director of Planning and Building without further review. The City may establish standards of review in making such determination, including without limitation, the degree of:
 - A. Expansion or demolition of structures;
 - B. Change to parking spaces or traffic circulation in parking lots; and,
 - C. Change in the overall character of the development.
- (2) Upon a determination by the Director of Planning and Building that a review by the Planning Commission is necessary, the owner or developer shall submit an application to the Director of Planning and Building for a Planning Commission Review of Amendment to Development Plan.

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1173.10 LOCATION OF BUILDING SERVICE EQUIPMENT.

(a) Any building service equipment, including air-conditioning or refrigeration system which includes an exterior compressor, cooling tower, condensing unit, chiller unit, absorber, or emergency generator, either singularly or in any combination of the above, or any other exterior device which expels heat and/or noise detectable from outside the premises on which such system is located shall be installed and maintained with such exterior unit located to the rear of the dwelling unit but not in any minimum rear yard required by chapter 1149 of the Planning and Zoning Code. Such unit shall discharge to the rear or when so designed, vertically.

(b) The provisions of subsection (a) hereof notwithstanding, building service equipment may be located at the side of the dwelling, provided that all of the following criteria are satisfied:

- (1) That the equipment is not located in any side yard required by Chapter 1149 of the Planning and Zoning Code; and,
- (2) that the equipment shall be effectively screened on the front and sides by an evergreen hedge or dense planting of evergreen shrubs not less than three feet in height nor of a height not less than that of the equipment, or by a brick or stone wall of similar height conforming to Chapter 1180; and,
- (3) That a site plan indicating conformance to subsections (b)(1) and (2) hereof shall be filed with and approved by the Building Inspector; and,
- (4) That the equipment is installed and maintained in accordance with the requirements of this section, including screening.

1175.01 INTEGRATED COMMERCIAL CENTERS.

(f) Changes, Adjustments, or Rearrangements of the Final Development.

- (1) After the final development plan has been approved by Council, a request for the change, adjustment, or rearrangement of buildings, parking areas, entrances, heights, or yards shall be submitted to the Director of Planning and Building for a determination as to whether a review of such change, adjustment, or rearrangement by the Planning Commission is required. If the proposed amendment otherwise complies with this Planning and Zoning Code, contains changes that do not conflict with the standards established by the final development plan, and maintains the character and integrity of the original development, then such amendment may be approved by the Director of Planning and Building without further review. The City may establish standards of review in making such determination, including without limitation, the degree of:
 - A. Expansion or demolition of structures;
 - B. Change to parking spaces or traffic circulation in parking lots; and,
 - C. Change in the overall character of the development.

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- (2) Upon a determination by the Director of Planning and Building that a review by the Planning Commission is necessary, the owner or developer shall submit an application to the Director of Planning and Building for a Planning Commission Review of Amendment to Development Plan.

1175.02 INTEGRATED INSTITUTIONAL, OFFICE OR INDUSTRIAL USES.

(f) Changes, Adjustments, or Rearrangements of the Final Development.

- (1) After the final development plan has been approved by Council, a request for the change, adjustment, or rearrangement of buildings, parking areas, entrances, heights, or yards shall be submitted to the Director of Planning and Building for a determination as to whether a review of such change, adjustment, or rearrangement by the Planning Commission is required. If the proposed amendment otherwise complies with this Planning and Zoning Code, contains changes that do not conflict with the standards established by the final development plan, and maintains the character and integrity of the original development, then such amendment may be approved by the Director of Planning and Building without further review. The City may establish standards of review in making such determination, including without limitation, the degree of:
 - A. Expansion or demolition of structures;
 - B. Change to parking spaces or traffic circulation in parking lots; and,
 - C. Change in the overall character of the development.
- (2) Upon a determination by the Director of Planning and Building that a review by the Planning Commission is necessary, the owner or developer shall submit an application to the Director of Planning and Building for a Planning Commission Review of Amendment to Development Plan.

1177.03 APPLICATION AND NOTICE.

(a) Whenever a structure, as defined by this Zoning Ordinance, whether public or private, within the above described district is proposed to be constructed or erected and whenever an existing structure is proposed to be altered, reconstructed, enlarged or remodeled, if such alteration, reconstruction, enlargement or remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure, an application for a certificate of appropriateness shall be filed with the Director of Planning and Building together with a fee based upon the following scheduled:

- (1) If the cost of the proposed project is to be two thousand dollars (\$2,000) or less the applicant shall pay a fee of two dollars (\$2.00).
- (2) If the cost of the proposed project is to exceed two thousand dollars (\$2,000) a fee of one dollar (\$1.00) for each one thousand

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dollars (\$1,000) or fraction thereof of the estimated total cost shall be paid. In no case shall such fee be less than two dollars (\$2.00) or more than two hundred dollars (\$200.00)

(c) Upon receipt of an application for a certificate of appropriateness, which is accompanied by the material required by the provisions of subsection (b) hereof, the Director of Planning and Building shall place the application on the agenda for the Board at its next regular meeting following ten days from the date the application is filed. The Director of Planning and Building shall further cause to be published in a newspaper of general circulation in the City, a public notice of the scheduled hearing date of the application together with a general description of the nature of the application. The applicant shall be notified by mail of the date of the hearing and the property in question is to be posted with a placard stating the date and location of the hearing. At the hearing, any party may appear in person or by attorney.

1177.05 STANDARDS FOR REVIEW: CERTIFICATE OF APPROPRIATENESS.

(c) When its review is concluded, the Board will determine by a vote of its members, whether the application for a certificate of appropriateness shall be approved. If approved by four or more of its members, the Board shall return the application and appended material to the Director of Planning and Building with the instruction that the certificate of appropriateness be issued, provided all other requirements for a permit, if applicable, are met. The certificate of appropriateness shall be valid for eighteen months from the date of approval, or such extension as may be granted by the Board. If not approved, the Board shall return the application and appended material to the applicant with a notice that the certificate of appropriateness shall not be issued because the application did not meet the criteria and standards set forth herein.

1177.06 DEMOLITION OF A BUILDING.

(b) The Board of Architectural Review shall hear the request not sooner than twelve days nor later than sixty days from the date the application is filed and shall advertise such hearing to provide time for public comment. The Board may request a statement from the City's Division of Building Regulation on the structural condition of the building and the conformity of the building to applicable building codes. In addition, the Board may request at the City's expense a written statement concerning the proposed demolition by a registered architect, historical conservator or other professional having experience with historic structures. Such statement shall be taken into consideration in determining the appropriateness of the request. The applicant may provide at his or her expense any evidence or testimony from a registered architect, historical conservator or other professional having experience with historic structures. The Board of Architectural Review shall act on the request not later than thirty days after the initial hearing on the application. The applicant may waive this requirement by filing with the Director of Planning and Building a written statement waiving the right to have his or her application acted upon within such thirty-day period.

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(As Amended)

1177.08 APPEALS.

(a) Any person, firm or corporation, or any officer, department, board or agency of the City who has been aggrieved by any decision of the Board involving an application for architectural review approval may appeal such decision to Council by filing notice of intent to appeal with the City Clerk within ten days from the date of the decision, setting forth the facts of the case.

(c) If no notice of intent to appeal is filed with the City Clerk within the period specified in subsection (a) hereof, Council may at the option of a majority of its members and not later than ten days following the expiration of the appeal period, elect to review any architectural review decision of the Board. Council shall schedule a public hearing on the matter which shall not be held more than sixty days after a final decision was rendered by the Board. At a public hearing, Council by a majority vote of its members, shall decide the matter and its decision shall be final.

SECTION 5. That Chapter 1315, Residential On-Site Sewage Disposal Facilities, Section 1103.07(f), Storm Water Management, and Section 1129.05(f) Interpretation of the Building Code are hereby repealed.

SECTION 6. That notice of the passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the 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 earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed April 15, 2013

[Signature on File]

President of Council

Attest:

[Signature on File]

Clerk of Council

Introduced April 1, 2013
P.H. April 15, 2013
Effective May 8, 2013