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I.01 INSTRUCTIONS

1. **Identify Your Site's Zoning District**
   On the Zoning Map locate your site and identify your Zoning District. Zoning Districts regulate items such as Minimum Lot Size & Permitted Principal Uses. The Zoning Map is available online ***here***, or it can be found on file with the City of Kettering.

2. **Select A Use**
   Using the Permitted Principal Use Table locate your proposed Use and verify that it is permitted in your Zoning District. The Permitted Principal Use Table is located in Section 1135.02.3, Permitted Principal Uses. In certain Zoning Districts a mixture of Uses is permitted and encouraged.

   Some Uses are considered Accessory Uses - please refer to step 5.

3. **Identify Your Site's Development Pattern District**
   On the Development Pattern Map locate your site and identify your Pattern. Your Pattern has a specific set of standards that must be followed. The Development Pattern Map is available online ***here***, or it can be found on file with the City of Kettering.

4. **Apply The Standards For Your Pattern**
   Your Pattern corresponds to a set of specific regulations regarding items such as building location and height, architectural design, landscaping and parking. Additional standards control items such as accessory structures, accessory uses, & signage. It is recommended that you review each section thoroughly to ensure compliance.

5. **Submit An Application As Needed**
   If you would like to build, place, erect or alter a structure or alter the boundaries of your property, most likely you will need a permit from the City to do so. To review the City's application procedures and to verify whether a permit is required, consult Chapter 1153, Procedures and Enforcement.

I.02 COMMENTARY & TIPS

Throughout this Code information may be found offering guidance on how to apply these regulations. This information is organized as Commentary & Tips and is usually found as small gray boxes along the margins of this Code's individual pages. Additionally, graphic figures are used as an aid to explain concepts and requirements.

TIP

It is recommended that you review each section thoroughly to ensure compliance.

If you are unsure of how to apply these standards, please call the City of Kettering's Planning & Development Department. A staff member will be happy to assist you.

(937)-296-2441

RESOURCES

Click on the following links to view a printable map...

Zoning Map

Development Pattern Map

CHAPTER 1131

ENACTMENT & INTERPRETATION

1131.01 TITLE

1131.02 COORDINATION WITH OTHER REGULATIONS

1131.03 RULES OF CONSTRUCTION

1131.04 PURPOSES

1131.05 VALIDITY

1131.06 POWERS AND DUTIES OF THE ZONING ADMINISTRATOR

CHAPTER 1131 ENACTMENT & INTERPRETATION

1131.01 TITLE

Chapters 1131 through 1159 of the Codified Ordinances, inclusively, shall be known and may be cited as the "Zoning Ordinance of the City of Kettering," or the "Zoning Code." The City is a municipal corporation organized under the laws of Ohio and exercising home rule powers under Article XVIII of the Constitution of the State of Ohio.

1131.02 COORDINATION WITH OTHER REGULATIONS

Whenever the requirements of this Zoning Code are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, or enforceable resolution of Council, the more restrictive requirement takes precedence over the less restrictive requirement. To the extent that this code is in conflict with state law, this code shall take precedence over state law to the extent permissible under the provisions of Article XVIII of the Constitution of the State of Ohio.

1131.03 RULES OF CONSTRUCTION

A. Interpretation and application of the Zoning Code are the basic and minimum requirements for the protection of public health, safety, comfort, morals, convenience, prosperity, and welfare. The Zoning Code shall be liberally interpreted in order to further its underlying purposes. The meaning of any and all words, terms, or phrases in the Zoning Code shall be construed in accordance with Chapter 1159, Rules of Interpretation and Definitions, of the Zoning Code.

B. The Zoning Code contains numerous graphics, pictures, illustrations, and drawings in order to assist the reader in understanding and applying the Zoning Code. However, to the extent that there is any inconsistency between the text of the Zoning Code and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section. The Zoning Code text controls over any tip or commentary.

C. The Zoning Code contains numerous tips, sample calculations, reminders and other commentary within the margins. These tips and commentary are provided for assistance to the reader only and are not mandatory.

D. Section titles are offered for convenience only.

1131.04 PURPOSES

A. This Zoning Code promotes and protects the public health, safety, convenience, comfort, prosperity, and general welfare of the City, in accordance with the comprehensive plan and planning process that is reflected in the contents of this Code and in the Zoning Map and Development Pattern Map of the City by the:

1. Division of the City into zones or districts within which specific regulations control the location, erection, construction, reconstruction, alteration, and use of buildings, structures,

and land for commerce, industry, residence, and other specific land uses;

2. Regulation of the intensity of land use through control of the amount of lot area on which construction is authorized and a determination of the area of open space surrounding any man-made improvements on land;

3. Establishment of setback lines between the lot line and any building or structure and the regulation of the locations of structures designed for specific uses within lots in any zoned district;

4. Establishment of standards to which building or structures shall conform;

5. Regulation of uses, buildings, or structures incompatible with the character of respective districts or inconsistent with the uses authorized in specific districts;

6. Reduction of congestion in public streets;

7. Regulation of certain nonconforming uses of land, buildings, and structures;

8. Encouragement and facilitation of efficient and appropriate growth and development in order to promote and preserve neighborhoods and to encourage an increase in economic opportunities, an increase in employment opportunities, and an increase in opportunities for safe, decent, and well designed housing for citizens;

9. Protection of residential, business, commercial, and industrial areas from encroachment by incompatible land uses that would be harmful to the public health, safety, convenience, comfort, prosperity, and general welfare and inconsistent with the comprehensive plan for the City reflected in this Zoning Code, the Zoning Map, the Development Pattern Map, and various planning studies adopted by Council from time to time;

10. Promotion of a reasonable pattern of relationships among residential, business, commercial, and manufacturing uses for the purpose of promoting the public health, safety, convenience, comfort, prosperity, and general welfare of the public;

11. Protection and improvement of the aesthetic aspects of property within the City; (Ord. 3550-92, passed 5/25/92)

12. Promotion of the public health, safety, convenience, comfort, prosperity, and general welfare of the City and its citizens that includes the following: the protection of the environment; conservation of land; energy and natural resources; reduction in vehicular traffic congestion; more efficient use of public funds; promotion of the health benefits of a pedestrian and cyclist environment; education and recreation; reduction in sprawl development; and improvement of the built environment;

13. Promotion, protection, and maintenance of a high quality and healthy public realm within the City that promotes healthy civic interaction.

B. The purpose shall be implemented in accordance with the comprehensive plan for the City as manifested in this Zoning Code, the Zoning Map, the Development Pattern Map, and in various planning studies that have been approved or will be approved by Council from time to time.

1131.05 VALIDITY

Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the whole Code or any other part of the Code.

1131.06 POWERS AND DUTIES OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the City Manager of the City of Kettering and shall enforce the provisions of this Zoning Code and interpret the zoning district map and text in accordance with the provisions of this Zoning Code.

CHAPTER 1133
ESTABLISHMENT OF DISTRICTS & MAPS

1133.01 DISTRICT CLASSIFICATIONS CREATED

1133.02 OFFICIAL ZONING MAP

1133.03 OFFICIAL DEVELOPMENT PATTERN MAP

1133.04 INTERPRETATION OF BOUNDARIES

1133.05 COMPLIANCE WITH REGULATIONS

CHAPTER 1133 ESTABLISHMENT OF DISTRICTS & MAPS

1133.01 DISTRICT CLASSIFICATIONS CREATED

A. Zoning District Classifications Created

The City is divided into Zoning Districts as follows:

R-E(a)	Residential Estate A	R-4	Village Residence
R-E(b)	Residential Estate B	O	Office
R-1	Suburban Residence	B	Business
R-2	Neighborhood Residence	I	Industrial
R-3	Community Residence	CC	Community Center
		IS	Institutional

B. Development Pattern Classifications Created

The City is divided into Development Pattern Districts as follows:

E	Estate	SC	Suburban Center
N	Neighborhood	NC	Neighborhood Center
V	Village	TC	Town Center
VH	Village Heights	LI	Light Industry
S	Suburban	I	Industry
SS	Suburban Service	H	Hospital
SB	Suburban Business		

1133.02 OFFICIAL ZONING MAP

The districts established in Section 1133.01.A, District Classifications Created are shown on the Official Zoning Map which, together with all matters and things shown on the Official Zoning Map, are adopted and approved, and collectively constitute the Official Zoning Map. The Official Zoning Map is incorporated by reference and made a part of this Zoning Code. The Official Zoning Map is on file in the office of the Zoning Administrator.

1133.03 OFFICIAL DEVELOPMENT PATTERN MAP

The classifications established in Section 1133.01.B, Development Pattern Classifications Created are shown on the Official Development Pattern Map which, together with all matters and things shown on the Official Development Pattern Map, are adopted and approved, and collectively constitute the Official Development Pattern Map. The Official Development Pattern Map is

TIP

The Zoning Districts created in this Chapter regulate:

a) Lot Size

b) Permitted Uses

The Development Patterns created in this Chapter regulate:

a) Site Design

b) Architecture

c) Setbacks

The two maps work together to regulate the function and form of the City.

Every Property located within the City of Kettering has a Zoning Classification and also a Development Pattern Classification. For example, a property may be classified as...

R-2, Neighborhood or R-2 N for short.

or

I, Suburban Business or I SB for short.

For more information see the Instructions found on the How to Use the Zoning Code information sheet.

incorporated by reference and made a part of this Zoning Code. The Official Development Pattern Map is on file in the office of the Zoning Administrator.

1133.04 INTERPRETATION OF BOUNDARIES

Where uncertainty exists in regard to the boundaries of any of the Zoning Districts as shown on the Official Zoning Map or any of the Development Pattern Districts as shown on the Official Development Pattern Map, the following rules shall apply:

A. Boundaries indicated as approximately following the right-of-way or centerlines of streets, highways, or alleys shall be construed to follow such right-of-way or centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following City of Kettering municipal boundaries shall be construed as following City of Kettering municipal boundaries.

D. Boundaries indicated as approximately parallel to the center lines of streets, highways, or alleys shall be construed as being parallel to such centerlines and at such distance as indicated on the official maps. If no distance is given, such dimension shall be determined by the use of the scale shown on the official maps.

E. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

F. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

G. Where physical features existing on the ground vary from those shown on the official maps, or in other circumstances where the boundary is unclear, the Zoning Administrator shall interpret the district or classification boundaries by means of appeal to the Board of Zoning Appeals.

1133.05 COMPLIANCE WITH REGULATIONS

No land shall be used or occupied and no structures shall be designed, erected, altered, used, or occupied except in conformity with all of the regulations, compliance with all design standards, and upon performance of all conditions attached to any permit, certificate, approval, determination, decision, variance, appeal, or other order pursuant to this Zoning Code.

Any prohibition or limitation appearing in the zoning code shall not be construed to mean that those matters not prohibited or not limited are allowed.

CHAPTER 1135
ZONING DISTRICTS

1135.01 MINIMUM LOT AREA & FRONTAGE
1135.01.1 Table 35.1 - Minimum Dimensions
1135.01.2 Minimum Lot Area Exception - Lots of Record
1135.01.3 Flag Lots

1135.02 PERMITTED PRINCIPAL USES
1135.02.1 Establishment of Use Groups
1135.02.2 Uses
1135.02.3 Table 35.2 - Permitted Principal Uses

1135.03 USES PREEMPTED BY STATE & FEDERAL STATUTE

CHAPTER 1135 ZONING DISTRICTS

1135.01 MINIMUM LOT AREA & FRONTAGE

Dimensional requirements for the Zoning Districts established in Section 1133.01.A, District Classifications Created are as shown in Table 35.1 Minimum Dimensions, Section 1135.01.1. This table compiles requirements regarding Minimum Lot Area and Minimum Lot Frontage according to Zoning District.

TIP

Zoning Districts regulate:

1. *Uses*
2. *Minimum Lot Area*
3. *Minimum Lot Frontage*

Regulations regarding Uses may be found in Standards for Specific Uses, immediately following the Permitted Principal Use Table.

1135.01.1 Table 35.1 - Minimum Dimensions

District & Use		Minimum Lot Area	Minimum Lot Frontage
	R-E(a)	40,000 sf	135’
	R-E(b)	20,000 sf	100’
	R-1	12,500 sf	80’
R-2	Single Unit	7,500 sf	60’
R-2	Duplex	9,000 sf	70’
R-3	Single Unit	7,200 sf	60’
R-3	Duplex	9,000 sf	70’
R-3	3-4 Units	3,600 sf per dwelling unit	80’
R-4	Single Unit	7,200 sf	60’
R-4	Duplex Unit	8,500 sf	60’
R-4	3 Units or more	2,100 sf per dwelling unit with a minimum lot area of 10,000 sf	75’
	O	10,000 sf	60’
	B	no minimum	no minimum
	I	no minimum	no minimum
	CC	Varies	Varies
	IS	Varies	Varies

TIP

Certain specific uses require Minimum Lot Areas that may differ from those found in Table 35.1 Minimum Dimensions.

Refer to Chapter 1137, Standards for Specific Uses to verify your required Minimum Lot Area.

1135.01.2 Minimum Lot Area Exception - Lots of Record

See Section 1155.06, Nonconforming Lot.

1135.01.3 Flag lots

This Section provides standards for the subdivision of large lots with existing homes to encourage new infill housing development in the community. In many cases, the size of these lots are sufficient to accommodate lot splits, but the shape of the lot or the topography make this infeasible

without the use of flag lots or other irregularly shaped lots with narrow frontages. It is not the intent of this section, however, to normally allow flag lots as a common development pattern in new plats, unless the following conditions can be satisfied.

A. A flag lot may be created where it makes possible the better utilization of irregularly shaped properties, or properties that have severe natural resource limitations.

B. A flag lot may be created if it eliminates access to an arterial street.

C. The access strip to a flag lot shall be a part of such lot, and no access shall be permitted across another property. The minimum width of an access strip shall be 20'.

D. The large portion of a flag lot shall meet all lot width and yard requirements for the zoning district in which it is located. The narrow portion of such lot shall be included in the calculation of lot area.

1135.02 PERMITTED PRINCIPAL USES

1135.02.1 Establishment of Use Groups

For the purposes of the Zoning Code all Principal Uses shall be classified as one of the following Use Groups:

A. Residential	D. Commercial
B. Lodging	E. Civic
C. Office	F. Industrial

1135.02.2 Uses

Principal Uses are regulated by Zoning District as shown in Table 35.2 Permitted Principal Uses, Section 1135.02.3. This table lists the Principal Uses and their permitted locations within specific Zoning Districts. No use is permitted unless it is listed as a permitted or permitted conditional use in this Section. Those uses permitted as Principal Uses within each zoning district are those uses listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3.

The Permitted Principal Uses found within this table are organized by the Use Groups established in 1135.02.1, Establishment of Use Groups.

TIP

Permitted accessory uses are found in Chapter 1139, Accessory Structures and Uses.

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES

1. RESIDENTIAL	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Industrial	Community Center	Institutional
Single Unit Detached	■	■	■	■	■	■	□	□		■	
Single Unit Attached, Townhouse		□	□	□	■	■	□	□		■	
Two Unit Attached, Duplex				■	■	■	□	□		■	
Multi-Unit 3-12 Units*				■	■	■	■	■		□	
Multi-Unit 13-Plus Units						■	■	■		□	
Live / Work*				□	□	□	■	■			
Care Facilities*					□	□	□	□		□	□
Corporate Guesthouse	□	□	□	□	□	□	□			□	
2. LODGING											
Bed & Breakfast*	□	□	□	□	□	□	■	■		□	
Hotel*							□	■	□		
Motel*								□			
Corporate Retreat Center*	□	□					□	□	□	□	
3. OFFICE											
Animal Hospital & Clinic*							□	□	□		
Business, Professional & Administrative							■	■	□	□	
Alternative Medicine Office & Clinic							■	■	□	□	
Medical Office & Clinic							■	■	□	□	
Technical Repair*							□	■	■	□	
Work / Live*							■	■	□		

TIP

Accessory Uses (which are different from Principal Permitted Uses) are found in 1139 Accessory Uses and Structures

Accessory Uses and Structures include such items as garages, fences, sheds, and pools as well as the keeping of animals, home occupations, and garage sales.

TIP

Principal Uses are the primary uses of the land or of the improvements on the land.

Permitted Conditional Uses are principal uses that are permitted once certain conditions have been met.

Permitted Conditional Uses require a Conditional Use Permit. See 1153.08 Conditional Use Approvals.

■ PERMITTED USE
□ PERMITTED CONDITIONAL USE
* ADDITIONAL STANDARDS APPLY - SEE CHAPTER 1137

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES - CONTINUED

4. COMMERCIAL	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Industrial	Community Center	Institutional
Alcohol, Liquor, Tobacco Sales*								□			
Amusements, Game Rooms								■		□	
Animal Care, Grooming*								■			
ATM, Standalone*								□			
Auto Parts & Accessories								■	□		
Auto Service, Repairs and Modifications*								■	■		
Automobile Washing*								■	□		
Banks, Credit Unions*							■	■		■	
Bar, Lounge, Tavern, Nightclub*								■		□	
Big Box Stores*								□			
Boutique Retail								■	□	□	
Building Services								■			
Business Services, Mailing, Reproduction							□	■			
Check Cashing, Payday Loans*								□			
Cleaning Services								■	■		
Convenience Stores*								■			
Drive-Thru Stores*								■			
Equipment Rental, Sales & Service*								■	■		
Gaming*								□			
Garden Supply								■			
General Merchandise								■			
Golf, Indoor Driving Range								■	□		
Golf, Miniature								■	□		
Grocery Store								□			
Home Furnishings								■			
Home Improvements								■	□		

■ PERMITTED USE
□ PERMITTED CONDITIONAL USE
* ADDITIONAL STANDARDS APPLY - SEE CHAPTER 1137

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES - CONTINUED

4. COMMERCIAL - continued	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Industrial	Community Center	Institutional
Kennels*								□	□		
Kiosks*								□			
Pawn Shops*								□			
Pet Stores								■			
Personal Services								■			
Pharmacies								■			
Plant Nurseries									■		
Restaurants*								■		□	
Sexually Oriented Business*									□		
Tattoo Parlors*								■			
Used Merchandise & Thrift Stores								■			
Vehicle Fueling, Recharging*								■			
Vehicle Rental & Service*								■			
Vehicle Sales & Service*								■			
Weapon Sales*								■			

5. CIVIC											
Amphitheater, Stadiums*				□				■		□	
Arenas, Auditoriums, Concert Halls*				□	□	□	□	■	□	□	
Art Gallery, Arts Center							■	■		■	
Cemetery*	□	□	□	□	□	□			□	□	
Commercial Schools & Studios						□	■	■	□		
Communication Towers*								□	□		
Community Recreation Center*	□	□	□	□	□	□	□	□		□	
Conference, Meeting & Banquet Center*								□	□	□	
Convention Center*								□	□		

■ PERMITTED USE
□ PERMITTED CONDITIONAL USE
* ADDITIONAL STANDARDS APPLY - SEE CHAPTER 1137

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES - CONTINUED

5. CIVIC - continued	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Industrial	Community Center	Institutional
Correctional Facilities*									□		
Day Care Center*	□	□	□	□	□	□	□	■	□	□	
Educational Institution*	□	□	□	□	□	□	□	□	□	□	■
Fountain, Public Plaza*	□	□	□	□	□	□	□	□	□	□	■
Funeral Home, Mortuary*	□	□	□	□	□	□	□	■		□	
Golf Course*	□	□	□	□	□	□					
Governmental Facilities*	□	□	□	□	□	□	■	■	■	■	■
Hospital*		□	□	□	□	□	□	□	□	□	■
Indoor Recreation*	□	□	□	□	□	□	□	■		□	
Library*	□	□	□	□	□	□	■	■		■	■
Membership Clubs & Associations*	□	□	□	□	□	□	□	■		□	
Movie Theatre*								■		□	
Movie Theatre, Drive-in*								□			
Museum*	□	□	□	□	□	□	□	■		■	□
Park, Natural Area*	□	□	□	□	□	□	□	□	□	□	□
Parking Structures*						□	□	□	□	□	
Performance Theatre*							□	□		□	□
Places of Worship*	□	□	□	□	□	□	□	□		□	■
Public Transit Stations*								□	□	□	
Pump Stations	□	□	□	□	□	□	□	□	□	□	
Social Services							□	■		□	□
Surface Parking Lot*					□	□	□	□	□	□	□
Water Towers	□	□	□	□	□	□	□	□	□	□	□
Wireless Distributed Antennae System*	□	□	□	□	□	□	□	□	□	□	□

■ PERMITTED USE
□ PERMITTED CONDITIONAL USE
* ADDITIONAL STANDARDS APPLY - SEE CHAPTER 1137

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES - CONTINUED

6. INDUSTRIAL	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Industrial	Community Center	Institutional
Commercial Bakery*, Microbrewery								□	■		
Contractor's Office							■	■	■	■	
Contractor's Shop								■	■		
Contractor's Storage Yard*									■		
Electric Substation*	□	□	□	□	□	□	□	□	■	□	
Energy Conversion, Geothermal									■		
Energy Conversion, Solar & Wind*									■		
Fabrication, Industrial Crafts*									■		
Laboratory or Specialized Facility*									■		
Manufacturing*									■		
Non-Retail Laundries & Dry Cleaning Plants*									■		
Printing, Publishing, Lithography & Binding*							□	□	■		
Process Plant*									□		
Product Assembly*									■		
Public Service Yard*								□	■		
Research & Development*							□	□	■	□	□
Recycling Facility*									□		
Salvage*									□		
Self & Mini Storage*								□	■		
Sewer, Liquid & Solid Waste Facility*									□		
Storage Yards, Building Materials*									■		
Storage Yards, Outdoor Merchandise*									■		
Truck Depot, Motorpool*								□	■		
Vehicle Storage, Indoor*								■	■		
Vehicle Storage, Outdoor*									■		
Warehousing & Distribution*								□	■		
Wholesale Sales & Supply Houses*							□	□	■		

■ PERMITTED USE
□ PERMITTED CONDITIONAL USE
* ADDITIONAL STANDARDS APPLY - SEE CHAPTER 1137

1135.02.4 Mixed Uses

The mixing of uses allows for compact, pedestrian-friendly development to occur. More than one Principal Use shall be allowed on a given lot within Business, Office, Industrial, Institutional, and Community Center Districts.

An Accessory Use may occupy a given lot without a Principal Use present, provided that it is part of a Campus.

1135.03 USES PREEMPTED BY STATE & FEDERAL STATUTE

Uses that are required to be permitted in any zoning district by state or federal statute may be permitted in accordance with such laws whether or not the use is included in Table 35.2 Permitted Principal Uses, Section 1135.02.3

CHAPTER 1137
STANDARDS FOR SPECIFIC USES

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1137.08 TEMPORARY USE STANDARDS

CHAPTER 1137 STANDARDS FOR SPECIFIC USES

1137.01 GENERAL

1137.01.1 Purpose and Intent

A. This chapter establishes additional standards, exceptions to standards, or alternative standards (e.g., screening, landscaping, and/or design standards) for particular uses. The purpose of this chapter is to:

1. Provide standards for specific individual uses in order to protect surrounding property values and uses;

2. Protect the public health, safety, and general welfare;

3. Implement the comprehensive plan; and

4. Prevent negative secondary effects, such as decreases in property values and increases in crime rates, caused by a concentration of certain establishments in a given area.

B. This chapter provides specific regulations for certain uses, structures, and facilities. These regulations are in addition to the other applicable standards of this Zoning Code.

TIP

This Section is organized by Use in order of appearance from within the Permitted Principal Use Tables found in 1135.02.3.

The regulations found within this Section are specifically tailored to address these specific uses due to their potential negative impacts.

1137.01.2 Compliance Mandatory

No use may be initiated or established unless it complies with the standards set forth for such use in this chapter.

1137.01.3 Standards Supplement Other Code Regulations

The regulations of this Chapter shall supplement the requirements of the applicable zoning and pattern district regulations and the other applicable standards of this Zoning Code unless otherwise provided. To the extent that there is a conflict between a standard in another chapter of the Zoning Code and a standard in this chapter, the more restrictive standard shall control.

1137.02 RESIDENTIAL STANDARDS

1137.02.1 Multi-Unit 3-12 Units

Multi-Unit dwellings consisting of at least 3 but not more than 12 dwelling units are permitted within the R-2 district provided that such multi-unit dwellings were established and legally occupied as of May 26th, 2015, that the number of dwelling units shall not be increased, and that such dwellings shall not be expanded, enlarged, or extended.

1137.02.2 Care Facilities

Care Facilities are permitted as conditional uses subject to the following conditions:

A. The applicant shall submit the following information in written form:

1. The maximum number of residents, employees, and occupants. The totals for each category shall be provided.

2. A detailed plan of services and programs to be offered to the clientele of the facility, including the nature of care to be provided, the types of services to be offered, and the individuals or agencies who will be responsible for administering such care and services.

B. Every room occupied for sleeping purposes within the Care Facility shall adhere to the occupancy limitations of the Kettering Property Maintenance Code.

C. The Care Facility shall provide suitable outdoor recreation open space for the number and needs of residents of the Care Facility.

D. All Care Facilities shall be compatible in design with the surrounding neighborhood. If the property borders both commercially used and residentially used property, the residentially used property shall take precedence in regards to this standard.

E. The proposed use of the site will be compatible with the present physical character of the neighborhood and will not disrupt the neighborhood from the standpoint of noise, lights, congestion, or traffic generation. If the property borders both commercially used and residentially used property, the residentially used property shall take precedence in regards to this standard.

F. Notwithstanding any other requirements or conditions that must be satisfied for conditional use approval of a care facility, the Planning Commission must find that each of the items listed below have been met. In its review of each proposed Care Facility, and in addition to Section 1153.08, Conditional Use Approvals, the Planning Commission shall make a written finding as to whether or not all of the following conditions are met:

1. The care facility has sufficient controls, which can be exercised to insure continued compliance to the provisions of this Section.

2. The care facility will be designed, adapted, constructed, operated, and maintained to be compatible with the existing or officially planned uses of the general vicinity.

3. The facility will promote the public health, care, safety, or general welfare of the community.

1137.02.3 Live / Work

Live / Work uses are permitted as conditional uses subject to the following conditions:

A. No more than 40% of the residential unit's Gross Floor Area is available as work space and the living and working quarters shall function together as a single unit.

B. The permittee for a live/work use shall obtain a use permit from the City of Kettering for the intended business.

C. Customers, clients, or prospective customers or clients shall be invited to the residence by appointment only. The business shall not involve the on-site presence of more than two customers or clients at a time. Customers or clients shall only be permitted on the premises between the hours of 8 A.M. and 6:00 P.M.

D. The workers and residents shall neither interfere with nor impair the uses of the surrounding area.

E. The workers and residents shall not be subject to or cause unreasonable noise, odors, vibration, traffic, or other potentially harmful environmental conditions.

F. The appearance of any structure where such a use is located shall maintain its residential character. Signs are permitted subject to the provisions of Chapter 1151, Signs.

G. Such uses shall adjoin a thoroughfare or arterial street. Ingress and egress shall be from a thoroughfare or arterial street. Such uses shall be located within city blocks that include property zoned B-Business and shall be on the same side of the street of such property zoned B-Business.

H. The work component of the use shall be limited to the following:

1. Business, Professional, and Administrative Offices;
2. Alternative Medicine Office & Clinic;
3. Art Studios;
4. Personal Instruction;
5. Physical Therapy;
6. Medical Office & Clinic;
7. Other uses of a similar nature that would have a low number of appointments per day, low traffic generation, low amounts of noise and disturbance, and generally low negative impacts on adjacent uses, as determined by the Zoning Administrator.

I. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

J. The work use shall be conducted entirely indoors.

TIP

Some examples of thoroughfares within Kettering that have B districts somewhere along their length include: Wilmington Pike, Dorothy Lane, Stroop Road and Woodman Drive.

1137.03 LODGING STANDARDS

1137.03.1 Bed & Breakfast

Bed & Breakfast establishments are permitted subject to the following conditions:

A. Where Bed & Breakfasts are permitted as conditional uses such establishments shall be limited to providing only overnight accommodation in up to 5 guest rooms.

B. Bed and Breakfasts shall be located on lots with a minimum lot area of 12,000 square feet.

C. The minimum gross floor area of the Principal Structure(s) shall be 2,500 square feet.

D. The on-site operator of the bed and breakfast facility must be the owner of record and hold no less than 50% interest in the property. The owner of record must occupy the property.

E. The owner shall maintain a record of the stays of all guests. The same guest or group of registrants shall not stay at the facility for a period of more than 7 consecutive days or more than 14 total days within a given calendar year.

F. Driveways may be used to satisfy off-street parking requirements, except for that portion of a driveway located in the public Right-of-Way.

G. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.03.2 Hotels & Motels

Hotel and Motel establishments are permitted subject to the following conditions:

A. Hotels, Lodges, and Motels shall be located on lots with a minimum lot area of 2 acres. Such uses shall contain at least 1,000 square feet of lot area per guest or sleeping room, whichever is greater.

B. All structures, shall be located at least 25' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

C. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

D. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access shall not create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

E. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.03.3 Corporate Retreat Center

Corporate Retreat Center establishments are permitted as a conditional use subject to the requirement that such establishments shall only have ingress and egress from and shall only adjoin a thoroughfare, arterial, or collector street.

1137.04 OFFICE STANDARDS

1137.04.1 Animal Hospital & Clinics

Animal Hospital & Clinic establishments are permitted as a conditional use subject to the conditions of Section 1137.05.2, Animal Care, Grooming.

1137.04.2 Technical Repairs

Technical Repair establishments are permitted subject to the following conditions:

A. The sales, service, repair, and manufacture of professional, scientific, and other technical devices is permitted as long as the structure in which their repair or manufacture takes place appears to be a commercial or office facility as opposed to an industrial or residential facility.

B. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.04.3 Work / Live

Work / Live establishments are permitted subject to the following conditions:

A. The permittee for a work/live use shall obtain a zoning permit from the City of Kettering for the intended living unit.

B. The living space shall be limited to a single dwelling unit occupied by no more than four adults.

C. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

D. Workspace uses shall be limited to the uses permitted as principal uses within the district the property is located. If such a workspace use involves hazardous or flammable materials, or if safety gear must be worn or utilized while engaging in the workspace use, then the work/live establishment shall be subject to a fire safety inspection.

1137.05 COMMERCIAL STANDARDS

1137.05.1 Alcohol, Liquor, or Tobacco Sales

Alcohol, Liquor, or Tobacco Sales establishments are permitted as a conditional use subject to the following conditions:

A. Such establishments shall be located at least 1,000 feet from gaming establishments, tattoo parlors, check cashing, payday loans, pawn shops, sexually oriented businesses, weapon sales establishments, or other such alcohol, liquor, or tobacco sales establishments.

B. Such establishments shall not adversely affect adjacent or nearby places of worship, elementary, middle, junior high, or high schools, parks or recreation centers, or playgrounds.

C. Such establishments shall be located on lots with a minimum lot area of 20,000 square feet.

D. Such establishments shall not be located closer than 1,000' to any day care center, public park or playground, religious facility, educational institution, or licensed alcohol or drug treatment facilities.

E. Such establishments within 150' of residentially used property, shall be limited in hours of operation, or shall be designed or operated to avoid disruption of such residential use(s) between the hours of 10:00 P.M. and 7:00 A.M.

F. All Principal Structures shall be located at least 25' from any residentially used property.

G. A finished masonry wall that is that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

H. Ingress and egress to such an establishment shall be limited to arterial and collector streets.

1137.05.2 Animal Care, Grooming

Animal Care and Grooming establishments are permitted subject to the following conditions:

A. Animal Care and Grooming facilities shall be located at least 25' from any residentially used property.

B. Any outdoor exercise area used in conjunction with such an establishment shall be restricted to the rear yard and shall provide a finished masonry wall that is 6' in height surrounding said area. This requirement is in addition to any bufferyard, screening, or landscaping require-

ments.

C. Care shall be limited to small animals, commonly kept as household pets. See also Section 1139.04.6, Keeping of Pets & Animals.

D. All activities other than parking and loading and exercise areas shall be conducted within a fully enclosed building.

E. Structures and exercise areas shall be designed and maintained in a manner to prevent the development of unsanitary conditions, which could result in unpleasant odor or vermin nuisance.

F. Rooms intended to accommodate animals shall be soundproofed so that animal noises are not audible at any point on the perimeter of the property. Additionally, rooms intended to accommodate animals shall be vented so that animal odors are not detectable from any point on the perimeter of the property.

G. Animals shall not be permitted to occupy the structure overnight.

1137.05.3 ATM, Standalone

Standalone ATM machines and structures are permitted as a conditional use subject to the conditions of Section 1137.05.14, Kiosks.

1137.05.4 Automobile Service, Repairs, or Modifications

Automobile Service, Repairs, or Modifications establishments are permitted subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of 14,000 square feet.

B. Vehicle fueling or recharging is permitted as an additional principal use on lots with a minimum lot area of 20,000 square feet, and said activities must comply fully with Section 1137.05.19, Vehicle Fueling, Recharging.

C. All structures shall be located at least 50' from any residentially used property.

D. No fueling pump or storage tank shall be located within 25' of a residentially used property.

E. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

F. All vehicle servicing, repair, and modification activities, including body work and painting, must be fully conducted within an enclosed building.

G. All vehicles not in safe operating condition shall be kept within a fully enclosed building.

H. All hydraulic hoists, oil pits, greasing, and repair equipment, and all lubricants shall be enclosed entirely within a building.

I. All outdoor storage, as permitted within this Section, must be screened from view from any Right-of-Way by a finished masonry wall that is 6' in height.

J. The following activities and equipment are permitted only in the rear yard and at least 50' from any residentially used property:

1. Temporary outdoor storage of vehicles during servicing, repair, or modification, and pending delivery to the customer;

2. Vacuuming and cleaning.

K. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

1137.05.5 Automobile Washing

Automobile Washing establishments are permitted subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of 20,000 square feet.

B. Such establishments within 150' of residentially used property, shall be limited in hours of operation, or shall be designed or operated to avoid disruption of such residential use(s) between the hours of 10:00 P.M. and 7:00 A.M.

C. Automobile washing structures shall be located at least 50' from any residentially used property.

D. All automated automobile washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation.

E. Vacuuming or steam cleaning equipment may be located outside of said building, but shall not be placed closer than 75' from any residential property, and shall not be placed closer than 20' from the public right-of-way.

F. Such establishments shall provide 5 stacking spaces for each vehicle washing device or stall. Said stacking spaces shall not block or otherwise interfere with site circulation patterns.

G. An exit drive not less than 40' in length shall be provided between the exit doors of the automobile washing facility building and the public right of way.

H. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

I. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.05.6 Banks, Credit Unions

Banks and Credit Union establishments with drive-in or drive-thru facilities are permitted subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of 20,000 square feet.

B. The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site.

C. Such establishments shall not interfere with the movement of people along pedestrian or active transportation ways, such as jogging paths or bikeways.

D. Loud speaker systems shall be subject to approval by the Zoning Administrator and shall not create a nuisance for adjacent properties. See also Section 1143.06, Noise

E. Such establishments shall provide 5 stacking spaces for each transaction location. Said stacking spaces shall not block or otherwise interfere with site circulation patterns.

F. Drive-in or drive-through windows and lanes shall be located at least 50' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

G. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

H. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

1137.05.7 Bar, Lounge, Tavern, Nightclub

Bar, Lounge, Tavern, and Nightclub establishments are permitted subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of 10,000 square feet.

B. Such establishments shall be located at least 100' from any places of worship, child day care centers, care facilities, licensed alcohol or drug treatment facilities, educational institutions, or residentially used properties excluding multi-unit dwellings located within TC and NC pattern districts.

C. Bars, Lounges, Taverns, or Nightclubs shall not contribute to an undue proliferation of these uses in areas where additional similar establishments would be undesirable, considering the potential for increases in issues related to crime or traffic.

D. Such establishments shall not adversely affect adjacent or nearby places of worship, educational institutions, parks or recreation centers, or playgrounds.

E. Such establishments located within 150' of residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts, shall be limited in hours of operation, or shall be designed or operated to avoid disruption of such residential use(s) between the hours of 10:00 P.M. and 7:00 A.M.

F. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

1137.05.8 Big Box Stores

Big Box Store establishments are permitted as a conditional use subject to the following conditions:

A. Applications for such establishments shall include a community impact statement and analysis conducted by an independent consultant. The independent consultant shall be chosen and paid for by the City of Kettering. The applicant shall reimburse the City as part of the permitting fee for all costs incurred in conducting such studies. Such studies, at a minimum, shall include the following:

1. Estimated cost to the City of Kettering for increased demand for infrastructure as well as impact to existing utilities and services;

2. Net impacts on current business district(s);

3. Net change in sales tax and property tax base, revenues, and overall land values;

4. The estimated net impacts to local employment, wages and salaries, locally retained profits, property taxes, and sales taxes;

5. Traffic and parking conditions on-site and in the surrounding area;

6. The physical and ecological characteristics of the site and the surrounding land, including wetlands, floodplain vegetation, wildlife habitat, and other environmental conditions;

7. The impact to the scenic, historic, and archaeological character of the community; and

8. Such studies must show the immediate impacts on the above mentioned items as well as the long term impacts on such items up to 10 years after the start of operations.

B. Applications for such establishments shall include a Traffic Demand Management Report (TDM). Any new single development shall require a level of service B or C and shall not incrementally add to the existing level of traffic on affected roadways by more than 5%.

C. Such establishments shall utilize standards and best practices for Low Impact Development (LID). The following elements shall be incorporated into the site of such establishments as a means of compliance:

1. Bioretention Basins (Peak and Volume);

2. Bioretention Cells (Water Quality Only);

3. Bioretention Slopes;

4. Bioretention Swales;

5. Water Quality Swales;

6. Permeable/Porous Pavements (Asphalt, concrete, blocks);

7. Tree Box Filters;

8. Planter Boxes;

9. Cisterns/Rain Barrels;

10. Green Roofs.

D. Applications for such establishments shall include a credible, detailed redevelopment plan for the removal and/or reuse of the proposed facility and associated site. The approved redevelopment plan shall be implemented if the approved facility is closed for ten consecutive months or more.

E. Prior to issuance of a building permit for any development subject to these provisions, the building owner shall be required to post security to secure completion of the redevelopment plan. The amount of such security shall be calculated based upon the number of square feet of retail space being created, and shall be as set forth in the adopted fee schedule. The required security shall be on forms provided by the City and shall be in the form of cash, bond, or unconditional, irrevocable letter of credit, subject to the approval of the Law Director or the Law Director's designee. If the owner or operator fails to complete the approved redevelopment plan the development shall be deemed to be a nuisance and the City may use the posted

security to abate the nuisance and complete the redevelopment plan and/or take any other action available under applicable law, including without limitation, demolition of any improvements.

F. No more than 30% of the parking lot shall be located on any side of such establishment that faces the public right-of-way. Parking Structures shall be exempt from this requirement.

G. Such establishments shall not interfere with the movement of people along pedestrian or active transportation ways, such as jogging paths or bikeways.

H. All Principal Structures shall be located at least 50' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts..

I. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

J. Ingress and egress to such an establishment shall be limited to arterial and collector streets.

1137.05.9 Check Cashing, Payday Loans, Pawn Shops

Check Cashing, Payday Loans, or Pawn Shop establishments are permitted as a conditional use subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of one acre.

B. Such establishments shall be located at least 50' from any residential property.

C. Such establishments shall be located at least 1,000 feet from alcohol, liquor, or tobacco sales establishments, tattoo parlors, gaming establishments, pawn shops, sexually oriented businesses, weapon sales establishments, or other such check cashing, payday loan, or pawn shop establishments.

D. Such establishments within 150' of residential property shall be limited in hours of operation, or shall be designed or operated to avoid disruption of such residential use(s) between the hours of 10:00 P.M. and 7:00 A.M.

E. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

1137.05.10 Convenience, Drive-Thru Stores

Convenience and Drive-Thru Store establishments are permitted subject to the following conditions:

A. Convenience or Drive-Thru Stores must not contribute to an undue proliferation of these uses in areas where additional similar establishments would be undesirable, considering the rel-

evant area's function and character as well as the potential for increases in issues related to crime or traffic.

B. Vehicle fueling or recharging is permitted as an additional principal use, and said activities must comply fully with Section 1137.05.19, Vehicle Fueling, Recharging.

C. Such establishments shall be located on lots with a minimum lot area of 20,000 square feet.

D. Loud speaker systems shall be subject to approval by the Zoning Administrator and shall not create a nuisance for adjacent properties. See also Section 1143.06, Noise

E. The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site.

F. Such establishments shall not interfere with the movement of people along pedestrian or active transportation ways, such as jogging paths or bikeways.

G. Stacking space for 5 vehicles shall be provided for every transaction location. Stacking spaces shall not block or otherwise interfere with parking or site circulation patterns.

H. Such establishments shall provide litter receptacles of an appropriate number and location to adequately handle the volume and frequency of trash generated by customers, as determined by the Zoning Administrator.

I. Such establishments within 150' of residentially used property, shall be limited in hours of operation, or shall be designed or operated to avoid disruption of such residential use(s) between the hours of 10:00 P.M. and 7:00 A.M.

J. All Principal Structures shall be located at least 50' from any Residential Property.

K. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

L. Ingress and egress to such an establishment shall be limited to arterial and collector streets.

M. Outside activities at such establishments shall be limited to:

1. The sale of vehicle fuels or recharging;

2. Machine vending of merchandise as specified in Section 1139.04.7,Outdoor Display;

3. Outdoor Display as specified in Section 1139.04.7,Outdoor Display.

1137.05.11 Equipment Rental, Sales & Service

Equipment Rental, Equipment Sales, and Equipment Service establishments are permitted subject to the following conditions:

A. Such establishments, when located within a Business district shall be limited to indoor operations only. No outdoor storage or display of vehicles, equipment, or merchandise is permitted.

B. Such establishments, when located within an Industrial district, shall be subject to the standards found in 1137.07.10, Vehicle Storage, Indoor & Outdoor.

1137.05.12 Gaming

Gaming establishments are permitted as a conditional use subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of one acre.

B. Such establishments shall be located at least 50' from any residential property, place of worship, child day care center, care facility, licensed alcohol or drug treatment facility, or elementary, middle, junior high or high school.

C. Such establishments shall be located at least 1,000 feet from alcohol, liquor, or tobacco sales establishments, tattoo parlors, check cashing, payday loans, pawn shops, sexually oriented businesses, weapon sales establishments, or other such gaming establishments.

D. Such establishments shall not adversely affect adjacent or nearby places of worship, elementary, middle, junior high, or high schools, parks or recreation centers, or playgrounds.

E. Such establishments within 150' of residential property shall be limited in hours of operation, or shall be designed or operated to avoid disruption of such residential use(s) between the hours of 10:00 P.M. and 7:00 A.M.

F. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

G. Off-street parking shall be provided at a rate of 1 space per 50 square feet of gross floor area. This parking requirement shall be in addition to any parking requirements provided in a shared parking agreement, or as provided by a commercial development or multi-use development.

For example:

If a development was comprised of 5,000 square feet of commercial use, 5,000 square feet of restaurant use, and 5,000 square feet of office use, the required parking would be based on the minimums listed per use and the shared parking matrix both found within Chapter 1145, Parking and Loading. The minimum total required would be 80 parking spaces.

However, if 2,500 square feet of the 5,000 square feet of commercial space was occupied by a gaming establishment, then the amount of parking required for a gaming establishment would be in addition to the 80 spaces required by the example provided above. The minimum total required would then be 130 parking spaces, per this example.

1137.05.13 Kennels

Kennel establishments are permitted as a conditional use subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of 20,000 square feet.

B. Such establishments shall be located at least 50' from any residentially used property.

C. All activities other than parking and loading and exercise areas shall be conducted indoors.

D. Structures and exercise areas shall be designed and maintained in a manner to prevent the development of unsanitary conditions, which could result in unpleasant odor or vermin nuisance.

E. Rooms intended to accommodate animals shall be soundproofed so that animal noises are not audible at any point on the perimeter of the property. Additionally, rooms intended to accommodate animals shall be vented so that animal odors are not detectable from any point on the perimeter of the property.

F. Any outdoor exercise area used in conjunction with such an establishment shall be restricted to the rear yard and shall provide a finished masonry wall that is 6' in height surrounding said area. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

G. Care and boarding shall be limited to small animals commonly kept as household pets. See also Section 1139.04.6, Keeping of Pets & Animals.

1137.05.14 Kiosks

Kiosk establishments are permitted as a conditional use subject to the following conditions:

A. The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site.

B. Such establishments shall not interfere with the movement of people along pedestrian or active transportation ways, such as jogging paths or bikeways.

C. Loud speaker systems shall be subject to approval by the Zoning Administrator and shall not create a nuisance for adjacent properties. See also Section 1143.06, Noise.

D. Such establishments shall provide 5 stacking spaces for each transaction location. Said stacking spaces shall not block or otherwise interfere with site circulation patterns.

E. Such establishments with on-site employees shall furnish restroom facilities. In addition, any such establishment with a dining area, either indoor or outdoor, shall furnish restrooms for its customers.

F. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screen-

ing, or landscaping requirements.

1137.05.15 Restaurants

Restaurant establishments with drive-in or drive-thru facilities are permitted subject to the following conditions:

A. Restaurant establishments shall not contribute to an undue proliferation of such uses in an area where additional restaurants would be undesirable considering the area's function and character, traffic problems, and traffic capacity.

B. Such establishments shall not interfere with the movement of people along pedestrian or active transportation ways, such as jogging paths or bikeways.

C. Such establishments shall be located on lots with a minimum lot area of 20,000 square feet.

D. Loud speaker systems shall be subject to approval by the Zoning Administrator and shall not create a nuisance for adjacent properties. See also Section 1143.06, Noise.

E. The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site.

F. Such establishments shall provide 8 stacking spaces for each transaction location. Said stacking spaces shall not block or otherwise interfere with site circulation patterns.

G. Such establishments shall provide litter receptacles of an appropriate number and location to adequately handle the volume and frequency of trash generated by customers, as determined by the Zoning Administrator.

H. Such establishments within 150' of residentially used property, shall be limited in hours of operation, or shall be designed or operated to avoid disruption of such residential use(s) between the hours of 10:00 P.M. and 7:00 A.M.

I. Drive-in or drive-through windows and lanes shall be located at least 50' from any residentially used property. All principal and accessory structures shall be set back at least 25' from any residentially used property.

J. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

K. Dumpsters and dumpster locations containing food waste shall be located at least 40' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts, and shall not occupy any required bufferyard.

L. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

M. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.05.16 Sexually Oriented Businesses

Sexually Oriented Business establishments are permitted as a conditional use subject to the following conditions:

A. Sexually oriented businesses shall not be located within 400' of any type of residential property.

B. Sexually oriented businesses shall not be located within 1,000' of:

1. a school, library or teaching facility, whether public or private, governmental or commercial, that is attended by persons under 18 years of age;

2. a day care center, or care facility;

3. a public park or recreational area that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City;

4. a church, synagogue, or building that is used primarily for religious worship and related religious activities;

5. an entertainment business that is oriented primarily towards persons under 18 years of age or oriented primarily towards persons under 18 years of age and their parents/guardians.

6. any other sexually oriented business; or

7. any establishment licensed for the sale of alcoholic beverages for consumption on the premises.

C. A sexually oriented business shall neither be operated, established, or maintained within the same building, structure, or portion thereof of another sexually oriented business, nor shall there be an increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

D. For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures, from the closest property line of the sexually oriented business to the closest property line of the premises of a use listed in Subsections B and C. The presence of a political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

E. Any sexually oriented business lawfully operating on the effective date of this Section that is in violation of this Section shall be deemed a nonconforming use and shall not be increased, enlarged, extended, or altered.

F. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use solely by the subsequent location of a use listed in Subsections B and C of the Section within 1,000' of the sexually oriented business.

1137.05.17 Tattoo Parlors

Tattoo Parlor establishments are permitted subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of one acre.

B. Such establishments shall be located at least 50' from any residential property.

C. Such establishments shall be located at least 1,000 feet from alcohol, liquor, or tobacco sales establishments, gaming establishments, check cashing, payday loans, pawn shops, sexually oriented businesses, weapon sales establishments, or other such tattoo parlor establishments.

D. Such establishments within 150' of residential property shall be limited in hours of operation, or shall be designed or operated to avoid disruption of such residential use(s) between the hours of 10:00 P.M. and 7:00 A.M.

E. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

1137.05.18 Vehicle Sales & Service, Vehicle Rental & Service

Vehicle Sales & Service and Vehicle Rental & Service establishments with outdoor storage or display of vehicles are permitted subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of 2 acres.

B. Every structure or outdoor display area shall be located at least 50' from any adjoining residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

C. Every building used for the repair and servicing of vehicles shall be located at least 50' from any adjoining residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

D. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

E. All operations other than vehicle or equipment display shall be conducted entirely within an

enclosed building.

F. The maximum height of any vehicle or equipment on display, stored outdoors or otherwise in view from any public Right-of-Way or private street or Residential Property shall not exceed 16'.

G. Any vehicle or equipment on display that exceeds 6' in height, stored outdoors or otherwise in view from any public Right-of-Way or private street or residentially used property shall be screened by a continuous evergreen screen equal to the maximum height of the vehicle or equipment intended to be screened.

H. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

1137.05.19 Vehicle Fueling, Recharging

Vehicle Fueling and Vehicle Recharging establishments are permitted subject to the following conditions:

A. Vehicle Fueling or Recharging establishments shall not contribute to an undue proliferation of such uses in an area where additional vehicle fueling or recharging establishments would be undesirable considering the area's function and character, traffic problems, and traffic capacity.

B. Such establishments shall be located on lots with a minimum lot area of 20,000 square feet.

C. Loud speaker systems shall be subject to approval by the Zoning Administrator and shall not create a nuisance for adjacent properties. See also Section 1143.06, Noise.

D. The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site.

E. Such establishments shall provide litter receptacles of an appropriate number and location to adequately handle the volume and frequency of trash generated by customers, as determined by the Zoning Administrator.

F. Such establishments within 150' of residentially used property, shall be limited in hours of operation, or shall be designed or operated to avoid disruption of such residential use(s) between the hours of 10:00 P.M. and 7:00 A.M.

G. All Principal Structures shall be located at least 50' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. All pump islands shall be located at least 50' from any residentially used property.

H. All fuel dispensers shall be located at least 20' from the public Right-of-Way; Canopies shall be located at least 5' from the public Right-of-Way.

I. Canopies shall not exceed 16' in height or the height of the principal structure, whichever is less. See also Section 1143.07.21, Service Station Canopies.

J. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

K. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

L. Outside activities at such establishments shall be limited to:

1. The sale of vehicle fuels or recharging;

2. Machine vending of merchandise as specified in Section 1139.04.7,Outdoor Display;

3. Outdoor Display as specified in Section 1139.04.7,Outdoor Display;

4. Washing vehicles within an enclosed building provided that said facilities are in compliance with Section 1137.05.5, Automobile Washing.

1137.05.20 Weapon Sales

Weapon Sales establishments are permitted subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of one acre.

B. Such establishments shall be located at least 50' from any residential property.

C. Such establishments shall be located at least 1,000 feet from alcohol, liquor, or tobacco sales establishments, gaming establishments, check cashing, payday loans, pawn shops, sexually oriented businesses, tattoo parlors, or other such weapon sales establishments.

D. Such establishments within 150' of residential property shall be limited in hours of operation, or shall be designed or operated to avoid disruption of such residential use(s) between the hours of 10:00 P.M. and 7:00 A.M.

E. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property. This requirement is in addition to any

bufferyard, screening, or landscaping requirements.

1137.06 CIVIC STANDARDS

1137.06.1 Amphitheaters, Drive-in Movie Theatres, Stadiums

Amphitheaters, Drive-in Movie Theatres, and Stadium establishments are permitted subject to the following conditions:

A. Such establishments shall have a minimum lot area of 5 acres.

B. All structures shall be located at least 100' from any residentially used property.

C. If an active outdoor recreation area is lit at night, such area shall be located at least 100' from any residentially used property.

D. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

E. The viewing side of a screen or any part of a stage shall be located so as not to be visible from any public Right-of-Way or private street or residentially used property.

F. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

G. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.06.2 Arenas, Auditoriums, Concert Halls, Movie Theatres, & Performance Theatres

Arenas, Auditoriums, Concert Halls, Movie Theatres, and Performance Theatre establishments are permitted subject to the following conditions:

A. Uses shall be conducted entirely within an enclosed building.

B. All structures shall be located at least 50' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

C. If an active outdoor recreation area is lit at night, such area shall be located at least 100' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

D. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screen-

ing, or landscaping requirements.

E. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

F. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.06.3 Cemeteries

Cemeteries are permitted as a conditional use subject to the following conditions:

A. Such uses shall be permitted only if they are adjoining or an extension of existing cemeteries, and if they have access to a arterial or collector street type.

B. All structures shall be located at least 35' from all property lines.

C. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

1137.06.4 Communications Towers

Communications Towers and their Ancillary Equipment and Structures are permitted subject to the following conditions:

A. Such structures and equipment shall be placed underground or screened with a masonry wall or privacy fence and a continuous evergreen hedge that is a minimum of 6' in height. If ancillary structures and equipment are located on a rooftop, the structures and equipment shall be screened in accordance with the requirements of Section 1149.01.6, Rooftop Screening.

B. Such structures, to the maximum extent feasible, must be aesthetically and architecturally compatible with the surrounding environment.

C. Such structures and equipment shall be completely removed within 6 months upon ceasing to function for the purpose that it was originally constructed.

D. Proof shall be provided by the applicant in a form satisfactory to the Zoning Administrator that the proposed application has been approved by all agencies and governmental entities with jurisdiction, including, but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communications Commission, or the successors to their respective functions.

E. Lights, beacons, or strobes shall not be permitted on any such structures, and such structures shall not be illuminated in any way unless required by the Federal Aviation Administration.

F. No advertising is permitted anywhere upon or attached to any such structures.

G. Such structures shall be buffered from adjoining uses and rights-of-way by means of a Type A Bufferyard along all property lines including the front property line.

H. The fall zone of any such tower must not encompass any neighboring structures or lie outside of the property where such tower is located.

I. The owner of such a tower shall agree to permit use of the Communications Tower by other communication service providers, on reasonable terms, so long as such use does not conflict with the applicant's and/or any other pre-existing user's use of the Communications Tower and does not violate the structural integrity of the Communications Tower.

J. No new Communications Tower may be constructed if there is a technically suitable space available on an existing or planned Communication Tower within the geographic area that the new tower is to serve.

K. Communications Towers shall be constructed to handle at least two sets of Antennae and equipment.

L. Additional Requirements are as shown within Table 37.1, Communications Towers, Section 1137.06.4.N

M. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals, unless otherwise specified within Table 37.1, Communications Towers, Section 1137.06.4.N

A conditional use permit must be obtained, as specified in Section 1153.08, Conditional Use Approvals, for the placement of conditional accessory structures.

N. See next page for Table 37.1, Communications Towers, Section 1137.06.4.N

1137.06.5 Community & Recreation Centers

Community and Recreation Center establishments are permitted as a conditional use subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of 1 acre.

B. All buildings, playing fields, or active outdoor recreation areas shall be located at least 50' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

C. Such uses shall not be conducted as for-profit businesses.

D. All sites shall adjoin and have ingress and egress only from a thoroughfare, arterial, or collector street.

1137.06.4.N Table 37.1 - Communications Towers

Additional requirements regarding the principal use of a Communications Tower or Antennas are as listed in the following table:

	Communications Towers greater than 150' in height:	Communications Towers less than or equal to 150' in height:
Permitted Location	Industrial District	Business District, Industrial District
Conditional Use Permit Required	No	Yes
Minimum Lot Area	4 acres	2 acres
Required Setback from any Residential District or Use	500'	200'
Required Setback from any Thoroughfare, Arterial, or Collector Street	150'	150'
Yard Requirement	Cannot occupy a front yard	Cannot occupy a front yard
Maximum Height	300 feet	150 feet
Appearance	Gray or as required by federal statute	Gray or as required by federal statute
Structure Type	Any	Restricted to freestanding monopole only

See also Section 1139.02.3, Communications Towers, for requirements regarding the accessory use of such structures.

1137.06.6 Conference, Meeting or Banquet Centers, Convention Centers

Conference, Meeting or Banquet Centers, and Convention Center establishments are permitted as a conditional use subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of 1 acre.

B. All structures shall be located at least 50' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

C. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

D. All sites shall adjoin and have ingress and egress only from a thoroughfare, arterial, or collector street.

1137.06.7 Correctional Facilities

Correctional Facility establishments are permitted as a conditional use subject to the following conditions:

A. Such establishments shall be located on lots with a minimum lot area of 15 acres.

B. Uses shall be conducted entirely indoors, with the exception of outdoor recreation. If an outdoor recreation area is lit at night, such area shall be located at least 1000' from any residentially used property.

C. All structures shall be located at least 1000' from any residentially used property.

D. Such uses shall not be conducted as for-profit businesses.

E. All sites shall adjoin and have ingress and egress only from a thoroughfare street.

1137.06.8 Day Care Centers, Child and/or Adult

Day Care Center establishments are permitted subject to the following conditions:

A. Day Care Centers located on residential property shall be located on lots with a minimum lot area of 10,000 square feet or shall contain at least 500 square feet of lot area per charge, whichever is greater.

B. All Day Care Centers shall adjoin and have ingress and egress only from a thoroughfare, arterial, or collector street.

C. All Day Care Centers shall provide an on-site drop-off area at the main entrance to the center sufficient to accommodate 4 passenger vehicles for day care centers with 20 or fewer charges. For every additional 10 charges, one additional on-site drop-off area shall be provided.

D. A minimum of 100 square feet of enclosed or fenced outdoor play area per the maximum number of children allowable shall be provided.

E. All outdoor play areas shall be enclosed by a 6' high finished masonry wall, solid wood fence, or wrought iron fence, planted with a continuous 6' high evergreen screen. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

F. Use of outdoor play areas shall be limited to the hours of 8:00 AM to 8:00 PM.

G. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

TIP

A charge is a person (adult or child) committed to the care of another.

See also Section 1159.02, Definitions

1137.06.9 Educational Institutions

Educational Institution establishments are permitted subject to the following conditions:

A. Each elementary school shall have a minimum lot area of 2 acres.

B. Each junior high, middle, and high school shall have a minimum lot area of 5 acres.

C. Each college or university shall have a minimum lot area of 2 acres. However, if such a use is located within an O-Office or B-Business district, then there shall be no minimum lot area.

D. All structures shall be located at least 35' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

E. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

F. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.06.10 Fountains, Public Plazas, Parks, & Natural Areas

Fountains, Public Plazas, Parks, and Natural Areas are permitted as a conditional use subject to the following conditions:

A. All playing fields, or active outdoor recreation areas shall be located at least 50' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

B. If an active outdoor recreation area is lit at night, such area shall be located at least 100' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

C. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

1137.06.11 Funeral Homes, Mortuaries

Funeral Homes and Mortuary establishments are permitted subject to the following conditions:

A. Such uses shall have a minimum lot area of 1 acre.

B. All structures shall be located at least 35' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

C. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector

street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

D. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.06.12 Golf Courses, Membership Clubs, & Associations

Golf Courses, Membership Clubs, & Associations establishments are permitted as a conditional use subject to the following conditions:

A. Such uses shall be located on lots with a minimum lot area of 1 acre.

B. Membership recreation clubs shall be used only by members and their families and guests of members of the association or club.

C. All structures shall be located at least 35' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

D. Such establishments, where liquor or alcohol is served, shall be located at least 250' from any places of worship, day care centers, care facilities, licensed alcohol or drug treatment facilities; elementary, middle, junior high, or high schools, or residentially used properties, excluding multi-unit dwellings located within TC and NC pattern districts.

E. Accessory facilities such as snack bars, restaurants, and bars may be permitted only if they occupy integral parts of a main structure, and there is no display of goods or advertising visible off the premises.

F. Loud speakers, music, public address systems, and electric amplifiers shall be subject to approval by the Zoning Administrator and shall not create a nuisance for adjacent properties.

G. Pool areas, including those areas used by bathers, shall be screened subject to the provisions of Section 1139.03.10, Pools, Hot Tubs, Spas.

H. Fencing or screening, over 6' in height, used to control errant golf balls shall be evaluated by the Planning Commission with regard to:

1. Visual impacts of the proposed device and methods to mitigate such impacts;

2. Existing Vegetation and it's potential use as a visual screen or as a device to contain errant golf balls.

I. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

1137.06.13 Governmental Facilities (i.e. - Post Offices, Police Stations, Fire Houses)

Governmental Facility establishments are permitted subject to the following conditions:

A. All principal structures shall be located at least 30' from any residentially used property, excluding Care Facilities and also excluding multi-unit dwellings located within TC and NC pattern districts.

B. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

C. Such uses shall be by a political subdivision or an organization meeting the requirements of 501(c)(3) of the Internal Revenue Code.

D. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.06.14 Hospitals

Hospitals are permitted subject to the following conditions:

A. Such uses shall be located on lots with a minimum lot area of 10 acres or 1,500 square feet of lot area per bed, whichever is greater.

B. All structures shall be located at least 150' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts, and no vehicular use area shall be closer than 50' to any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

C. A finished masonry wall that is 6' in height shall be provided where any vehicular use area is located closer than 150' to any adjoining residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

D. All sites shall adjoin and have ingress and egress only from a thoroughfare, arterial, or collector street.

E. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.06.15 Indoor Recreation

Indoor Recreation establishments are permitted as conditional uses subject to the following conditions:

A. All structures shall be located at least 35' from any residentially used property, excluding multi-

unit dwellings located within TC and NC pattern districts.

B. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

C. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

1137.06.16 Libraries, Museums

Library and Museum establishments are permitted subject to the following conditions:

A. All structures shall be located at least 35' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

B. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

C. Such uses shall be by a political subdivision or be recognized 501(c)(3) organizations according to the Internal Revenue Service.

D. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.06.17 Parking Structures

Parking Structure establishments are permitted as conditional uses subject to the following conditions:

A. The Parking Structure shall be architecturally consistent with surrounding uses and structures in terms of colors, materials, texture, detailing, trim, visual character, and proportions.

B. All structures shall be located at least 100' from any residentially used property, excluding multi-unit dwellings, and no vehicular use area shall be closer than 50' to any residentially used property, excluding multi-unit dwellings.

C. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

D. The applicant shall demonstrate the need for such a facility through the use of a parking study. See Section 1145.11, Parking Studies and Section 1145.03.1, Minimum Parking Spaces Required.

E. The Planning Commission may require additional features or conditions to lessen or mitigate the impacts to the surrounding area in regard to storm water runoff, noise, glare, odor, security and safety, and screening.

When parking structures are an accessory to a permitted principle use, a separate conditional use permit is not required.

A conditional use permit is only required for the Principal Use of the property, or properties if part of a Campus.

1137.06.18 Places of Worship

Places of Worship when permitted as conditional uses are subject to the following conditions:

A. All structures shall be located at least 35' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

B. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

1137.06.19 Public Transit Stations

Public Transit Station establishments are permitted as conditional uses subject to the following conditions:

A. All public transit structures shall located at least 25' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts, and all areas used for the loading, unloading and parking of public transit vehicles shall be located at least 50' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts

B. A finished masonry wall that is 6' in height shall separate a public transit station from an adjoining residential property.

C. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.

1137.06.20 Surface Parking Lot

Surface Parking Lots are permitted as a conditional use subject to the following conditions:

A. The Surface Parking Lot shall:

1. Be located upon a lot with a minimum area of 7,500 square feet, and upon a lot or lots with a maximum combined area of 1.5 acres;

2. Be screened from view from any adjacent residential properties and any rights-of-way

according to Chapter 1147 and the following standards:

a. Bufferyard D shall be located along any lot line that borders a residential street or residential use. Wooden fences shall not be utilized to satisfy this provision;

3. Be setback from property boundaries according to the following standards:

a. The minimum front yard setback shall be equal to the minimum front yard setback required for the zoning district in which the subject property is located;

b. The minimum side yard setback shall be 10';

c. The minimum street side yard setback shall be 25';

d. The minimum rear yard setback shall be 10';

4. Provide ingress and egress from a thoroughfare, arterial, or collector street only;

5. Provide a paved walkway, including but not limited to appropriate ramps or crossings to connect such surface parking lot to the use(s) and districts they serve.

1137.06.21 Wireless Distributed Antennae System

Wireless Distributed Antennae Systems (WDAS) are permitted subject to the following conditions:

A. WDAS shall be mounted solely to existing utility poles or existing structures and shall not exceed the height of their supporting structure by more than 5'. However, in no circumstance shall such an antennae exceed the maximum height allowed by district or use whichever is less.

B. WDAS, to the maximum extent feasible, must be aesthetically and architecturally compatible with the surrounding environment. WDAS shall be painted grey or other camouflaging color as approved by the Zoning Administrator.

C. WDAS shall be completely removed within 6 months upon ceasing to function for the purpose that it was originally constructed or installed.

D. Proof shall be provided by the applicant in a form satisfactory to the Zoning Administrator that the proposed application has been approved by all agencies and governmental entities with jurisdiction, including, but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communications Commission, or the successors to their respective functions.

E. Lights, beacons, or strobes shall not be permitted on any WDAS, and WDAS shall not be illuminated in any way.

F. No advertising is permitted anywhere upon or attached to any WDAS

G. No new WDAS may be installed if there is a technically suitable space available on an existing

or planned Communication Tower within the geographic area that would perform as well as the new WDAS in the proposed service area.

1137.07 INDUSTRIAL STANDARDS

1137.07.1 General

The following standards are applicable to all Industrial Uses listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 or to such uses as determined materially similar by the Zoning Administrator.

A. Documentation shall be provided with an application for a zoning or use certificate indicating methods of compliance with all environmental performance standards found in Chapter 1143, Site & Environmental Standards.

B. Industrial Uses that utilize Hazardous Materials shall comply with the following conditions:

1. All uses shall comply with all applicable state and federal Environmental Protection Agency, OSHA, and all other state and federal regulations that pertain to the operation of industrial uses.

2. All storage areas shall comply with the regulations set forth by the National Fire Protective Association and other fire protective codes of the City of Kettering. All parts shall be accessible to firefighting equipment.

3. If liquid wastes are disposed of in containers, they shall be appropriate containers, and the wastes shall be removed from the site on a regular basis. Liquid waste or sewage shall not be discharged into a reservoir, stream, or other open body of water or into a storm or sanitary sewer, except as allowed by other codes of the City of Kettering, County, State, or similar jurisdictional authority.

4. Any processing that involves explosive materials shall be permitted only as a conditional use and shall be subject to the following conditions:

a. Any activity involving the use of flammable or explosive material shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material;

b. Such activities shall only be permitted in structures having incombustible exterior walls;

c. Those participating in such activities, shall comply with all applicable provisions of the Ohio Revised Code, and no explosives shall be stored, used, or manufactured without first submitting to the Chief Building Official a Certificate of Compliance from the State Fire Marshal.

C. If an Industrial use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.07.2 Commercial Bakeries, Non-Retail Laundries & Dry Cleaning Plants, Printing, Publishing, Lithography & Binding, Product Assembly, Self & Mini Storage, Warehousing & Distribution, Wholesale Sales & Supply Houses

These standards are intended to encompass uses that conduct nearly all operations within an enclosed building, and do not have extensive outdoor storage areas or operations, but do utilize shipping and receiving via freight carriers.

Commercial Bakeries, Non-Retail Laundries & Dry Cleaning Plants, Printing, Publishing, Lithography & Binding, Product Assembly, Self & Mini Storage, Warehousing & Distribution, Wholesale Sales & Supply House establishments are permitted subject to the following conditions:

A. All structures shall be located at least 25' from any residential district or residentially used property.

B. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property or residential district. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

C. All such industrial uses shall be conducted entirely within an enclosed building.

D. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

   1. No additional or unreasonable traffic hazards shall be created by such access;

   2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

E. Warehouse and self-service storage facilities shall have a maximum lot area of 5 acres.

F. The boundary of the lot on which a warehouse facility and self and mini storage facility is located shall be located at least 500' from a Thoroughfare.

G. Vehicular access to a warehouse facility or a self-service storage facility shall not be on a street or public right-of-way that has property zoned either R-1, R-2, R-3, R-4, R-E(b) or R-E(a) Residential districts adjoining the same street or public right-of-way.

H. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.07.3 Electric Substations

Electric Substations are permitted subject to the following conditions:

A. All electrical devices and structures shall be located at least 50' from any residential district or residentially used property.

B. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, residential district, or where such a use is visible from the public Right-of-Way. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

C. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.07.4 Energy Conversion, Solar & Wind

A. Wind Energy Conversion

1. Setbacks

   a. Wind Energy Conversion Devices shall be located at least 1,000' from any residential district or residentially used property and any neighboring non-residential building or structure.

   b. Wind Energy Conversion Devices shall be located at least 500' or 1.1 times the Tower Height, whichever is greater, from any Right-of-Way or property line.

2. Height

   Wind Energy Conversion Devices shall be limited to 150' in height.

3. Electromagnetic Interference

   No Wind Energy Conversion device shall be operated so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event such interference is caused by the Wind Energy Conversion device or its operation, the permittees shall take the measures necessary to correct the problem.

4. Lighting

   Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment.

5. Turbine Spacing

   The turbines shall be spaced no closer than is allowed by the turbine manufacturer in its approval of the turbine array for warranty purposes.

6. Footprint Minimization

   Such structures shall be designed and constructed so as to minimize the amount of land that is impacted by the Wind Energy Conversion device(s).

7. Electrical Cables

   All electrical lines, known as collectors, and communication cables shall be placed underground.

8. Clearance

   The minimum height of blade tips or other rotating parts, at their lowest possible point, shall be 25' above grade.

9. Towers

   a. The Wind Energy Conversion device and tower shall be white in color and the finish of the exterior surface shall be non-reflective or matte.

   b. All towers shall be a freestanding monopole.

10. Decommissioning

    a. The owner or operator of a Wind Energy Conversion device is responsible for decommissioning that device and for all costs associated with decommissioning that device and associated facilities.

    b. A Wind Energy Conversion device is presumed to be at the end of its useful life if the device generates no electricity for a continuous period of 12 months. The presumption may be rebutted by submitting to the Zoning Administrator for approval, a plan outlining the steps and schedule for returning the Wind Energy Conversion device to service within 12 months of submission of the plan.

    c. The owner or operator shall begin decommissioning a Wind Energy Conversion device within 8 months after the time the device or turbine reaches the end of its useful life, as determined in 10(b). Decommissioning must be completed within 18 months after the device(s) reaches the end of its useful life.

    d. Decommissioning includes the dismantling and removal of all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings, and ancillary equipment.

    e. If the Wind Energy Conversion device owner or operator does not complete decommissioning, the City of Kettering may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the letter of credit or other form of financial assurance, and seek any additional payment necessary to complete decommissioning of such device(s) from the facility owner or operator.

B. Solar Energy Conversion

1. A Solar Energy Conversion device or combination of devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.

2. A finished masonry wall that is 6' in height shall be provided along the non-reflective axis

of the Solar Energy Conversion device or collection of devices if adjoining a residential district or residentially used property. This requirement is in addition to any bufferyard, screening or landscaping requirements.

3. Roof mounted Solar Energy Conversion device(s) shall not extend more than 10 feet from the top of the roof. The total height of the building, including the solar collection devices, shall not exceed the maximum height allowable for the Development Pattern District in which such device(s) are located.

4. Solar Energy Conversion device(s) shall not exceed 45 feet in height.

5. Decommissioning

   a. The owner or operator of a Solar Energy Conversion device is responsible for decommissioning that device and for all costs associated with decommissioning that device and associated facilities.

   b. A Solar Energy Conversion device is presumed to be at the end of its useful life if the device generates no electricity for a continuous period of 12 months. The presumption may be rebutted by submitting to the Zoning Administrator for approval, a plan outlining the steps and schedule for returning the Solar Energy Conversion device to service within 12 months of submission of the plan.

   c. The owner or operator shall begin decommissioning a Solar Energy Conversion device within 8 months after the time the device reaches the end of its useful life, as determined in 5(b). Decommissioning must be completed within 18 months after the device(s) reaches the end of its useful life.

   d. Decommissioning includes the dismantling and removal of all Solar Energy Conversion devices, towers, supports, generators, transformers, overhead and underground cables, foundations, buildings, and ancillary equipment.

   e. If the Solar Energy Conversion device owner or operator does not complete decommissioning, the City of Kettering may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the letter of credit or other form of financial assurance, and seek any additional payment necessary to complete decommissioning of such device(s) from the facility owner or operator.

C. Decommissioning Plan

Applications for zoning approvals for wind or solar energy conversion shall include a credible decommissioning plan with the following elements:

1. Purpose;

2. Decommissioning specifications;

3. Site reclamation specifications;

4. Schedule;

5. Costs estimate; and

6. Financial assurance of decommissioning and site reclamation costs.

Prior to issuance of any approval subject to these provisions, the applicant/owner shall be required to post security to secure completion of the decommissioning plan. The security shall be in an amount determined by the City to be sufficient to pay for decommissioning and site reclamation as set out in the approved decommissioning plan. The required security shall be on forms provided by the City and shall be in the form of cash, bond, or unconditional, irrevocable letter of credit, subject to the approval of the Law Director or the Law Director's designee. If the owner or operator fails to complete the approved decommissioning plan, the development shall be deemed to be a nuisance and the City may use the posted security to abate the nuisance and complete the redevelopment plan and/or take any other action available under applicable law, including, without limitation, demolition of any improvements.

1137.07.5 Fabrication, Industrial Crafts

These standards are intended to encompass uses with medium sized structures with little to no exterior storage, and low delivery or shipment volume operations.

Fabrication and Industrial Craft establishments are permitted subject to the following conditions:

A. All structures shall be located at least 50' from any residential district or residentially used property.

B. All storage of materials or equipment that is not totally enclosed within a building shall be located at least 150' from any residential district or residentially used property and shall be screened as specified in Section 1147.10, Screening of Service & Storage Areas.

C. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, or residential district. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

1137.07.6 Laboratory or Specialized Facility, Research and Development

These standards are intended to encompass uses with medium to large sized structures with little to no exterior storage that are engaged in prototyping, research, testing, and other specialized processes.

Laboratory or Specialized Facility and Research and Development establishments are permitted subject to the following conditions:

A. All structures shall be located at least 50' from any residential district or residentially used property.

B. All storage of materials or equipment that is not totally enclosed within a building shall be located at least 150' from any residential district or residentially used property and shall be screened as specified in Section 1147.10, Screening of Service & Storage Areas.

C. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.07.7 Manufacturing, Process Plant

These standards are intended to encompass uses with large structures, extensive exterior storage, exterior mechanical operations, heavy truck, or equipment operations.

Manufacturing and Process Plant establishments are permitted subject to the following conditions:

A. All structures shall be located at least 100' from any residential district or residentially used property.

B. All storage of materials or equipment that is not totally enclosed within a building shall be located at least 150' from any residential district or residentially used property and shall be screened as specified in Section 1147.10, Screening of Service & Storage Areas.

C. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, or residential district. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

D. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

1137.07.8 Public Service Yards, Storage Yards (Contractor, Building Materials, & Outdoor Merchandise), Truck Depots, Motorpools

Public Service Yards, Contractor Storage Yards, Building Material Storage Yards, Outdoor Merchandise Storage Yards, Truck Depots, and Motorpool establishments are permitted subject to the following conditions:

A. Storage yards, and other storage uses that require outside storage of material or merchandise shall have a minimum lot area of 2 acres.

B. All structures shall be located at least 50' from any residentially used property.

C. All storage of materials or equipment that is not totally enclosed within a building shall be located at least 150' from any residential district or residentially used property and shall be screened as specified in Section 1147.10, Screening of Service & Storage Areas.

D. A finished masonry wall that is 6' in height shall be provided where a such an establishment is located adjoining residentially used property. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

E. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

F. If such a use is located within a district where it is permitted as a conditional use, as listed in Table 35.2 Permitted Principal Uses, Section 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.07.9 Recycling Facility, Salvage, Sewer, Liquid & Solid Waste Facility

Recycling Facility, Salvage, Sewer, and Liquid & Solid Waste Facility establishments are permitted as a conditional use subject to the following conditions:

A. Recycling facilities shall have a minimum lot area of 1 acre.

B. Salvage Yards shall have a minimum lot area of 2 acres.

C. Sewer, Liquid & Solid Waste Facilities shall have a minimum lot area of 20 acres and shall be located along the eastern boundary of the City of Kettering.

D. A finished masonry wall that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, or a residential district. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

E. All materials collected at a recycling facility shall be stored within an enclosed building or in closed and covered containers, and the site shall be kept free of visible trash and debris.

F. All storage of materials or equipment that is not totally enclosed within a building shall be located at least 150' from any residential district or residentially used property and shall be screened as specified in Section 1147.10, Screening of Service & Storage Areas.

G. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

1137.07.10 Vehicle Storage, Indoor & Outdoor

Indoor Vehicle Storage and Outdoor Vehicle Storage establishments are permitted subject to the following conditions:

A. The minimum lot area shall be 1 acre for lots used for the outdoor parking and storage of passenger vehicles and 2 acres for lots used for the outdoor storage of all other vehicles. There shall be no minimum lot area for uses exclusively engaged in the indoor storage of vehicles.

B. All outdoor storage of passenger vehicles shall be located at least 25' from any residentially used property or public Right-of-Way and shall be screened with a finished masonry wall that is 6' in height. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

C. All outdoor vehicle storage facilities that provide storage of non-passenger vehicles shall be located at least 50' from any residentially used property or public Right-of-Way and shall be screened from such residentially used property or public Right-of-Way with a finished masonry wall that is 6' in height. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

D. All structures used in conjunction with the indoor storage of vehicles shall be fully enclosed and shall be located at least 25' from any residentially used property.

E. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:

1. No additional or unreasonable traffic hazards shall be created by such access;

2. The access is not to create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.

1137.08 TEMPORARY USE STANDARDS

The Zoning Administrator may, upon proper application, issue a Temporary Use Permit for any of the temporary uses included in Section 1139.04.11, Temporary Uses. In addition, such uses may be located on residentially zoned properties provided all other provisions of this Zoning Code are met.

If such a use is located within a district where it is permitted as a conditional use, then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

See also Section 1153.07, Temporary Use Approvals

CHAPTER 1139
ACCESSORY STRUCTURES & USES

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CHAPTER 1139 ACCESSORY STRUCTURES & USES

1139.01 GENERAL

A. This Chapter provides standards and conditions that apply to Accessory Structures and Uses in all Zoning Districts.

B. All Accessory Structures and Uses shall be customary, incidental, related, and subordinate to the permitted principal use.

1139.02 ACCESSORY STRUCTURES - NON-RESIDENTIAL STANDARDS

1139.02.1 General

Accessory structures associated with non-residential permitted principal uses shall be permitted subject to the following standards:

A. All accessory structures shall be permitted only when a Principal Structure is present or the Permitted Principal Use is established upon the same lot, unless otherwise provided for within this Code.

B. All accessory structures shall be customary and incidental to the permitted principal use(s) and principal structure(s).

C. All accessory structures shall be located outside of any easement.

D. All accessory structures, unless otherwise permitted within this section, shall be located within rear and side yards only and shall be located no closer to any public street than its corresponding Principal Structure, unless such structure serves a substantial public purpose as determined by the Zoning Administrator. Examples of structures serving a substantial public purpose include, but are not limited to, bus shelters, benches, flag poles, fountains, public art, and clock towers.

E. Corner lots, for purposes of this section, shall designate both street frontages as front lot lines and, therefore, shall have two front yards, which shall adhere to the requirements regarding front yards. See also 1139.03.1.I, Figure 39.2 - Corner Lots and Front Yards - Accessory Structures

F. All accessory structures shall be situated to take advantage of any natural or structural screening from adjoining residential properties.

G. The height and location of all accessory structures shall not restrict access to adequate light and air upon neighboring properties and shall not be detrimental to the enjoyment and use of neighboring properties. In no case shall an accessory structure be permitted within 3' of a property line.

H. The overall height of all accessory structures shall be compatible with the established pattern of building heights upon neighboring properties.

TIP

Accessory Uses must be secondary to the Principal Use of the lot. In order to be considered secondary, the accessory use must be smaller than the Principal Use in terms of area. Accessory Uses cannot exceed 80% of the area of the Principal Use.

Example

A home is 1,500 sq ft in area. The homeowner wishes to add a detached pool house. The maximum area of the pool house is determined by the following calculation:

1,500 sq ft X 80% = 1,200 sq ft.

I. All accessory structures, except temporary structures, shall match their Principal Structure in color, this includes, but is not limited to, siding or finish materials, trim work, doors, window frames, and roofing materials.

J. All accessory structures, except temporary structures, shall match their Principal Structure's design. In order to accomplish this, all accessory structures shall match their Principal Structure with any two of the following features:

1 Architectural Style: this includes, but is not limited to, the overall proportions as well as the proportions of architectural details, roof pitch and overhang, window and door styles, trim features, and other architectural features;

2. Materials: this includes, but is not limited to, siding, roofing, trim work, doors, and windows;

3. Visual character: this includes, but is not limited to, dimensional sizes of brick or stone, sizing and orientation of lap board and board and batten siding, and texture of materials chosen.

K. If an active outdoor recreation area is lit at night, such area shall be located at least 100' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

L. All accessory structures shall comply with all applicable standards for specific structures found elsewhere within this Code.

M. Additional standards are found within this Chapter that are applicable to specific accessory structures associated with non-residential permitted principal uses.

1139.02.2 Accessory Wind and Solar Energy Conversion

A. Wind Energy Conversion

1. Setbacks

Wind Energy Conversion Devices shall be located at least 50' or 1.1 times the Tower Height, whichever is greater, from any Right-of-Way or property line.

2. Height

Wind Energy Conversion Devices shall be limited to 75' in height.

3. Electromagnetic Interference

No Wind Energy Conversion device shall be operated so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event such interference is caused by the Wind Energy Conversion device or its operation, the permittees shall take the measures necessary to correct the problem.

4. Lighting

   Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment.

5. Turbine Spacing

   The turbines shall be spaced no closer than is allowed by the turbine manufacturer in its approval of the turbine array for warranty purposes.

6. Electrical Cables

   All electrical lines and communication cables shall be placed underground. Where such lines are exposed, such lines and cables must be painted, coated and/or treated to match the color of the roofing material and walls to which they are attached.

7. Clearance

   The minimum height of blade tips or other rotating parts, at their lowest possible point, shall be 15' above grade.

8. Towers

   a. The Wind Energy Conversion device and tower shall be white in color, and the finish of the exterior surface shall be non-reflective or matte.

   b. All towers shall be a freestanding monopole.

9. Decommissioning

   a. The owner or operator of a Wind Energy Conversion device is responsible for decommissioning that device and for all costs associated with decommissioning that device and associated facilities.

   b. A Wind Energy Conversion device is presumed to be at the end of its useful life if the device generates no electricity for a continuous period of 12 months. The presumption may be rebutted by submitting to the Zoning Administrator for approval, a plan outlining the steps and schedule for returning the Wind Energy Conversion device to service within 12 months of submission of the plan.

   c. The owner or operator shall begin decommissioning a Wind Energy Conversion device within 8 months after the time the device or turbine reaches the end of its useful life, as determined in 9(b). Decommissioning must be completed within 18 months after the device(s) reaches the end of its useful life.

   d. Decommissioning includes the dismantling and removal of all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings, and ancillary equipment.

   e. As a condition of approval for the construction of such devices, the Zoning Administra-

tor may require a letter of credit or other form of financial assurance that is acceptable to the Zoning Administrator to cover the anticipated costs of decommissioning the Wind Energy Conversion device(s).

f. If the Wind Energy Conversion device owner or operator does not complete decommissioning, the City of Kettering may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the letter of credit or other form of financial assurance, and seek any additional payment necessary to complete decommissioning of such device(s) from the facility owner or operator.

B. Solar Energy Conversion Device

1. Accessory Solar Energy Conversion devices shall be designed and located in order to prevent reflective glare toward any occupied structure on adjacent properties as well as any adjacent right-of-way.

2. All exterior electrical and/or plumbing lines must be buried below the surface of the ground when practical. Where such lines are exposed, all plumbing and/or electrical lines must be painted, coated and/or treated to match the color of the roofing material and walls to which they are attached.

3. All Accessory Solar Energy Conversion devices shall be attached to a building, or located on an impervious surface, or shall be pole mounted.

4. The front slope of the principal structure shall not be used unless no other location of the Accessory Solar Energy Conversion device is feasible.

5. Building or roof mounted Accessory Solar Energy Conversion devices shall not extend higher than 4' above the height of the building. The height of the building plus the device shall not exceed the maximum allowable building height in any district. In no instance shall any part of the device extend beyond the edge of the roof. Pole mounted devices shall adhere to the height standards for accessory structures found within Section 1137.02.1, General.

6. Only commercially produced Accessory Solar Energy Conversion devices are permitted. The manufacturer specifications shall be submitted as part of the application.

1139.02.3 Communications Towers & Antennas

Accessory Communications Towers, Antennas and their Ancillary Equipment and Structures are permitted subject to the following conditions:

A. Such structures and equipment shall be placed underground or screened with a masonry wall or privacy fence and a continuous evergreen hedge that is a minimum 6' in height. If ancillary structures and equipment are located on a rooftop, the structures and equipment shall be screened in accordance with the requirements of Section 1149.01.6, Rooftop Screening.

B. Such structures, to the maximum extent feasible, must be aesthetically and architecturally compatible with the surrounding environment. When mounted to a building, such structures shall match the color of the facade to which they are mounted.

C. Such structures shall be completely removed within 6 months upon ceasing to function for that which it was originally constructed.

D. An existing pole may be replaced, if not structurally suitable to hold the antennas and equipment, but in no case shall the new pole exceed the height of the existing pole plus 10 feet.

E. Proof shall be provided by the applicant in a form satisfactory to the Zoning Administrator that the proposed application has been approved by all agencies and governmental entities with jurisdiction, including, but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communications Commission or the successors to their respective functions.

F. Lights, beacons, or strobes shall not be permitted on any such structures, and such structures shall not be illuminated in any way unless required by the Federal Aviation Administration.

G. No advertising is permitted anywhere upon or attached to any such structures.

H. Such structures shall be buffered from abutting uses and rights-of-way by means of a Type A Bufferyard along all property lines including the front property line.

I. The fall zone of any such tower must not encompass any neighboring structures or lie outside of the property where such tower is located.

J. The owner of such a tower shall agree to permit use of the Communications Tower by other communication service providers, on reasonable terms, so long as such use does not conflict with the applicant's and/or any other pre-existing user's use of the Communications Tower and does not violate the structural integrity of the Communications Tower.

K. No new Communications Tower may be constructed if there is a technically suitable space available on an existing or planned Communications Tower within the geographic area that the new tower is to serve.

L. Communications Towers shall be constructed to handle at least two sets of Antenna and equipment.

M. Additional Requirements are as shown within Table 39.1, Communications Towers, Section 1139.02.3.P

N. A conditional accessory structure shall require that a Conditional Use Permit be obtained as specified in Section 1153.08, Conditional Use Approvals.

O. Communications Towers and their Ancillary Equipment that are accessory to a Radio Transmission Facility in existence on or before December 1, 2005, shall be permitted as a conditional accessory structure subject to the following standards:

1. The minimum lot area for installation of such structures shall be 4 acres.

2. Such structures shall be located in an area least disruptive to surrounding residential properties.

3. Such structures shall be no closer to an abutting residential property than the tower height

plus an additional 50'.

4. Such structures shall be limited to 150' in height.

5. Such structures shall be located at least 90' from any thoroughfare, arterial, or collector street and shall be located in rear yards only.

6. Such structures shall be gray in color, or any color approved by the City of Kettering through the Conditional Use Approval process.

1139.02.3.P Table 39.1 - Communications Towers

Additional requirements regarding the accessory use of a Communications Tower or Antennas are as listed in the following table:

	Communications Towers less than or equal to 150' in height:	Antennas attached to Existing Structures
Permitted Location	Business District, Industrial District	Mounted on Existing Structure in Business, Industrial, Office, Community Center, and Institutional Districts Residential District provided it is mounted on an essential service, place of worship, educational institution, hospital, or high rise apartment
Conditional Use Permit Required	Yes	Yes
Minimum Lot Area	2 acres	1 acre if located within a Residential District
Required Setback from any Residential District or Use	200'	NA
Required Setback from any Thoroughfare, Arterial, or Collector Street	150'	NA
Yard Requirement	Cannot occupy a front yard	NA
Maximum Height	150 feet	Such structures shall not exceed the height of the existing pole or building upon which it is located plus 10 feet.
Appearance	Gray or as required by federal statute	Gray or as required by federal statute
Structure Type	Restricted to freestanding monopole only	NA

Table Codes:
NA - Not Applicable

See also Section 1137.06.4, Communications Towers, for requirements regarding the principal use of such structures.

1139.02.4 Decks & Patios

Decks and Patios associated with non-residential permitted principal uses shall be permitted subject to the following standards:

A. Decks and Patios shall be located at least 50' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts.

B. Decks and Patios shall be screened from view of neighboring residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts, by an evergreen hedge or fence (not attached to such structure) not less than 4' in height.

1139.02.5 Fences, Walls, Hedges, & Privacy Screens

See also Section 1147.08, Fences, Walls, Hedges, and Privacy Screens.

1139.02.6 Flag Poles

Flag Poles associated with non-residential permitted principal uses shall be permitted subject to the following standards:

A. Flag poles are permitted in all yards.

B. Flag poles shall be limited to 30' in height. Height shall be measured from the lowest adjoining grade for the pole or the lowest adjoining grade for the building to which it is mounted. Flag poles may be mounted to flat roof structures only.

C. The fall zone of any pole must not encompass any neighboring structures or lie outside of the property where it is located.

D. Flag poles shall be limited in number as specified below:

1. For lots less than one acre in area, flag poles shall be limited to one pole per lot.

2. For lots one acre or larger in area, flag poles shall be limited to one pole per each whole acre of lot area, not to exceed 10 poles in total.

1139.02.7 Satellite Earth Stations, Telecommunication Ports, & Antennae

Satellite Earth Stations, Telecommunication Ports, and Antennae associated with non-residential permitted principal uses shall be permitted subject to the following standards:

A. Such structures shall occupy rear yards only.

B. Such structures, including its base slab or other attachments shall be located at least 8' from all lot lines or easements.

C. Such structures shall be constructed with appropriate evergreen landscaping, berming, or

fencing to reasonably conceal the equipment from view from neighboring properties or from the public's view. See also Section 1147.08, Fences, Walls, Hedges, Privacy Screens.

D. Dish antenna shall be no larger than 12' in diameter.

E. Such structures shall be designed to withstand a wind force of 75 miles per hour without the use of supporting guy wires.

F. All structural supports shall be constructed of corrosion resistant material.

G. All wiring associated with such structures shall be located underground.

H. All equipment shall be connected to an approved grounding rod.

I. Such structures shall be located a safe distance away from overhead power lines.

1139.02.8 Temporary Portable Storage Containers

Temporary Portable Storage Containers are permitted subject to the following conditions:

A. Such containers, including but not limited to, portable on-demand containers, shall be limited to two in number per Principal Structure.

B. The maximum dimensions for such containers shall be 10' in height, 8' in width, and 18' in length.

C. Such containers shall be allowed to occupy a non-residential lot or Site for a maximum of 30 days during any 6 month period. If placed in conjunction with an active building permit for building new construction, remodeling existing buildings, or in conjunction with the restoration of a property or the mitigation to prevent further damage to the property, a longer period of time may be approved by the Zoning Administrator.

D. Such containers shall be placed solely upon hard surfaces.

E. Such containers shall be placed in locations that do not interfere with a driver's sightline or in locations that do not obstruct the flow of pedestrian or vehicular traffic.

F. Such containers shall be used solely for storage incidental to the permitted principal use located on the same lot.

See also Section 1153.07, Temporary Approvals

1139.02.9 Temporary Structures, Tents, etc.

The Zoning Administrator may, upon proper application, issue a Temporary Zoning Permit for any of the temporary structures listed below to be located on any property within the City provided all other provisions of the Zoning Code are met:

A. Mobile offices for use as office structures on construction sites, provided that such structures

shall be located on the lot where the construction takes place and shall be removed prior to receipt of the zoning certificate. The maximum dimensions for these structures shall be 13'-6" in height, 12' in width, and 60' in length. The complexity, scope, and duration of the construction project shall be evaluated to determine if a mobile office is necessary prior to issuance of such a permit.

B. Construction trailers shall be permitted, provided that such structures shall be located on the lot where the construction takes place and shall be removed prior to receipt of the zoning certificate. The maximum dimensions for these structures shall be 13'-6" in height, 8' in width, and 45' in length. The complexity, scope, and duration of the construction project shall be evaluated to determine if a trailer is necessary prior to issuance of such a permit.

C. Tent structures, when associated with office, retail, or civic uses shall be regulated by the Ohio Building Code when larger than 200 square feet.

See also Section 1139.04.11, Temporary Uses.

1139.02.10 Waste & Recycling Collection Bins & Enclosures

See Section 1147.10 Screening of Service & Storage Areas

1139.03 ACCESSORY STRUCTURES - RESIDENTIAL STANDARDS

1139.03.1 General

A. Accessory structures shall be permitted only when a Principal Structure is present or the Principal Permitted Use is established upon the same lot, unless otherwise provided for within this Code.

B. All accessory structures, unless otherwise permitted within this Section, shall be located at least 3' from all lot lines.

C. All accessory structures, unless otherwise permitted within this Section, shall be located within rear yards only and shall be located no closer to any public street than its corresponding Principal Structure.

D. All accessory structures shall be located outside of any easement.

E. All accessory structures, unless otherwise permitted within this Section, shall be limited to 15' in height or the height of the Principal Structure, whichever is lower.

F. For purposes of this Section, both street frontages of corner lots shall be designated as front lot lines, and therefore, shall have two front yards, which shall adhere to the requirements regarding front yards. See also 1139.03.1.I Figure 39.2 - Corner Lots and Front Yards - Accessory Structures.

G. The Zoning Administrator may approve of an accessory structure that is not listed within this Section provided that the accessory structure is customary and incidental to the Principal

Structure. Additionally, the Zoning Administrator may approve of the location and size of accessory structures that differ from the restrictions within this Section. In these cases, the accessory structure:

1. Shall not occupy any front yard;

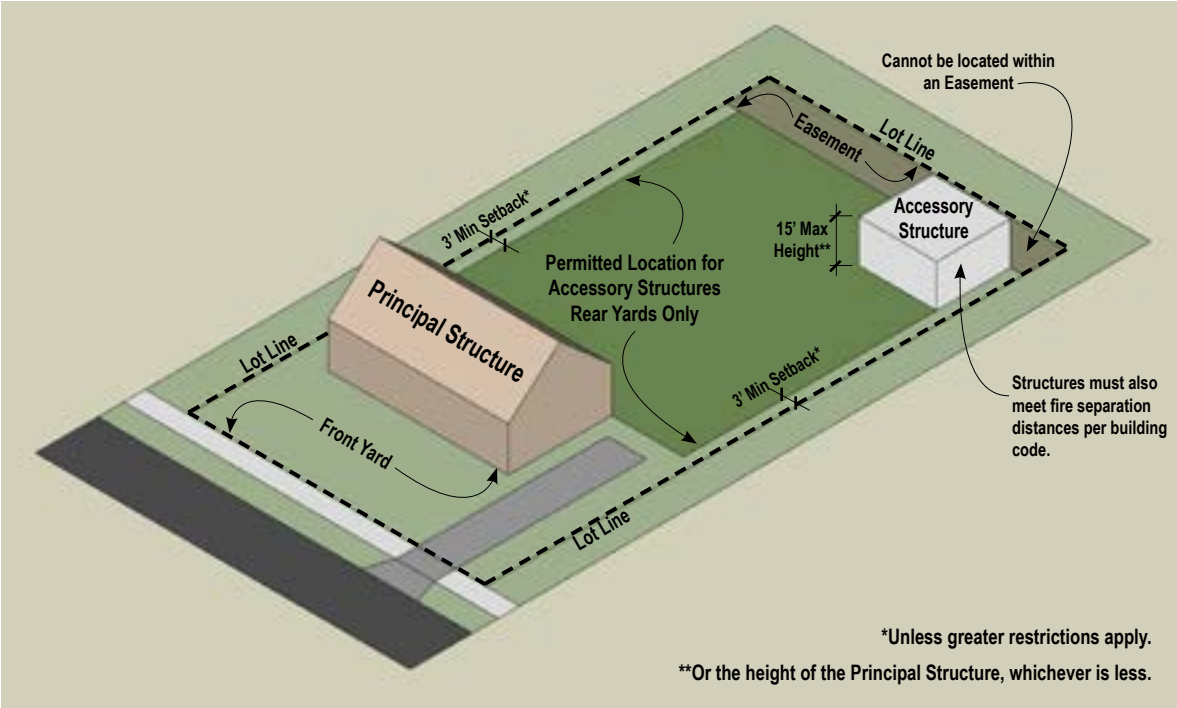
2. Shall not exceed any rear or side yard setback limits within this Section by greater than 25%, but shall comply fully with Section 1139.02.1.G;

3. Shall not exceed the height or size limits within this Section by greater than 10%;

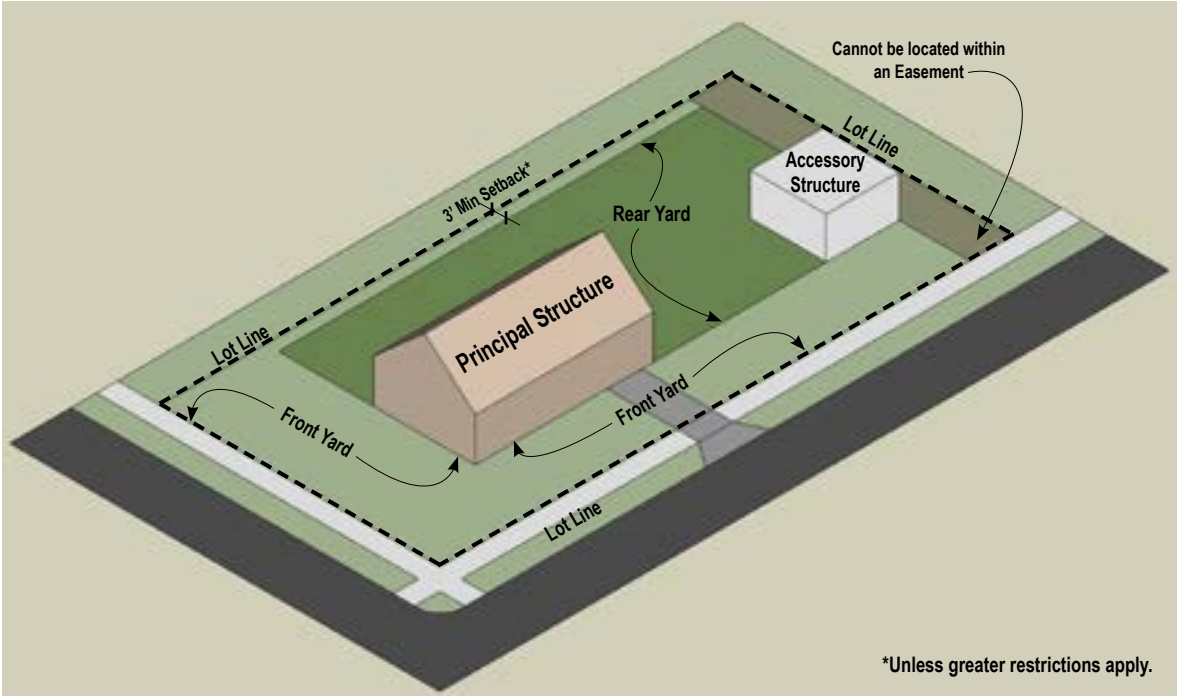
4. Shall match the character of the Principal Structure in terms of colors, materials, texture, scale, and architectural style;

5. Shall be situated to take advantage of any natural or structural screening from adjoining residential properties.

1139.03.1.H Figure 39.1 - General Accessory Structure Standards



1139.03.1.I Figure 39.2 - Corner Lots and Front Yards - Accessory Structures



1139.03.2 Roofed Structures, Enclosed

Enclosed, Roofed Accessory Structures are permitted subject to the following conditions:

A. Such structures shall be limited in number by lot area according to Table 39.2 - Minimum Lot Area Required Per Enclosed, Roofed Accessory Structure , Section 1139.03.2.F.

B. Private residential garages, including those used for incidental storage, shall not exceed 80% of the principal structure's total building footprint, excluding all areas of the principal structure that are intended for garage use and/or incidental storage, or 2,000 square feet in floor area, whichever is less. In addition, for purposes of this Item B, "Principal Structure" shall mean the building of greatest floor area on the subject lot or parcel and in which the primary use conducted is the permitted principal use of the same lot or parcel.

C. Such structures shall match their Principal Structure in color; this includes, but is not limited to, siding material, trim work, doors, window frames, and roofing materials. See also 1139.03.2.G Figure 39.3 - Enclosed, Roofed Accessory Structure - Architectural Style and Color

D. Such structures shall match their Principal Structure's design. See also 1139.03.2.G Figure 39.3 - Enclosed, Roofed Accessory Structure - Architectural Style and Color. In order to accomplish this, such structures shall match their Principal Structure with any two of the following features:

1 Architectural Style: this includes, but is not limited to, the overall proportions as well as the

TIP

What is an Enclosed, Roofed Accessory Structure?

Commonly referred to as a detached garage, pool house, or woodshop - An Enclosed, Roofed Accessory Structure is a separate accessory building greater than 100 square feet in floor area, and not physically connected to the principal structure.

Enclosed, Roofed Accessory Structures should not be confused with a Shed. A shed is an enclosed structure that is 100 square feet or less and does not exceed 12' in height.

proportions of architectural details, roof pitch and overhang, window and door styles, trim features, and other architectural features;

2. Materials: this includes, but is not limited to, siding, roofing, trim work, doors, and windows;

3. Visual character: this includes, but is not limited to, dimensional sizes of brick or stone, sizing and orientation of lap board and board and batten siding, and texture of materials chosen.

E. Such structures shall not be used as dwelling units.

1139.03.2.F Table 39.2 - Minimum Lot Area Required Per Enclosed, Roofed Accessory Structure

	Minimum Lot Area Required
1 Structure	3,000 square feet
2 Structures	40,000 square feet
3 Structures	100,000 square feet
4 Structures	200,000 square feet

1139.03.2.G Figure 39.3 - Enclosed, Roofed Accessory Structure - Architectural Style and Color

The detached garage above (left) successfully matches it's Principal Structure (right). The garage matches in roof, siding, and trim colors. The architecture successfully matches utilizing a similar architectural style with its matching dormers, roof pitch and overhangs, and trim. The materials are similar and the visual character is consistent.

1139.03.3 Garages Attached

Private residential attached garages, including those used for incidental storage, shall not exceed 80% of the principal structure's total building footprint, excluding all areas of the principal structure that are intended for garage use and/or incidental storage, or 2,000 square feet in floor area, whichever is less. In addition, for purposes of this Section 1139.03.3, "Principal Structure" shall mean the building of greatest floor area on the subject lot or parcel and in which the primary use conducted is the permitted principal use of the same lot or parcel.

1139.03.4 Sheds, Storage Structures, etc.

Sheds and Storage Structures are permitted subject to the following conditions:

A. Such structures shall be limited in number to 1 per Principal Structure, shall be less than or equal to 100 square feet in gross floor area, and shall not exceed 12' in height.

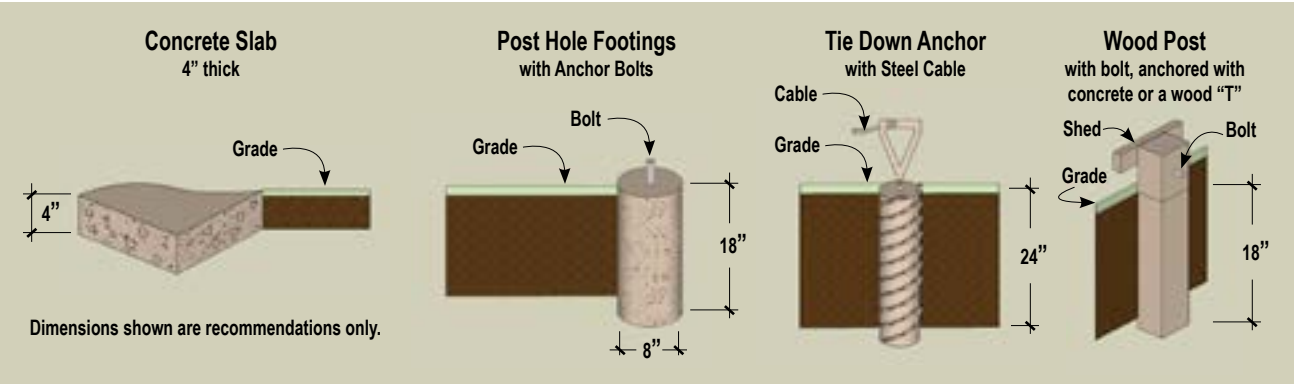
B. Such structures shall not be used as a habitable space or dwelling unit.

C. Such structures shall be anchored to the ground in at least two points, using one of the following methods:

1. Concrete slab;
2. Post hole footings with anchor bolts;
3. Tie down anchor with steel cable;
4. Wood post with bolt (anchored with concrete or wood "T");
5. An alternate configuration as approved by the Residential Plans Examiner.

See also 1139.03.4.D Figure 39.4 - Methods for Securing a Storage Shed.

1139.03.4.D Figure 39.4 - Methods for Securing a Storage Shed



1139.03.5 Carports

Carports are permitted subject to the following conditions:

A. Carports are permitted to occupy rear and side yards.

B. Carports shall be located at least 8' from all lot lines with the following exception:

Carports may be located as close as 3' to any lot line provided that the carport be screened

by an evergreen hedge or fence (not attached to such structure) not less than 4' in height.

C. Carports shall not exceed 80% of the principal structure's total building footprint, excluding all areas of the principal structure that are intended for garage use and/or incidental storage, or 2,000 square feet in floor area, whichever is less. In addition, for purposes of this Item B, "Principal Structure" shall mean the building of greatest floor area on the subject lot or parcel and in which the primary use conducted is the permitted principal use of the same lot or parcel.

D. Carports shall match their Principal Structure in color; this includes, but is not limited to, siding material, trim work, doors, window frames, and roofing materials.

E. Carports shall match their Principal Structure's design. In order to accomplish this, carports shall match their Principal Structure with any two of the following features:

1 Architectural Style: this includes, but is not limited to, the overall proportions as well as the proportions of architectural details, roof pitch and overhang, window and door styles, trim features, and other architectural features;

2. Materials: this includes, but is not limited to, siding, roofing, trim work, doors, and windows;

3. Visual character: this includes, but is not limited to, dimensional sizes of brick or stone, sizing and orientation of lap board and board and batten siding, and texture of materials chosen.

1139.03.6 PORTE-COCHERES

Porte-Cocheres are permitted subject to the following conditions:

A. Porte-Cocheres are permitted to occupy rear and side yards provided that:

1. Porte-Cocheres shall be located at least 8' from all lot lines with the following exception:

a. Porte-Cocheres may be located as close as 3' to any rear or side lot line provided that:

i. The Porte-Cochere be screened by an evergreen hedge or fence (not attached to such structure) not less than 4' in height;

ii. The Porte-Cochere shall project no further than 20' from the facade of the principal structure.

B. Porte-Cocheres are permitted to occupy a front yard subject to the following conditions:

2. Porte-Cocheres may encroach into the front yard setback up to 8' provided that:

a. Such structures shall project no further than 12' from the facade of the principal structure and shall extend no further than 24' along said facade. The maximum square footage under roof shall be limited to 288 square feet in area.

TIP

What is a Porte-Cochere?

Porte-Cocheres (pronounced port co-SHARE) are commonly referred to as covered drop-offs or pick up areas. They are covered porch-like structures located at a main or secondary entrance to a building, through which it is possible for a motor vehicle to pass, in order for the occupants to alight under cover, protected from the weather.

Porte-Cocheres should not be confused with carports in which vehicles are parked; at a porte-cochere the vehicle merely passes through, stopping only for loading and unloading under protection from the elements.

b. Such structures, shall provide for open ingress and egress and utilize a circular driveway of adequate size to accommodate a passenger vehicle.

c. Such structures shall be located on lots with a minimum 100' of continuous street frontage.

d. Such structures shall not exceed 80% of the principal structure's total building footprint, excluding all areas of the principal structure that are intended for garage use and/or incidental storage, or 2,000 square feet in floor area, whichever is less. In addition, for purposes of this Item B, "Principal Structure" shall mean the building of greatest floor area on the subject lot or parcel and in which the primary use conducted is the permitted principal use of the same lot or parcel.

C. Porte-Cocheres shall match their Principal Structure in color; this includes, but is not limited to, siding material, trim work, doors, window frames, and roofing materials.

D. Porte-Cocheres shall match their Principal Structure's design. In order to accomplish this, porte-cocheres shall match their Principal Structure with any two of the following features:

1 Architectural Style: this includes, but is not limited to, the overall proportions as well as the proportions of architectural details, roof pitch and overhang, window and door styles, trim features, and other architectural features;

2. Materials: this includes, but is not limited to, siding, roofing, trim work, doors, and windows;

3. Visual character: this includes, but is not limited to, dimensional sizes of brick or stone, sizing and orientation of lap board and board and batten siding, and texture of materials chosen.

1139.03.7 Covered Parking Structures, Detached

Detached Covered Parking Structures are permitted subject to the following conditions:

A. Detached Covered Parking Structures are permitted to occupy rear and side yards and shall be located at least 6' from all rear and side lot lines. However, when located within 8' of a side or rear lot line, Detached Covered Parking Structures shall be screened by an evergreen hedge or fence (not attached to such structure) not less than 4' in height.

B. Such structures shall not exceed 10' in height or the height of the Principal Structure, whichever is less.

C. Such structures shall be limited to 20' in depth and 90' in length. The maximum square footage under roof shall be limited to 1800 square feet in area.

D. Such structures shall not exceed 80% of the principal structure's total building footprint, excluding all areas of the principal structure that are intended for garage use and/or incidental storage, or 2,000 square feet in floor area, whichever is less. In addition, for purposes of this Item B, "Principal Structure" shall mean the building of greatest floor area on the subject lot or parcel and in which the primary use conducted is the permitted principal use of the same lot or

parcel.

E. Such structures shall match their Principal Structure in color; this includes, but is not limited to, siding material, trim work, doors, window frames, and roofing materials.

F. Such structures shall match their Principal Structure's design. In order to accomplish this, carports shall match their Principal Structure with any two of the following features:

1 Architectural Style: this includes, but is not limited to, the overall proportions as well as the proportions of architectural details, roof pitch and overhang, window and door styles, trim features, and other architectural features;

2. Materials: this includes, but is not limited to, siding, roofing, trim work, doors, and windows;

3. Visual character: this includes, but is not limited to, dimensional sizes of brick or stone, sizing and orientation of lap board and board and batten siding, and texture of materials chosen.

1139.03.8 Fences, Walls, Hedges, Privacy Screens, etc.

See Section 1147.08, Fences, Walls, Hedges, Privacy Screens

Tip

Fences and Walls require a permit. Contact the Planning & Development Department to obtain an application.

1139.03.9 Decks & Patios

Decks and Patios are permitted subject to the following conditions:

A. Such structures when located closer than 8' to a lot line shall be screened by an evergreen hedge or fence (not attached to such structure) not less than 4' in height.

B. Decks positioned higher than 36" in floor deck height above the adjoining grade shall not encroach into any required setback and shall adhere to the setbacks required for a principal structure.

C. Such structures are permitted to occupy a side yard.

Tip

Decks and Patios differ from porches. Porches are considered architectural features of the Principal Structure while decks and patios are considered accessory structures.

Information regarding porches can be found in Chapter 1149 Architecture.

1139.03.10 Pools, Hot Tubs, Spas

Swimming Pools, Hot Tubs, Spas, and Portable, Blow-Up, Wading, or Kiddie Pools are permitted subject to the following conditions:

A. Swimming Pools shall meet the following standards:

1. Private residential swimming pools shall be used solely for the enjoyment of the occupants and their guests of the permitted principal use of the property on which the swimming pool is located.

2. A zoning permit shall be obtained from the Zoning Administrator for Swimming Pools.

Tip

Check with DP&L regarding additional restrictions regarding pool placement near power lines. Additional permits may be required (i.e.- electrical), depending upon the pool's design.

3. Swimming Pools shall be located at least 10' from any property line, measured from the edge of the water line.

4. Swimming Pools shall be completely enclosed by a fence, masonry wall, or other permissible Pool Barrier of sturdy construction subject to the following conditions:

   a. The top of such a Pool Barrier, fence, or wall shall be at least 6' in height.

   b. Plywood, particle board, lattice, chicken wire, split rail, snow fence, and other unsecured, or unsuitable materials, as deemed by the Zoning Administrator, are not permitted for use as a Pool Barrier.

   c. Such fence, wall or other Pool Barrier shall be of a design and construction as to effectively prevent a child from crawling or otherwise passing through or under such a barrier. Rails are not permitted in place of a wall or fence.

   d. Such fence, wall or other Pool Barrier and each gate located therein shall be self closing with a self latching secure lock. The latch shall not be lower than 48" from grade. The latch shall be located on the inside of the gate, not accessible to small children.

   e. In the case of pools that are partially or completely above-ground, instead of a fence, wall or other permissible Pool Barrier, the outside structure of the pool wall may constitute part of the required barrier. The total required barrier, measured from the average adjoining grade to the lowest point of access to the pool, shall be no less than 6'. The steps or ladder shall either be designed to be secured, locked or removed to prevent access, or the steps or ladder shall be surrounded by and completely enclosed by a fence or other permissible barrier with gate. Temporary, portable, blow-up, or wading pools are excluded from this option.

   See also Figure 39.5 - Pools, Section 1139.03.10.D.

   f. No part of any barrier shall be located between the building setback line as established by the Zoning Ordinance and the right-of-way on which the lot or parcel has frontage.

   g. Required fencing, walls, and/or other permitted Pool Barriers must be in place prior to the filling of the swimming pool.

   h. A protective cover may be utilized as an acceptable Pool Barrier provided that:

      1. The pool cover can be securely fastened in place and is capable of sustaining a person weighing at least 250 pounds;

      2. The pool cover must be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes.

B. Hot Tubs, Spas and other similar structures shall meet the following standards:

1. Such structures having a water surface area span of 9' or less at the widest point, shall be secured with a safety cover that complies with the American Society for Testing Materials-Emergency Performance Specification (ASTM-ES 13-89) whenever not in the immediate

supervision of a responsible adult. Such structures having a span greater than 9' at any point, shall be considered a swimming pool and must adhere to the swimming pool standards.

2. Such structures shall be located at least 10' from any property lines, measured from the edge of the water line.

C. Portable, Blow-up, Wading, or Kiddie Pools shall meet the following standards:

1. Such pools shall be limited to 18" in water depth, 9' in span at the widest point, and 65 square feet in surface area.

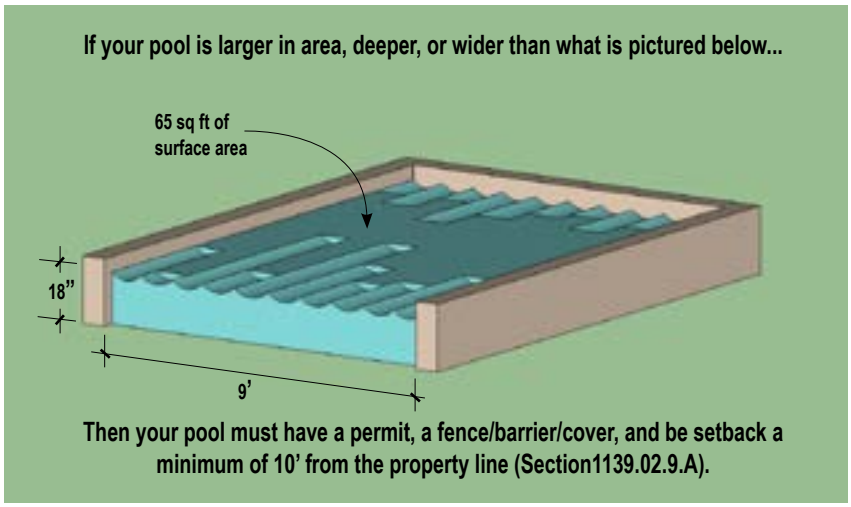
2. Such pools shall only be erected, whether containing water or not, between the dates of May 1st through September 30th of the same calendar year.

3. Such pools shall not create any safety or health hazards.

4. Such pools shall only be located within rear yards.

5. No zoning permit is required.

1139.03.10.D FIGURE 39.5 - POOLS



1139.03.11 PONDS, FOUNTAINS, WATER FEATURES, ETC.

Ornamental Ponds, Fountains, and other Water Features are permitted subject to the following conditions:

A. Such features shall be strictly decorative in use and not for swimming or wading.

B. Such features shall be aerated or agitated such that there is no potential for stagnant water.

C. Ornamental Ponds shall comprise no more than 1% of the total square footage of the lot on which it is located and shall be limited to 4' in depth. Ornamental Ponds with a depth greater than 18" shall not have a slope greater than 300% and shall be required to have safety ledges, with a minimum tread depth of 1', installed for every 1' of depth. Ornamental Ponds shall be located in side or rear yards only.

D. Fountains and other Water Features shall not exceed 12" in water depth and shall not exceed 2% of the total front yard area or 1% of the total lot area. Fountains and other Water Features shall be located at least 15' from any public or private street and shall be located at least 5' from any alleyway. Such features greater than 6' in height shall not be located in any front yard.

E. Retention ponds and other large ponds not specifically permitted above, shall be permitted as a conditional use in all R and I districts, subject to drainage and grading requirements, impacts to viewsheds, and neighborhood character and context.

1139.03.12 Flag Poles

Flag Poles are permitted subject to the following conditions:

A. Flag poles are permitted in all yards.

B. Flag poles shall be limited to 25' in height within residential districts. Height shall be measured from the lowest adjoining grade for the pole or the lowest adjoining grade for the building to which it is mounted. Flag poles attached or mounted on buildings shall be limited to these same height limitations. No flag pole shall be attached to the roof of a building.

C. The fall zone of any pole must not encompass any neighboring structures or lie outside of the property where it is located.

D. Flag poles shall be limited in number to one pole per lot .

1139.03.13 Temporary Portable Storage Containers

Temporary Portable Storage Containers are permitted subject to the following conditions:

A. Such containers, including but not limited to, portable on-demand containers, shall be limited to 1 in number per residential Principal Structure and two in number per non-residential Principal Structure.

B. The maximum dimensions for such containers shall be 10' in height, 8' in width, and 18' in length.

C. Such containers shall be allowed to occupy a residential lot or Site for a maximum of 14 days during any 6 month period. If placed in conjunction with an active building permit for building new construction, remodeling existing buildings, or in conjunction with the restoration of a property or the mitigation to prevent further damage to the property, a longer period of time may be approved by the Zoning Administrator.

D. Such containers shall be placed solely upon driveways or other hard surfaces.

E. Such containers shall be placed in locations that do not interfere with a driver's sightline or in locations that do not obstruct the flow of pedestrian or vehicular traffic.

F. Such containers shall be used solely for storage incidental to the permitted principal use located on the same lot.

See also Section 1153.07, Temporary Approvals

1139.03.14 Residential Communications Equipment

Residential Communications Equipment is permitted subject to the following conditions:

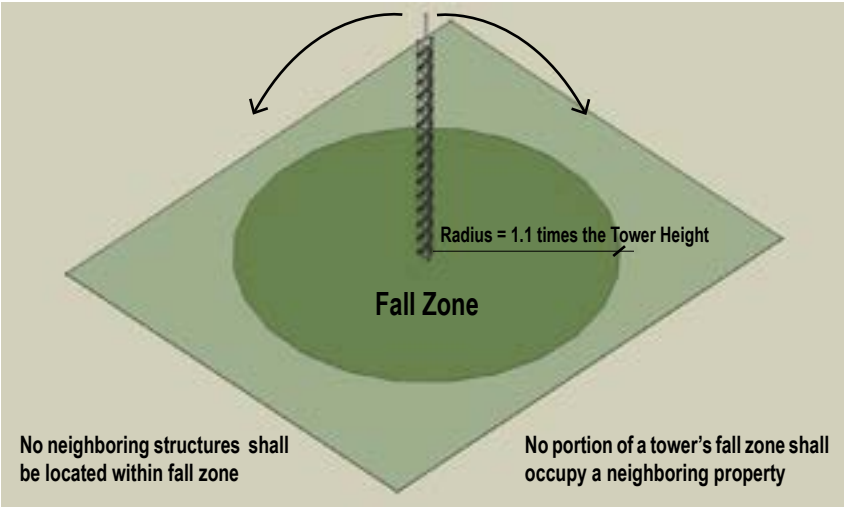
A. Satellite Dishes 39" in diameter or less, Amateur Radio Towers, & Television Antennae less than 25' in height shall be located in Rear Yards or attached to a rear facing elevation or roof angle of the principal structure only.

An alternative location shall be allowed only upon documentation from a service provider, demonstrating that signal strength cannot be achieved within a rear yard location through reasonable means, such as a pole or roof mounted location. Alternate locations must be screened from neighboring views as well as view from the public right-of-way. Screening material is subject to approval by the Zoning Administrator.

B. The fall zone of any tower must be contained entirely upon the lot on which the tower is located.

See also Figure 39.6 - Fall Zone, Section 1139.03.14.C.

1139.03.14.C Figure 39.6 - Fall Zone



1139.03.15 Satellite Earth Stations

Satellite earth stations are permitted subject to the following conditions:

A. Such structures shall occupy rear yards only.

B. Such structures, including the base slab or other attachments shall be located at least 8' from all lot lines or easements.

C. Such structures, when located on any residentially used property, shall be ground mounted only.

D. Such structures shall be constructed with appropriate evergreen landscaping, berming, or fencing to reasonably conceal the equipment from view from neighboring property users or from the public's view. See Section 1147.10, Screening of Service & Storage Areas.

E. Dish antenna shall be no larger than 12' in diameter.

F. Such structures shall be designed to withstand a wind force of 75 miles per hour without the use of supporting guy wires.

G. All structural supports shall be constructed of corrosion resistant material.

H. All wiring associated with such structures shall be located underground.

I. All equipment shall be connected to an approved grounding rod.

J. Such structures shall be located a safe distance away from overhead power lines.

1139.03.16 Temporary Structures, Tents, etc.

The Zoning Administrator may, upon proper application, issue a Temporary Zoning Permit for any of the temporary structures listed below to be located on any property within the City provided all other provisions of the Zoning Code are met:

A. Mobile offices for use as office structures on construction sites, provided that such structures shall be located on the lot on which construction takes place and shall be removed prior to receipt of the Certificate of Occupancy. The maximum dimensions for these structures shall be 13'-6" in height, 12' in width, and 60' in length. The complexity, scope, and duration of the construction project shall be evaluated to determine if a mobile office is necessary prior to issuance of such a permit.

B. Construction trailers shall be permitted, provided that such structures shall be located on the lot on which construction takes place and shall be removed prior to receipt of the Certificate of Occupancy. The maximum dimensions for these structures shall be 13'-6" in height, 8' in width, and 45' in length. The complexity, scope, and duration of the construction project shall be evaluated to determine if a trailer is necessary prior to issuance of such a permit.

C. Tent structures, when associated with office, retail, or civic uses shall be regulated by the Ohio Building Code when larger than 200 square feet.

See also Temporary Uses, Section 1139.04.11.

1139.03.17 Trellises, Gazebos, and Other Roofed Open-Sided Structures

Trellises, Gazebos, and other Roofed Open-Sided Structures are permitted subject to the following conditions:

A. Such structures may occupy a side yard provided they are located at least 3' from any lot line.

1139.03.18 Tennis Courts & Other Similar Play Courts

Tennis Courts and other Similar Play Courts are permitted to be fenced subject to the following conditions:

A. Tennis courts and other similar play courts may be fenced with a chain link fence up to 10' in height located around the perimeter of the court. However, any fence over 6' in height shall be located at least 10' from any lot line, and shrubs shall be planted in sufficient quantities to screen and filter the view of the fence from neighboring properties.

1139.03.19 Waste & Recycling Collection Bins & Enclosures

See Section 1147.10 Screening of Service & Storage Areas

1139.03.20 Accessory Wind and Solar Energy Conversion

A. Wind Energy Conversion

1. Setbacks

   Wind Energy Conversion Devices shall be located at least 1.1 times the Tower Height from any Right-of-Way or property line.

2. Height

   Wind Energy Conversion Devices shall be limited to 25' in height.

3. Electromagnetic Interference

   No Wind Energy Conversion device shall be operated so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event such interference is caused by the Wind Energy Conversion device or its operation, the permittees shall take the measures necessary to correct the problem.

4. Lighting

Tip

Geothermal heat units are permitted even though they aren't found within this Section. This is due to the way in which they work. They are primarily located completely underground and therefore are not considered as a structure or use that would need to be regulated due to it's potential negative impacts.

Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment.

5. Maximum number allowed and Spacing

   The maximum number of Wind Energy Conversion device(s) permitted shall be 1 device per lot for lots 1 acre in size or smaller and an additional device for every additional half acre of lot area. The devices shall be spaced no closer than is allowed by the manufacturer in its approval of the device array for warranty purposes.

6. Electrical Cables

   All electrical lines and communication cables shall be placed underground. Where such lines are exposed, such lines and cables must be painted, coated and/or treated to match the color of the roofing material and walls to which they are attached.

7. Clearance

   The minimum height of blade tips or other rotating parts, at their lowest possible point, shall be 15' above grade.

8. Towers

   a. The Wind Energy Conversion device and tower shall be white in color, and the finish of the exterior surface shall be non-reflective or matte.

   b. All towers shall be a freestanding monopole.

9. Decommissioning

   a. The owner or operator of a Wind Energy Conversion device is responsible for decommissioning that device and for all costs associated with decommissioning that device and associated facilities.

   b. A Wind Energy Conversion device is presumed to be at the end of its useful life if the device generates no electricity for a continuous period of 12 months. The presumption may be rebutted by submitting to the Zoning Administrator for approval, a plan outlining the steps and schedule for returning the Wind Energy Conversion device to service within 12 months of submission of the plan.

   c. The owner or operator shall begin decommissioning a Wind Energy Conversion device within 8 months after the time the device or turbine reaches the end of its useful life, as determined in 9(b). Decommissioning must be completed within 18 months after the device(s) reaches the end of its useful life.

   d. Decommissioning includes the dismantling and removal of all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings, and ancillary equipment.

   e. After the tenth year of operation of a Wind Energy Conversion device, the Zoning

Administrator may require a letter of credit or other form of financial assurance that is acceptable to the Zoning Administrator to cover the anticipated costs of decommissioning the Wind Energy Conversion device(s).

f. If the Wind Energy Conversion device owner or operator does not complete decommissioning, the City of Kettering may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the letter of credit or other form of financial assurance, and seek any additional payment necessary to complete decommissioning of such device(s) from the facility owner or operator.

B. Solar Energy Conversion

1. Accessory Solar Energy Conversion devices shall be designed and located in order to prevent reflective glare toward any occupied structure on adjacent properties as well as any adjacent right-of-way.

2. All exterior electrical and/or plumbing lines must be buried below the surface of the ground when practical. Where such lines are exposed, all plumbing and/or electrical lines must be painted, coated and/or treated to match the color of the roofing material and walls to which they are attached.

3. All Accessory Solar Energy Conversion devices shall be attached to a building, or located on an impervious surface, or shall be pole mounted.

4. The front slope of the principal structure shall not be used to mount such devices unless no other location of the Accessory Solar Energy Conversion device is feasible.

5. Building or roof mounted Accessory Solar Energy Conversion devices shall not extend higher than 4' above the height of the building. The height of the building plus the device shall not exceed the maximum allowable building height in any district. In no instance shall any part of the device extend beyond the edge of the roof. Pole mounted devices shall adhere to the height standards for accessory structures found within Section 1137.02.1, General.

6. Only commercially produced Accessory Solar Energy Conversion devices are permitted. The manufacturer specifications shall be submitted as part of the application for approval.

1139.04 ACCESSORY USE STANDARDS

A. Accessory Uses are regulated by Zoning District as shown in Table 39.3 - Permitted Accessory Uses, Section 1139.04.C. Accessory Uses are listed by their permitted Zoning Districts. No Accessory Use is permitted unless it is listed as a permitted Accessory Use in this Section. When a specific Accessory Use is not found in Table 39.3 - Permitted Accessory Uses, Section 1139.04.C, then the Zoning Administrator may assign a specific Use found within the table as an approximate substitution.

B. An accessory use that occupies a Principal Structure shall also be subject to the requirements that are applicable to the Principal Structure.

1139.04.C Table 39.3 - Permitted Accessory Uses

2. USES	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Industrial	Community Center	Special Notes
Active Outdoor Recreation Area	■	■	■	■	■	■	■	■	■	■	See 1139.04.1 Active Outdoor Recreation Areas
Beekeeping	■	■	■	■	■	■			■		See 1139.04.2 Beekeeping
Bingo, Games of Chance	Permitted as an accessory use to Places of Worship and Educational Institutions										See 1137.05.12 Gaming
Day Care	Permitted as an accessory use to Places of Worship, Educational Institutions										See 1137.06.8 Day Care
Monasteries & Rectories	■	■	■	■	■	■				■	
Essential Services	■	■	■	■	■	■	■	■	■	■	See 1139.04.3 Essential Services
Guest Housing	■	■	■	■	■	■				■	
Home Occupations	■	■	■	■	■	■				■	See 1139.04.5 Home Occupations
Home Sales	■	■	■	■	■	■				■	See 1139.04.4 Home & Garage Sales
Keeping of Animals, Pets	■	■	■	■	■	■	■	■	■	■	See 1139.04.6 Keeping of Animals, Pets
Off-Street Parking	■	■	■	■	■	■	■	■	■	■	See Chapter 1145, Parking & Loading
Outdoor Display								■		■	See 1139.04.7 Outdoor Display
Sidewalk Cafe, Outdoor Dining								■		■	See 1137.05.15 Restaurants
Stabling of Horses	■	■	■	■	■	■				■	See 1139.04.9 Stabling of Horses
Temporary Uses	■	■	■	■	■	■	■	■	■	■	See 1139.04.11 Temporary Uses

■ PERMITTED ACCESSORY USE

1139.04.1 Active Outdoor Recreation Areas

If an active outdoor recreation area is lit at night, such area shall be located at least 100' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. Such active outdoor recreation areas accessory to residential uses shall be exempt from this requirement.

1139.04.2 Beekeeping

The keeping of honeybees is permitted subject to the following conditions:

A. Hives shall be located at least 25' from all lot lines and shall be screened from view on all sides by a continuous 6' high wall or evergreen hedge.
B. All colonies must be registered with the Montgomery County Agricultural Extension Agent.

C. The maintenance of each colony shall be maintained in movable frames, have adequate space to prevent overcrowding and swarming, and shall be requeened following any swarming or aggressive behavior.

1139.04.3 Essential Services

Essential services that are not the permitted principal use of the lot, are permitted subject to the provisions of Section 1147.10, Screening of Service and Storage Areas.

1139.04.4 Home & Garage Sales

Home and Garage Sales are permitted subject to the following conditions:

A. No person shall sell or offer for sale at a home sale any merchandise other than personal property, unless such merchandise has been owned and maintained by such person or a member of such person's household conducting the sale. The provisions of this paragraph shall not apply to not-for-profit corporations, churches, temples, schools, fraternities, sororities, associations, clubs, or lodges. Such organizations may conduct sales of personal property donated to them on real estate owned or occupied by such organizations subject to the provisions of Section 1139.04.11, Temporary Uses.

B. Personal property offered for sale may be displayed in the front, side, street side, or rear yard of any home provided that such personal property is not located within a public right of way or otherwise obstructs the clear vision of traffic.

C. Only one such sale may be conducted on any parcel of real estate in any non-consecutive 6 month period. No sale shall last more than three consecutive days or two consecutive weekends of two days each.

D. No sale may commence before the hour of 8:00 A.M. or extend later than 8:00 P.M.. This shall not apply to the sale of vehicles.

E. All signs advertising such sales shall be subject to the provisions of Chapter 1151, Signs.

F. The following provisions shall apply in the case of any vehicle offered for sale:

1. Only one such vehicle may be displayed at any time.

2. No person shall park or leave standing a vehicle for sale upon any property not owned or controlled by such person for the principal purpose of advertising or displaying a vehicle for sale.

3. Not more than 2 signs, each of which shall not exceed 1 square foot in area, may be displayed upon or in the vehicle, subject to the provisions of Chapter, 1151 Signs.

G. These provisions shall not apply to a sale of property publicized solely by classified newspaper advertising, that describes or identifies the specific property offered for sale and does not designate the date, hours or location of the sale other than by stating the name, address, or telephone number of the seller.

1139.04.5 Home Occupations

Home Occupations are permitted subject to the following conditions:

A. There shall be no exterior evidence of the conduct of the home occupation.

B. The home occupation shall be clearly incidental and subordinate to the home's use for residential purposes, and not more than 25% of the gross floor area of the principal structure shall be used in the conduct of the home occupation.

C. No accessory structure may be used for the activity involved in the home occupation.

D. Only members of a household residing on the premises where the home occupation takes place, plus 1 additional non-resident employee, may work in the home occupation.

E. The conduct of a home occupation shall not reduce or render unusable areas provided for required off-street parking for the dwelling unit.

F. Traffic generated by a home occupation shall not exceed on any continual basis the average vehicle trip ends normally expected for a residence in a residential neighborhood. The City Traffic Engineer shall determine average vehicle trip ends for a residential property based upon best engineering practices.

1139.04.6 Keeping of Pets & Animals

The keeping of animals is permitted subject to the following conditions:

A. The only animals that may be raised, bred, or intentionally kept on any lot are those referred to below:

1. Household Pets, as defined in Section 1159.02, Definitions, may be kept or fed on a premises provided such animals satisfy the following conditions:

   a. They are not maintained for any commercial purpose;

   b. They are not maintained in such numbers to constitute a kennel as defined in Section 1159.02, Definitions

2. Horses or ponies may be kept on a premises subject to the provisions of Section 1139.04.9, Stabling of Horses

3. Beekeeping may occur on a premises subject to the provisions of Section 1139.04.2, Beekeeping

1139.04.7 Outdoor Display

The outdoor display of merchandise is permitted subject to the following conditions:

A. Vending machines are permitted on any lot containing Retail, Office, or Industrial uses provided that they present an orderly appearance and are located at least 25' from any public street or adjoining property.

B. Vending machines or outdoor displays shall not occupy more than 200 square feet for every 40,000 square feet of lot area.

C. Outside storage, sale, or display shall be prohibited unless permitted in Section 1139.04.11, Temporary Uses. See also Section 1153.07, Temporary Approvals

1139.04.8 Pool Houses, Cabanas, Workshops, Greenhouses, etc.

See Section 1139.03.2 Roofed Structures, Enclosed.

1139.04.9 Stabling of Horses

The stabling of horses is permitted subject to the following conditions:

A. Each stable, grazing area, cage, or holding pen used to contain any horse or pony shall be located at least 200' from any residentially used property.

B. Each stable, including grazing areas, cages, or holding pens shall be located on a property with a minimum lot area of 5 acres.

C. The number of horses or ponies on a given premises shall be limited to 1 horse per 1/2 acre of lot area.

1139.04.10 Storage

A. Storage incidental to a permitted principal use is permitted within a principal and/or a detached accessory structure and is subject to the provisions of this Chapter.

1139.04.11 Temporary Uses

A. The Zoning Administrator may, upon proper application (Section 1153.07, Temporary Approvals), issue a Temporary Zoning Permit for any of the temporary uses listed below to be located on any property within the City provided all other provisions of the Zoning Code are met:

1. Searchlights drawing attention to a particular event or use shall be permitted for a period of time not to exceed 7 days. No searchlight shall shine into any residential use, nor shall it produce glare into any residential use. Searchlight beams shall be displayed at an angle no less than 60 degrees above horizontal.

2. The temporary outdoor sale of seasonal merchandise such as garden supplies and Christmas trees, provided that:

   a. The sale of such merchandise shall not exceed a total of 90 days in a calendar year;

   b. Such sales shall be solely conducted upon property with frontage upon arterial or collector streets.

3. All portions of the operation including sales and product and equipment storage shall be kept in an orderly condition at all times during operation. The failure to comply with these maintenance standards, as determined by the Zoning Administrator, may result in a suspension of operation that season. Upon termination of the operation, all remaining products, materials, and displays shall be removed in a timely manner and the site restored to an orderly condition. "Operation" is defined as the display or storage of any product or service, and all facilities erected to accommodate any product or service regardless of whether the business is "open" for the sale of these items.

4. Sales on the sidewalk may be conducted by the merchants of the retail use adjoining the sidewalk provided they are conducted for no more than 2 days in any 30 day period. These sales shall not block pedestrian circulation on any sidewalk.

5. Lot sales may be conducted by the merchants of the retail use adjoining such lot provided they are conducted for no more than 2 days in any 30 day period.

6. Open air market for the sale of food, produce items, plants, or cut flowers may be conducted on any lot where a retail use is present.

7. A temporary outdoor sale of handcrafted items and artwork may be conducted in connection with a special event that does not last more than 3 days and is not repeated more than once a year, except as otherwise provided by this section.

8. Carnivals and festivals are permitted provided they do not exceed 5 days in duration and are not repeated more than once a year.

9. Temporary unpaved overflow parking for otherwise permitted activities is permitted, provided the area used for such parking is restored to its original condition immediately following such use.

10. Any other use, temporary in nature, that the Zoning Administrator deems as beneficial to the public good and does not impair the public health, safety, and welfare is permitted.

B. The location of the temporary uses on a site shall be determined based on the following criteria:

   1. The operation does not inhibit vehicular circulation on the site, affecting either safety or convenience;

   2. The operation does not remove the availability of any required parking spaces; and

   3. The proposed operation shall take advantage of the required screening of the existing site development, or utilize the existing building(s) as a screening device from adjoining

residential properties.

C. The Zoning Administrator may apply additional conditions or restrictions to the issuance of a Temporary Use Permit that in his/her judgment are necessary to avoid health or safety hazards.

See also Section 1139.03.16, Temporary Structures and Section 1139.03.13, Temporary Portable Storage Containers.

CHAPTER 1141
DEVELOPMENT PATTERN DISTRICTS

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1141.02 ESTATE DEVELOPMENT PATTERN DISTRICT (E)
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CHAPTER 1141 DEVELOPMENT PATTERN DISTRICTS

1141.01 GENERAL

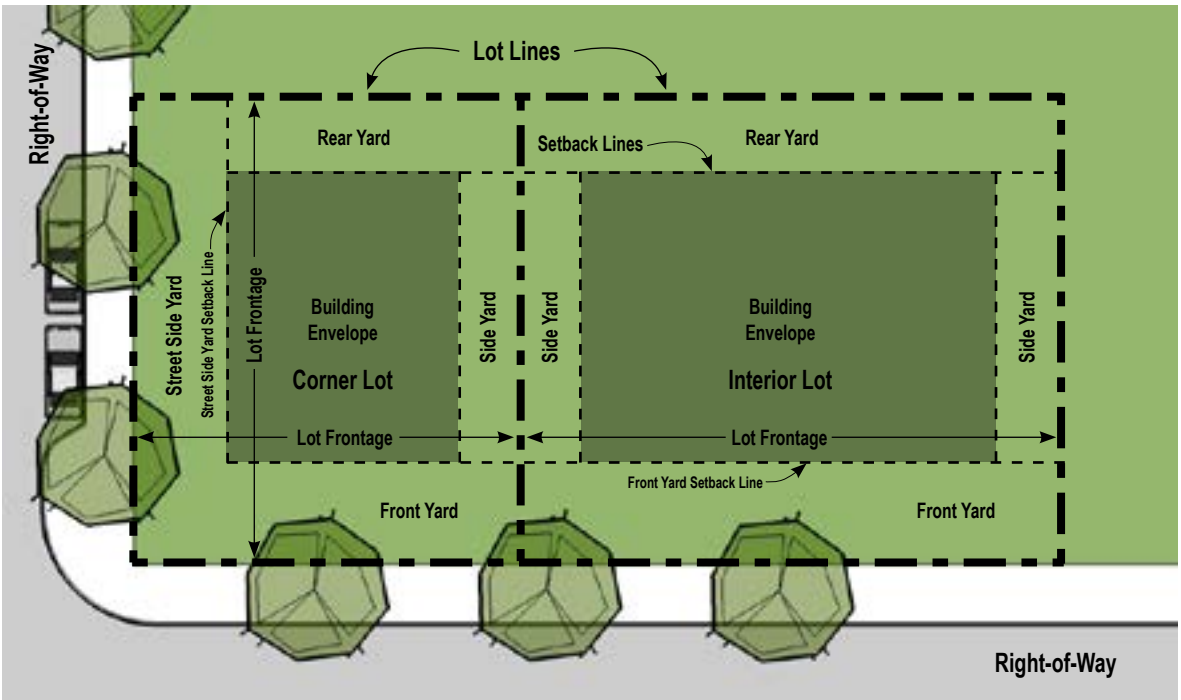
1141.01.1 Purpose & Intent

The purpose of this Section is to regulate the physical aspects of the Development Pattern Districts in order to promote human scale, sense of place, neighborhood character and stability, beautification, economic prosperity and value, pedestrian activity, and the goals and objectives of the City of Kettering Comprehensive Plan as outlined in this Code.

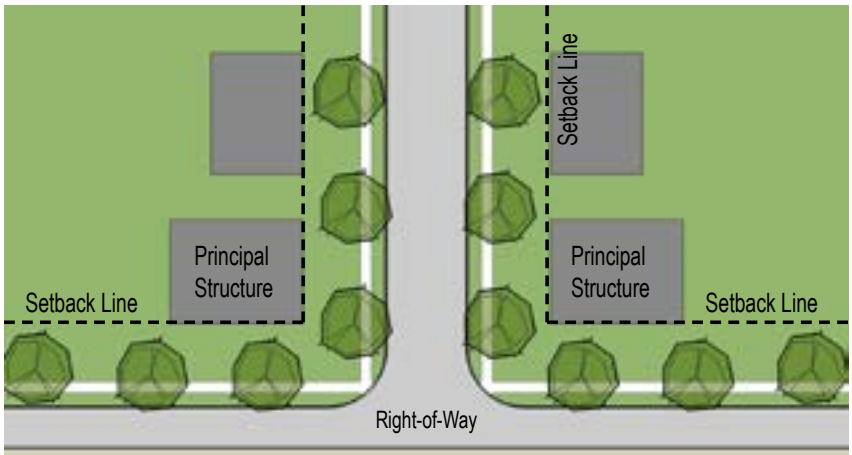
1141.01.2 Applicability

For purposes of this Section, no Structure, including any additions shall be erected, converted, enlarged, reconstructed, moved, or structurally altered within a Development Pattern District except in conformance with these standards.

1141.01.3 Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines

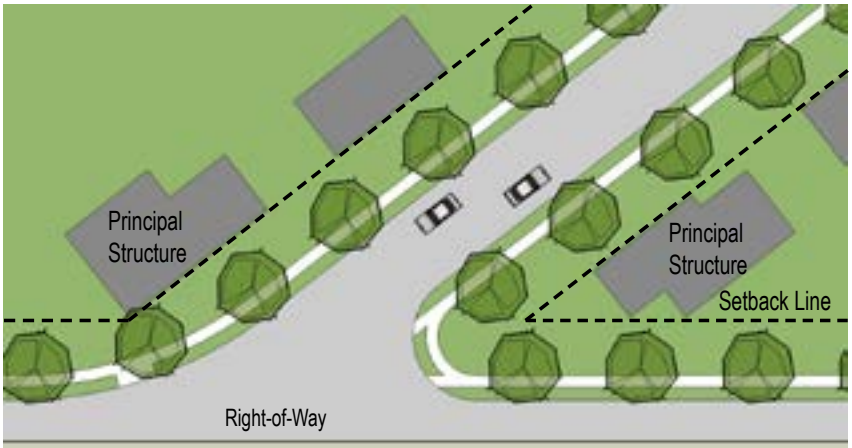


1141.01.4 FIGURE 41.2 - OCCUPYING THE CORNER - ORTHOGONAL INTERSECTIONS



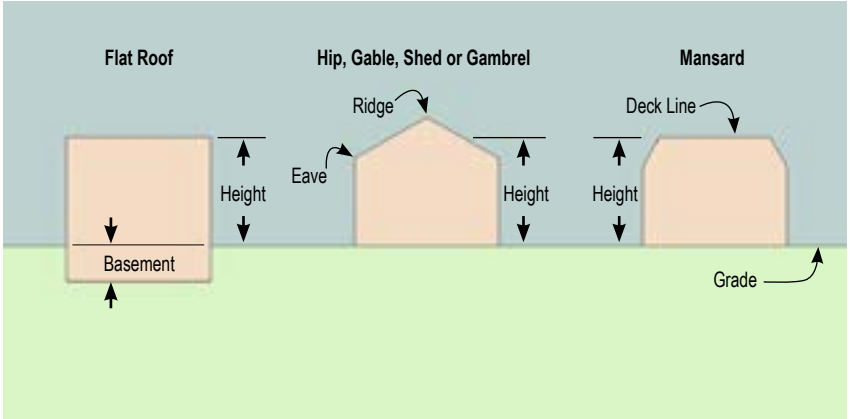
Example of occupying the corner when front yard and street side yard setback lines are approximately 90 degrees

1141.01.5 FIGURE 41.3 - OCCUPYING THE CORNER - ACUTE & OBTUSE INTERSECTIONS



Example of occupying the corner when front yard and street side yard setback lines are significantly greater than or less than 90 degrees.

1141.01.6 FIGURE 41.4 - MEASURING HEIGHT



Building Height is the vertical distance from the average ground elevation at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, shed, or gambrel roofs.

1141.01.7 SITE STANDARDS

The standards regulating the physical design of sites within Development Pattern Districts are found within the various Chapters of this Zoning Code. A summary is provided below, however this list may not be all inclusive and it is recommended that a thorough review of the Zoning Code be conducted.

Standards for...	Location
Site Design and Layout	Chapter 1143, Site & Environmental Standards
Accessory Structures	Chapter 1139, Accessory Structures & Uses
Accessory Uses	Chapter 1139, Accessory Structures & Uses
Landscaping & Screening	Chapter 1147, Landscaping & Bufferyards
Parking & Loading	Chapter 1145, Parking & Loading
Grading & Drainage	Chapter 1143, Site & Environmental Standards
Signs	Chapter 1151, Signs
Architecture	Chapter 1149, Architecture
Making Application	Chapter 1153, Procedures & Enforcement

1141.01.8 MEASURING OUTLOT BUILDING FRONTAGE

As new principal structures are added to existing developments, such principal structures shall occupy the frontage of the Site as required by this Zoning Code. Such Site may be comprised of a single newly created lot or it may be comprised of the existing development's lot or parcel.

If the new principal structure is not located upon a newly created lot, then the following method of compliance shall be utilized:

1. The Zoning Administrator shall determine the boundaries of the proposed development area. The boundaries of the development area shall contain the principal structure, all accessory structures, waiting spaces, access drives, and any other supporting use or structure that is necessary for the operation of the new principal structure. Parking spaces need not be provided or contained within the boundaries of the development area as provided for within Section 1145.07, Off-Site Parking. The boundary of the development area shall be rectangular and orthogonal in respect to the lot lines of the Site.

2. The frontage of the development area shall be measured and treated as lot frontage for the purposes of this Section.

3. The frontage requirements are then applied as specified within this Chapter.

1141.02 ESTATE DEVELOPMENT PATTERN DISTRICT (E)

1141.02.1 Description

The Estate (E) Development Pattern District provides primarily low density residential uses in low-rise structures within a neighborhood setting. This district is principally comprised of large lots with single unit dwellings.

1141.02.2 BUILDING ENVELOPE

1141.02.3 Building Orientation

The public entrance or front entrance for non-residential structures shall face the public Right-of-Way or Public Park or Plaza for which the Site has frontage. If a Principal Structure takes frontage upon a private street only, the private street shall be treated as a Public Right-of-Way for purposes of this Section.

In the case of Corner Lots, the public entrance or front entrance shall face either frontage. Exceptions to this may occur for publicly owned buildings, or when there is a considerable public safety concern as determined by the Zoning Administrator. See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.02.4 Setbacks & Required Yards

The minimum yard and setback requirements shall be as shown in Table 41.1 - Setbacks Required, Section 1141.02.5.

1141.02.5 Table 41.1 - Setbacks Required

Front Yard Setback	35' minimum
Side Yard Setback	15' minimum However, if an existing side yard is less than 15', then the existing setback shall be the minimum.
Street Side Yard Setback	35' minimum However, if an existing street side yard is less than 35', then the existing setback shall be the minimum.
Rear Yard Setback	50' minimum However, if an existing rear yard is less than 50', then the existing setback shall be the minimum.

1141.02.6 Building Height

The maximum height of all Principal Structures shall be 30'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.03 NEIGHBORHOOD DEVELOPMENT PATTERN DISTRICT (N)

1141.03.1 Description

The Neighborhood (N) Development Pattern District provides primarily medium density residential uses in low-rise structures within a traditional neighborhood setting. This district is principally comprised of small lots with single unit or two unit dwellings constructed between 1940 and 1980.

1141.03.2 BUILDING ENVELOPE

1141.03.3 Building Orientation

The public entrance or front entrance for non-residential structures shall face the public Right-of-Way or Public Park or Plaza for which the Site has frontage. If a Principal Structure takes frontage upon a private street only, the private street shall be treated as a Public Right-of-Way for purposes of this Section.

In the case of Corner Lots, the public entrance or front entrance shall face either frontage. Exceptions to this may occur for publicly owned buildings, or when there is a considerable public safety concern as determined by the Zoning Administrator. See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.03.4 Setbacks & Required Yards

The minimum yard and setback requirements shall be as shown in Table 41.2 - Setbacks Required, Section 1141.03.5.

1141.03.5 Table 41.2 - Setbacks Required

Front Yard Setback	25' minimum However, if the neighboring properties* both have front yard setbacks greater than 30' then the required front yard setback shall be equal to the shortest front yard setback of the neighboring properties.
Side Yard Setback	8' minimum However, if an existing side yard is less than 8', then the existing setback shall be the minimum.
Street Side Yard Setback	25' minimum However, if an existing street side yard is less than 25', then the existing setback shall be the minimum.
Rear Yard Setback	30' minimum However, if an existing rear yard is less than 30', then the existing setback shall be the minimum.

***Note to Table 41.2:**
For the purposes of this Table 41.2, neighboring properties shall mean:

1) Properties that abut and are of the same Pattern District as the subject property; and

2) Properties that take frontage upon a Right-of-Way in common with the subject property.

1141.03.6 Building Height

The maximum height of all Principal Structures shall be 30'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.04 VILLAGE DEVELOPMENT PATTERN DISTRICT (V)

1141.04.1 Description

The Village (V) Development Pattern District provides primarily medium and high density residential uses in low-rise structures within a traditional neighborhood setting. This district is principally comprised of small lots with single unit, two unit, and four unit dwellings constructed between 1900 and 1960.

1141.04.2 BUILDING ENVELOPE

1141.04.3 Building Orientation

The public entrance or front entrance for non-residential structures shall face the public Right-of-Way or Public Park or Plaza for which the Site has frontage. If a Principal Structure takes frontage upon a private street only, the private street shall be treated as a Public Right-of-Way for purposes

of this Section.

In the case of Corner Lots, the public entrance or front entrance shall face either frontage. Exceptions to this may occur for publicly owned buildings, or when there is a considerable public safety concern as determined by the Zoning Administrator. See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.04.4 Occupying the Corner

Principal structures upon corner lots shall occupy both lot frontages by locating at the intersection of the Front Yard and Street Side Yard setbacks.

In some cases, where the angle formed by intersecting Front Yard and Street Side Yard setback lines is significantly greater than or less than 90 degrees, strict adherence with the above may cause extraordinary challenges in building design and conventional construction. Thus, if the angle formed by the intersecting Front Yard and Street Side Yard setback lines is significantly greater than or less than 90 degrees, the Zoning Administrator may approve of an alternate building location provided that the following conditions are met:

A. The building shall occupy at least one of the lot frontages present upon the lot and such façade located along the length of this frontage must comply fully; and

B. The location of the building significantly accomplishes the goals of Section1141.01.1, Purpose and Intent.

See Figure 41.2 - Occupying the Corner - Orthogonal Intersections, Section 1141.01.4 and Figure 41.3 - Occupying the Corner - Acute & Obtuse Intersections, Section 1141.01.5

1141.04.5 Frontage

A minimum of 40% of an interior lot's lot frontage shall be occupied by a Principal Structure. A minimum of 20% of a corner lot's lot frontage shall be occupied by a Principal Structure.

1141.04.6 Setbacks & Required Yards

The minimum yard and setback requirements shall be as shown in Table 41.3 - Setbacks Required, Section 1141.04.7.

1141.04.7 Table 41.3 - Setbacks Required

Front Yard Setback	25' minimum However, if the neighboring properties* both have front yard setbacks greater than 30' then the required front yard setback shall be equal to the shortest front yard setback of the neighboring properties.
Side Yard Setback	6' minimum However, if an existing side yard is less than 6', then the existing setback shall be the minimum.
Street Side Yard Setback	10' minimum However, if an existing street side yard is less than 10', then the existing setback shall be the minimum.
Rear Yard Setback	30' minimum However, if an existing rear yard is less than 30', then the existing setback shall be the minimum.

***Note to Table 41.3:**
For the purposes of this Table 41.3, neighboring properties shall mean:

1) Properties that abut and are of the same Pattern District as the subject property; and

2) Properties that take frontage upon a Right-of-Way in common with the subject property.

1141.04.8 Building Height

The maximum height of all Principal Structures shall be 40'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.05 VILLAGE HEIGHTS DEVELOPMENT PATTERN DISTRICT (VH)

1141.05.1 Description

The Village Heights (VH) Development Pattern District provides high density residential uses in high-rise structures within a wooded neighborhood setting. This district is principally comprised of large lots occupied by carefully situated principal structures that utilize topography and existing wooded areas coupled with landscaping to provide screening for adjacent properties.

1141.05.2 BUILDING ENVELOPE

See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.05.3 Setbacks & Required Yards

The minimum yard and setback requirements shall be as shown in Table 41.4 - Setbacks Required, Section 1141.05.4

1141.05.4 Table 41.4 - Setbacks Required

Year Constructed	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback
Prior to 1968...	50' minimum	25' minimum	NA	50' minimum
1970 to 1990	90' minimum	80' minimum	NA	90' minimum
1991 to 2000	25' minimum	10' minimum	25' minimum	40' minimum

1141.05.5 Building Height

The maximum height requirements shall be as shown in Table 41.5 - Maximum Height, Section 1141.05.6

1141.05.6 Table 41.5 - Maximum Height

Year Constructed	Maximum Height
Prior to 1968...	132' maximum*
1970 to 1990	80' maximum
1991 to 2000	45' maximum

*Note to Table 41.5: The height limitation of 132' shall not apply to elevator or stairway penthouses, water tanks, mechanical equipment and recreational rooms that are the exclusive use of the occupants of the building. Such additional construction above the height limitation shall not exceed 27', nor shall such construction occupy more than 1/3 of the Building's roof area. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.06 SUBURBAN DEVELOPMENT PATTERN DISTRICT (S)

1141.06.1 Description

The Suburban (S) Development Pattern District provides primarily medium and low density office and technology related uses in medium and low-rise structures within a park-like or campus setting. This district is principally comprised of medium and large sized lots occupied by a single building surrounded by landscaping.

1141.06.2 BUILDING ENVELOPE

See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.06.3 Setbacks & Required Yards

The minimum yard and setback requirements shall be as shown in Table 41.6 - Setbacks Required, Section 1141.06.4.

1141.06.4 Table 41.6 - Setbacks Required

Front Yard Setback	25' minimum*
Side Yard Setback	10' minimum, unless adjoining an R use or district then 15' minimum or 1/2 of the building's height, whichever is greater.
Street Side Yard Setback	15' minimum
Rear Yard Setback	15' minimum, unless adjoining an R use or district then 40' minimum or 1/2 of the building's height, whichever is greater.

*Note to Table 41.6: Educational Institutions and Places of Worship located within a Suburban Development Pattern District shall be elibible for a 75% reduction of the front yard setback subject to the satisfacation of the following conditions:
1) The front lot line must have at least 1000' of continuous frontage along a single thoroughfare;
2) The encroachment shall maintain a minimum setback from any residentially used propoerty equal to the width of the adjacent thoroughfare's right-of-way plus 25'; and
3) The height of the encroachment shall be limited to 30' in height.

1141.06.5 Building Height

The maximum height of all Principal Structures shall be 45'. However, if a Principal Structure is within 100' of a single unit or duplex residential use the maximum height of the Principal Structure shall be 30'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.07 SUBURBAN SERVICE DEVELOPMENT PATTERN DISTRICT (SS)

1141.07.1 Description

The Suburban Service (SS) Development Pattern District provides primarily medium density housing and service uses with limited neighborhood-oriented retail and small office uses in medium and low-rise structures built along major roadways. This district is principally served by motorized transportation, but may also reached by pedestrians and active modes of transportation. The Suburban Service Development Pattern District provides a buffer between higher density commercial nodes, busy roadways, and lower density residential neighborhoods.

1141.07.2 BUILDING ENVELOPE

1141.07.3 Building Orientation

Overhead doors and service bays may face a public Right-of-Way, Public Park or Plaza subject to the following conditions:

A. Such openings that are 75% transparent or greater in their ratio of clear material to opaque material, shall be buffered with a continuous hedge or berm, or a combination of the two , no less than 5' in height.

B. Such openings that are less than 75% transparent in their ratio of clear material to opaque material, shall be screened with an opaque vegetative screen at least 15' in height.

C. Publicly owned buildings shall be exempt.

D. In the event there is a considerable public safety concern, as determined by the Zoning Administrator, an exemption from the requirements of both A and B above may apply.

See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.07.4 Frontage

A minimum of 30% of an interior lot's lot frontage shall be occupied by a Principal Structure. A minimum of 15% of a corner lot's lot frontage shall be occupied by a Principal Structure. The Principal Structure's front facade shall be located within the Front Yard Setback range as specified within Table 41.7 - Setbacks Required, Section 1141.07.6.

In determining the amount of lot frontage occupied by a Principal Structure when a setback range is provided, as in the Suburban Service Development Pattern District, the amount of occupied lot frontage shall be measured by drawing a line parallel to and located within the setback range at the building footprint's largest width within the range.

1141.07.5 Setbacks & Required Yards

The minimum and maximum yard and setback requirements shall be as shown in Table 41.7 - Setbacks Required, Section 1141.07.6.

1141.07.6 Table 41.7 - Setbacks Required

Front Yard Setback	0' minimum - 90' maximum
Side Yard Setback	6' minimum
Street Side Yard Setback	0' minimum
Rear Yard Setback	15' minimum

1141.07.7 Building Height

The maximum height of all Principal Structures shall be 40'. However, if a Principal Structure is within 100' of a single unit or duplex residential use the maximum height of the Principal Structure shall be 30'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.07.8 EXTERIOR FINISHES

Within SS districts the primary exterior finish material upon principal facades shall be either brick, stone, or a combination of the two.

1141.08 SUBURBAN BUSINESS DEVELOPMENT PATTERN DISTRICT (SB)

1141.08.1 Description

The Suburban Business (SB) Development Pattern District provides primarily medium and low density research and development and light industrial type uses in medium and low-rise structures within a campus setting. This district is principally comprised of medium and large sized lots occupied by a single building surrounded by landscaping.

1141.08.2 BUILDING ENVELOPE

See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.08.3 Setbacks & Required Yards

The minimum yard and setback requirements shall be as shown in Table 41.8 - Setbacks Required, Section 1141.08.4.

1141.08.4 Table 41.8 - Setbacks Required

Front Yard Setback	35' minimum
Side Yard Setback	10' minimum, unless adjoining an R use or district then 25' minimum or 1/2 of the building's height, whichever is greater.
Street Side Yard Setback	25' minimum
Rear Yard Setback	15' minimum, unless adjoining an R use or district then 50' minimum or 1/2 of the building's height, whichever is greater.

1141.08.5 Building Height

There is no maximum height restriction. However, if a structure is within 300' of a residential district then the maximum height of the structure shall be 50'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.09 SUBURBAN CENTER DEVELOPMENT PATTERN DISTRICT (SC)

1141.09.1 Description

The Suburban Center (SC) Development Pattern District provides primarily low density retail, service, and office uses in low-rise structures built around major and secondary intersections. This district is principally served by motorized transportation, but may also be reached by pedestrians and active modes of transportation.

1141.09.2 BUILDING ENVELOPE

1141.09.3 Building Orientation

Overhead doors and service bays may face a public Right-of-Way, Public Park or Plaza subject to the following conditions:

A. Such openings that are 75% transparent or greater in their ratio of clear material to opaque material, shall be buffered with a continuous hedge or berm, or a combination of the two , no less than 5' in height.

B. Such openings that are less than 75% transparent in their ratio of clear material to opaque material, shall be screened with an opaque vegetative screen at least 15' in height.

C. Publicly owned buildings shall be exempt.

D. In the event there is a considerable public safety concern, as determined by the Zoning Administrator, an exemption from the requirements of both A and B above may apply.

See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.09.4 Setbacks & Required Yards

The minimum yard and setback requirements shall be as shown in Table 41.9 - Setbacks Required, Section 1141.09.5.

1141.09.5 Table 41.9 - Setbacks Required

Front Yard Setback	25' minimum
Side Yard Setback	10' minimum
Street Side Yard Setback	15' minimum
Rear Yard Setback	15' minimum

1141.09.6 Building Height

The maximum height of all Principal Structures shall be 50'. However, if a Principal Structure is within 100' of a single unit or duplex residential use the maximum height of the Principal Structure shall be 30'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.09.7 EXTERIOR FINISHES

Within SC districts the primary exterior wall finish material upon principal facades shall be either brick, stone, or a combination of the two.

1141.10 NEIGHBORHOOD CENTER DEVELOPMENT PATTERN DISTRICT (NC)

1141.10.1 Description

The Neighborhood Center (NC) Development Pattern District provides adjacent neighborhoods with primarily retail uses and services along with concentrated residential uses in single and multi-story structures built around major and secondary intersections. This district is pedestrian oriented and walkable with an emphasis on connections to the adjacent neighborhood, but is also served by passenger vehicles, public transportation, and active modes of transportation. The Neighborhood Center Development Pattern District enhances nearby residents' quality of life by providing neighborhood oriented services, retail, and other uses all within walking distance.

1141.10.2 BUILDING ENVELOPE

1141.10.3 Building Orientation

Overhead doors and service bays may face a public Right-of-Way, Public Park or Plaza provided they are 75% transparent or greater in their ratio of clear material to opaque material. Service entry doors and loading docks are not included as part of this provision. Publicly owned buildings shall be exempt. In the event there is a considerable public safety concern, as determined by the Zoning Administrator, an exemption from this requirement may apply.

See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.10.4 Occupying the Corner

Principal structures upon corner lots shall occupy both lot frontages by locating at the intersection of the Front Yard and Street Side Yard setbacks.

In some cases, where the angle formed by intersecting Front Yard and Street Side Yard setback lines is significantly greater than or less than 90 degrees, strict adherence with the above may cause extraordinary challenges in building design and conventional construction. Thus, if the

angle formed by the intersecting Front Yard and Street Side Yard setback lines is significantly greater than or less than 90 degrees, the Zoning Administrator may approve of an alternate building location provided that the following conditions are met:

A. The building shall occupy at least one of the lot frontages present upon the lot and such façade located along the length of this frontage must comply fully; and

B. The location of the building significantly accomplishes the goals of Section1141.01.1, Purpose and Intent.

See Figure 41.2 - Occupying the Corner - Orthogonal Intersections, Section 1141.01.4 and Figure 41.3 - Occupying the Corner - Acute & Obtuse Intersections, Section 1141.01.5

1141.10.5 Frontage

A minimum of 60% of an interior lot's lot frontage shall be occupied by a Principal Structure. A minimum of 40% of a corner lot's lot frontage shall be occupied by a Principal Structure. The Principal Structure's front facade shall be located within the Front Yard Setback range as specified within Table 41.10 - Setbacks Required, Section 1141.10.8.

In determining the amount of lot frontage occupied by a Principal Structure when a setback range is provided, as in the Neighborhood Center Development Pattern District, the amount of occupied lot frontage shall be measured by drawing a line parallel to and located within the setback range at the building footprint's largest width within the range.

1141.10.6 Existing Principal Structures

Existing Principal Structures located on lots greater than 2 acres in area shall be exempt from the frontage requirements.

1141.10.7 Setbacks & Required Yards

The minimum and maximum yard and setback requirements shall be as shown in Table 41.10 - Setbacks Required, Section 1141.10.8.

1141.10.8 Table 41.10 - Setbacks Required

Front Yard & Street Side Yard Setback	0' minimum - 15' maximum 70' maximum along a frontage where a slip street is present
Side Yard Setback	0' minimum
Rear Yard Setback	15' minimum

1141.10.9 Building Height

The maximum height of all Principal Structures shall be 50'. However, if a Principal Structure is within 100' of a single unit or duplex residential use the maximum height of the Principal Structure shall be 30'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.11 TOWN CENTER DEVELOPMENT PATTERN DISTRICT (TC)

1141.11.1 Description

The Town Center (TC) Development Pattern District provides primarily concentrated retail, service, office, mixed uses, and residential uses in multi-story structures built around major intersections and adjacent densely populated neighborhoods. This district is pedestrian oriented and walkable, but is also served by passenger vehicles, public transportation, and active modes of transportation. The Town Center Development Pattern District is urban and compact.

1141.11.2 BUILDING ENVELOPE

1141.11.3 Building Orientation

Overhead doors and service bays may face a public Right-of-Way, Public Park or Plaza provided they are 75% transparent or greater in their ratio of clear material to opaque material. Service entry doors and loading docks are not included as part of this provision. Publicly owned buildings shall be exempt. In the event there is a considerable public safety concern, as determined by the Zoning Administrator, an exemption from this requirements may apply.

See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.11.4 Occupying the Corner

Principal structures upon corner lots shall occupy both lot frontages by locating at the intersection of the Front Yard and Street Side Yard setbacks.

In some cases, where the angle formed by intersecting Front Yard and Street Side Yard setback lines is significantly greater than or less than 90 degrees, strict adherence with the above may cause extraordinary challenges in building design and conventional construction. Thus, if the angle formed by the intersecting Front Yard and Street Side Yard setback lines is significantly greater than or less than 90 degrees, the Zoning Administrator may approve of an alternate building location provided that the following conditions are met:

A. The building shall occupy at least one of the lot frontages present upon the lot and such façade located along the length of this frontage must comply fully; and

B. The location of the building significantly accomplishes the goals of Section1141.01.1, Purpose and Intent.

See Figure 41.2 - Occupying the Corner - Orthogonal Intersections, Section 1141.01.4 and Figure 41.3 - Occupying the Corner - Acute & Obtuse Intersections, Section 1141.01.5

1141.11.5 Frontage

A minimum of 60% of an interior lot's lot frontage shall be occupied by a Principal Structure. A minimum of 50% of a corner lot's lot frontage shall be occupied by a Principal Structure. The Principal Structure's front facade shall be located within the Front Yard Setback range as specified within Table 41.11 - Setbacks Required, Section 1141.11.8.

In determining the amount of lot frontage occupied by a Principal Structure when a setback range is provided, as in the Town Center Development Pattern District, the amount of occupied lot frontage shall be measured by drawing a line parallel to and located within the setback range at the building footprint's largest width within the range.

1141.11.6 Existing Principal Structures

Existing Principal Structures located on lots greater than 2 acres in area shall be exempt from the frontage requirements.

1141.11.7 Setbacks & Required Yards

The minimum and maximum yard and setback requirements shall be as shown in Table 41.11 - Setbacks Required, Section 1141.11.8.

1141.11.8 Table 41.11 - Setbacks Required

Front Yard & Street Side Yard Setback	0' minimum - 15' maximum 70' maximum along a frontage where a slip street is present
Side Yard Setback	0' minimum
Rear Yard Setback	15' minimum

1141.11.9 Building Height

The maximum height of all Principal Structures shall be 80'. However, if a Principal Structure is within 100' of a single unit or duplex residential use the maximum height of the Principal Structure shall be 40'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.12 LIGHT INDUSTRY DEVELOPMENT PATTERN DISTRICT (LI)

1141.12.1 Description

The Light Industry (LI) Development Pattern District provides primarily low intensity industrial and related uses in medium and low-rise structures. This district is principally comprised of medium and large sized lots occupied by industrial facilities.

1141.12.2 BUILDING ENVELOPE

See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.12.3 Setbacks & Required Yards

The minimum yard and setback requirements shall be as shown in Table 49.12 - Setbacks Required, Section 1141.12.4.

1141.12.4 Table 49.12 - Setbacks Required

Front Yard Setback	25' minimum
Side Yard Setback	0' minimum if adjoining an Industrial district 10' minimum if adjoining a B or O district 15' minimum or 1/2 of the building's height, whichever is greater, if adjoining an R use or district
Street Side Yard Setback	15' minimum
Rear Yard Setback	15' minimum However, if the rear lot line adjoins an R use or district then the minimum setback shall be 30'.

1141.12.5 Building Height

The maximum height of all Principal Structures shall be 45'. However, if a Principal Structure is within 100' of a single unit or duplex residential use the maximum height of the Principal Structure shall be 30'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.13 INDUSTRY DEVELOPMENT PATTERN DISTRICT (I)

1141.13.1 Description

The Industry (I) Development Pattern District provides primarily high intensity industrial and related uses in medium and low-rise structures within industrial districts. This district is principally comprised of medium and large sized lots occupied by industrial facilities.

1141.13.2 BUILDING ENVELOPE

See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1141.13.3 Setbacks & Required Yards

The minimum yard and setback requirements shall be as shown in Table 41.13 - Setbacks Required, Section 1141.13.4.

1141.13.4 Table 41.13 - Setbacks Required

Front Yard Setback	25' minimum
Side Yard Setback	0' minimum, unless the side lot line adjoins an R use or district, in which case buildings that are within 50' of the side lot line shall have a minimum setback equal to twice the height of the building.
Street Side Yard Setback	15' minimum
Rear Yard Setback	For buildings that are within 50' of the rear property line, the minimum setback shall be equal to twice the height of the building. However, if the rear lot line adjoins an R use or district then the minimum setback shall be no less than 30'.

1141.13.5 Building Height

There is no maximum height restriction. However, if a structure is within 300' of a residential district then the maximum height of the structure shall be 50'. See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.14 HOSPITAL DEVELOPMENT PATTERN DISTRICT (H)

1141.14.1 Description

The Hospital (H) Development Pattern District provides for the strategic development of hospital and hospital related uses together with a balanced and responsible approach that allows for a harmonious and symbiotic partnership with the surrounding community. The hospital campus provides healthcare services, enhances community health, prevents illness through health education, educates healthcare professionals through graduate medical education and allied health programs, and supports health related research to enhance educational and patient care commitments. These services include, but are not limited to, outpatient and inpatient facilities, treatment and research centers, educational facilities, offices for physicians and administrative functions, and systems facilities such as parking and power generation.

1141.14.2 SUB-DISTRICT AREAS CREATED

The Hospital Development Pattern District is divided into Sub-District Areas as follows:

A-1	Western Bufferyard	B-2	Stonebridge Campus
A-2	West Campus	C-1	Eastern Bufferyard
A-3	Northwest Campus	C-2	East Campus
B-1	Southwest Campus		

1141.14.3 OFFICIAL SUB-DISTRICT MAP

The districts established in Section 1141.14.2, Sub-District Areas Created are shown on the Official Hospital Development Pattern Sub-District Area Map which, together with all items shown on the Official Hospital Development Pattern Sub-District Area Map, are adopted and approved, and collectively constitute the Official Hospital Development Pattern Sub-District Area Map. The Official Hospital Development Pattern Sub-District Area Map is incorporated by reference and made a part of this Zoning Code. The Official Hospital Development Pattern Sub-District Area Map is on file in the office of the Zoning Administrator.

1141.14.4 PRESERVATION AREAS

A. Area A-1 shall be maintained as a 150' wide green space buffer as measured from the property line. This green space buffer shall provide a naturalistic screen between the hospital campus and the surrounding neighborhoods. The landscape treatment within this area shall be a naturalistic arrangement augmenting the existing vegetation with lawn areas, shrubs, upper and lower story trees, and conifers. Existing parking lots and structures that encroach into this buffer area may remain and may be maintained and improved, however such parking lots and structures may not exceed their current footprint or height.

B. Area C-1 shall be maintained as a 150' wide green space buffer as measured from the property line. This green space buffer shall provide a division between the hospital campus and the surrounding neighborhoods. The landscape treatment within this area shall be an arrangement augmenting the existing vegetation with lawn areas, shrubs, upper and lower story trees, and conifers. The treatment should reflect the existing wooded areas. The landscape shall be arranged so as to filter the views of the campus and meld the hospital campus with the surrounding neighborhood. The existing natural tree growth on the north end shall be maintained.

1141.14.5 SETBACKS

The minimum required setbacks for each Sub-District shall be as follows:

Sub-District Area	Required Setback	Description
Area A-1	NA	NA
Area A-2	20'	Building Setback from Right-of-Way (Southern Blvd)
	20'	Vehicular Use Areas from Right-of-Way
Area A-3	20'	Building Setback from Right-of-Way (Southern Blvd)
	20'	Vehicular Use Areas from Right-of-Way
Area B-1	20'	Building Setback from Right-of-Way (Southern, Stroop)
	50'	Building Setback from Residential Districts
	10'	Vehicular Use Areas from Right-of-Way
	25'	Vehicular Use Areas from Residential Districts
Area B-2	20'	Building Setback from Southern Blvd Right-of-Way
	15'	Building Setback from Stroop Rd Right-of-Way
	10'	Building Setback from Residential Districts
	10'	Vehicular Use Areas from Right-of-Way
	5'	Vehicular Use Areas from Residential Districts
Area C-1	NA	NA
Area C-2	20'	Building Setback from Southern Blvd Right-of-Way
	15'	Building Setback from Blossomheath Right-of-Way
	10'	Building Setback from Residential Districts
	20'	Vehicular Use Areas from Southern Blvd Right-of-Way
	10'	Vehicular Use Areas from Blossomheath Right-of-Way
	5'	Vehicular Use Areas from Residential Districts

Note: NA - Not Applicable

1141.14.6 BUILDING HEIGHT

Maximum building heights vary by location within each Sub-District. Heights are tiered based on their proximity to residential uses and property, as well as proximity to rights-of-way and natural features. The maximum height of all structures for each Sub-District shall be as follows:

Sub-District Area	Maximum Height	Description
Area A-1	NA	NA
Area A-2	48’	Within 400’ of Big Hill Right-of-Way
	96’	Within 200’ of Southern Blvd Right-of-Way
	72’	Remainder of Area A-2
Area A-3	48”	All portions of Area A-3
Area B-1	48’	Within 200’ of Right-of-Way
	36’	Remainder of Area B-1
Area B-2	30’	All portions of Area B-2
Area C-1	NA	NA
Area C-2	48’	Within 400’ of Big Hill Right-of-Way
	72’	Within 200’ of Southern Blvd Right-of-Way
	60’	From 200’ to within 350’ of Southern Blvd Right-of-Way
	48’	From 350’ to within 500’ of Southern Blvd Right-of-Way
	36’	From 500’ to within 650’ of Southern Blvd Right-of-Way
	24’	Remainder of Area C-2

See also Figure 41.4 - Measuring Height, Section 1141.01.6.

1141.14.7 LOT COVERAGE

Maximum lot coverage limits the amount of impervious surfaces and building footprints for a given amount of land area. Maximum lot coverages for each Sub-District shall be as follows:

Sub-District Area	Maximum Lot Coverage	Sub-District Area	Maximum Lot Coverage
Area A-1	NA	Area B-2	50%
Area A-2	70%	Area C-1	NA
Area A-3	60%	Area C-2	50%
Area B-1	50%		

1141.14.8 STRUCTURES ON LOTS

Within the Hospital Development Pattern District more than one principal structure is permitted on a lot or parcel. Additionally, more than one accessory structure is permitted on a lot or parcel. The Hospital Development Pattern District is a Campus as defined within the City of Kettering Zoning Code.

CHAPTER 1143

SITE & ENVIRONMENTAL STANDARDS

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1143.11 CLEAR SITE DISTANCE
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CHAPTER 1143 SITE & ENVIRONMENTAL STANDARDS

1143.01 GENERAL

Standards are provided to ensure that lots have adequate access to rights-of-way, light and fresh air, protection from potential safety hazards, loud noises, glaring lights, and other environmental disturbances.

1143.02 RELATIONSHIP TO ADOPTED PLANS & POLICIES

Sites shall conform to the Zoning Code, the Comprehensive Plan, or any other plans as adopted by City Council.

1143.03 STRUCTURES ON LOTS

1143.03.1 Buildings to be on a Lot

Every building shall be located on a lot.

1143.03.2 Landominiums

Landominiums shall be subject to the following standards:

A. The maximum number of dwelling units in a landominium shall be equal to the number of lots or dwelling units that would be allowed if the entire development were to be subdivided and developed as standard lots as specified within Table 35.1 - Minimum Dimensions, Section 1135.01.1.

B. Setbacks and bufferyards shall be measured from the outermost boundaries of the development rather than upon each individual landominium lot.

1143.04 CORNER LOTS

1143.04.1 Front Yards for Corner Lots

For corner lots, the yard having the shortest street frontage is considered the front yard. The Zoning Administrator may waive this requirement and determine the front yard to be along an alternate street frontage provided the alternate front yard configuration is consistent with the prevailing pattern of front yards along the same street, or the alternate front yard configuration is consistent with the orientation of the Principal Facade or the front entry of an existing building on the lot.

1143.05 ACCESS & DRIVEWAYS

1143.05.1 Purpose & Intent

These driveway standards deal primarily with the frequency of driveways and the amount of interference to through traffic on the street from vehicles using these driveways. The overall objective of these standards is to minimize the number of driveways and these standards shall be interpreted to that end whenever possible.

Driveways located in proximity to a major intersection have an especially adverse influence on intersection movements due to left-turn maneuvers, both in and out of the driveways. The farther from an intersection a driveway can be located, the less it will adversely affect the safe operation of the intersection. In addition, the location of driveways, and intersecting residential streets must be considered when locating a proposed driveway.

1143.05.2 Applicability

This section applies to all Driveways. A lot that is a part of an approved plat, which does not otherwise limit access, that was approved by the City of Kettering and filed for record as of the effective date of this Section, and that does not have sufficient frontage to meet the access spacing requirements in this Section, is allowed one Access Drive or Driveway approach.

TIP

Driveways and Access Drives are not necessarily the same. "Driveway" is a term that is generic and covers all types of drives.

"Access Drives" is more specific and refers only to driveways that serve non-residential uses and also multi-unit dwellings.

1143.05.3 Access - Non-Residential, Multi-Unit, or Mixed Use Developments

Non-residential, Multi-Unit Residential, or mixed use development lots are permitted vehicular access from a thoroughfare, arterial, or collector street provided that the total number of access drives do not exceed one for every 200' of street frontage upon such street.

1143.05.4 Driveways

Driveways and other hardscape surfaces shall not comprise more than the percentage of the front yard area specified in Table 43.1 - Driveway Width & Coverage Restrictions, Section 1143.05.5 for the Zoning Districts designated of the same table. Driveways shall not exceed the width established as a percentage of lot frontage specified in Table 43.1. Parking may be provided in the rear yard, and access may be provided through alleys where the front yard is insufficient to accommodate a driveway.

For residential properties with front yards less than 50' in depth, Driveways shall be non-circuitous and shall align with their respective garage, carport, parking court, or parking space.

1143.05.5 Table 43.1 - Driveway Width & Coverage Restrictions

This table lists the maximum driveway width and maximum front yard impervious surface coverage expressed as a percentage of the front yard area:

Zoning District	Maximum % of Front Yard Area	Maximum Width as % of Lot Frontage
R-Ea	25%	25%
R-Eb	25%	35%
R-1, R-2, R-3, R-4	25%	50%
CC, O, B, I, IS	NA	NA

Key: NA - Not Applicable

1143.05.6 Cross Access

All lots that elect to provide a cross access connection between adjoining parking lots to allow for the flow of traffic from one parking lot to another without re-entering the public right-of-way must provide an access drive that is at least 22' feet in width and shall not slope greater than 15%.

The applicant may grant a common access easement across the lot or a recorded deed covenant providing common access across the lot with the abutting lot or lots.

Additionally, all lots that elect to provide such cross access shall be entitled to a 20% reduction in the number of required bufferyard plantings along the property line(s) that the cross access traverses, and a waiver of the dead end parking standards found within Section 1145.05.1.D.

1143.05.7 Location of Driveways

Driveways and Access Drives shall be located subject to the following conditions:

A. Driveways shall not conflict with vehicle turning movements.

B. Driveways shall align with opposing driveway approaches, if any are present. Locations where there is a raised median separating said approaches shall be exempt from this provision.

C. Driveways shall align with the existing median opening, if any is present.

D. Driveways shall be separated in accordance with the standards listed in Table 43.2 - Driveway Separation Standards, Section 1143.05.8.

E. Access drives shall maintain a minimum 5' setback from any property line.

F. If the site is served by an alley or rear access drive, an access for motor vehicles must be provided from such alley or rear access drive.

1143.05.8 Table 43.2 - Driveway Separation Standards

This table assembles dimensions regarding curb cut placements. See also Figure 43.1 - Driveway Separations, Section 1143.05.12.

From	Minimum Separation Distance	To
Driveway	75’	Driveway or Private Street
Driveway	75’	Residential or Collector Street
Driveway	115’	Intersection of two Collector Streets
Driveway	115’	Intersection of two Arterial Streets
Driveway	115’	Intersection of a Collector & an Arterial Street

1143.05.9 Measuring Driveway Separation Distance

The minimum required separation distance shall be measured from the point formed by the intersection of the extended curb lines of each driveway or public right-of-way. See also Figure 43.2 - Measuring Distance Between Driveways, Section 1143.05.13.

1143.05.10 Driveway Throat or Vehicle Storage Length

For purposes of this Section, “throat length” means the length extending from the entry into the site to the first left turn conflict or intersection with an aisle. “Vehicle storage length” means the length of a driveway, access drive or aisle, service lane, bay, or other passageway for motor vehicles that is designed to minimize queuing onto surrounding streets. Throat length shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Throat length and vehicle storage length shall conform to Table 43.3 - Minimum Driveway Throat Lengths, Section 1143.05.11 unless approved by the Zoning Administrator. These measures apply to the principal access drives of the property and not to driveways where access is restricted to one driving lane or to loading or service entries.

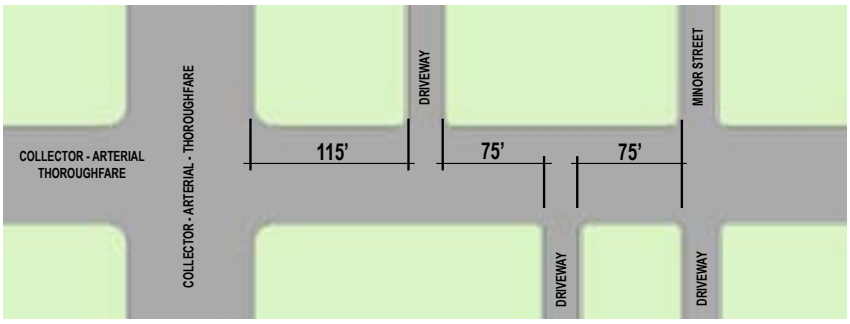
When utilized, Slip Streets shall count toward meeting the minimum throat length requirements.

1143.05.11 Table 43.3 - Minimum Driveway Throat Lengths

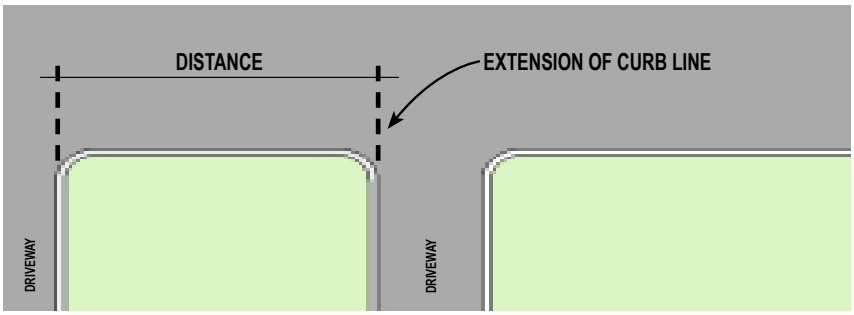
This table establishes the minimum driveway throat length or vehicle storage length per land use or development type. Slip street configurations shall be exempt from these standards.

Land Use	Minimum Throat Length or Vehicle Storage Length
Commercial & Mixed Use Centers ≥ 5 acres	200 ft
Commercial & Mixed Use Centers < 5 acres > 1 acre	75 ft
Commercial & Mixed Use - Unsignalized Driveways	40 ft
Residential Subdivision (gated entry, private)	40 ft
All other development (excluding single unit & duplex dwellings)	40 ft

1143.05.12 Figure 43.1 - Driveway Separations



1143.05.13 Figure 43.2 - Measuring Distance Between Driveways



1143.05.14 Modification of Standards

The Zoning Administrator may permit a modification of the standards of Section 1143.05, Access & Driveways subject to the following conditions:

A. An applicant can show that the standard will cause a practical difficulty in accordance with the standards found within Section 1153.13.6.A; and

B. That an alternative arrangement may be provided that will bring the access as close to conformity as the physical circumstances make possible through the following devices:

1. Elimination of multiple curb cuts on individual street frontages of the site;

2. Combining access drives with those of adjoining sites;

3. Realignment of driveways to meet standards found elsewhere in this Zoning Code.

1143.06 NOISE

1143.06.1 Noise Control

No activity on private property shall emit noise in excess of the sound levels listed in Table 43.4 - Maximum Permitted Sound Levels, Section 1143.06.2, with the exception that when the existing ambient noise level meets or exceeds the maximum permitted level, a source may not add more than 2 dBA to the ambient noise level.

1143.06.2 Table 43.4 - Maximum Permitted Sound Levels

This table assembles a listing of noise source properties organized by Use Group with their corresponding maximum permitted sound levels for receiving properties during the times specified.

Source Property		Receiving Property		
Use Group	Time	Residential	Lodging, Office, Commercial, & Civic	Industrial
Residential	7am - 10pm	55 dBA	60 dBA	60 dBA
	10pm - 7am	50 dBA	50 dBA	50 dBA
Lodging, Office, Commercial, & Civic	7am - 10pm	55 dBA	60 dBA	65 dBA
	10pm - 7am	50 dBA	50 dBA	55 dBA
Industrial	7am - 10pm	55 dBA	60 dBA	70 dBA
	10pm - 7am	50 dBA	50 dBA	60 dBA

1143.06.3 Measurement of Noise

Sound levels shall be measured and determined subject to the following conditions:

A. Sound levels shall be determined by the use of a sound level meter designed to give A-weighted measurements designated as dBA or dB(A). The use of the fast, slow, or impulse

response setting on the sound level meter shall be at the discretion of the enforcing officer.

B. Measurement shall be taken, at the discretion of the enforcing officer, at the property line or anywhere beyond the property line of the source property.

C. The property used to collect the sound level measurement need not be contiguous to the property creating the noise.

1143.06.4 Exemptions - Noise Sources

Certain noise sources shall be exempt from the standards contained within this Section subject to the following conditions:

A. The following noise sources shall be exempt during the hours of 7am through 10pm:

1. firearms or authorized ranges;
2. legal blasting;
3. construction equipment and activity;
4. installation of utility services;
5. lawn, yard, and garden equipment, such as lawn mowers, blowers, and chain saws.

B. The following noise sources shall be exempt at all times:

1. aircraft;
2. railroads;
3. emergency vehicles and equipment;
4. warning devices operating continuously for not more than 5 minutes;
5. the repair of essential utility services;
6. the improvement of the public right-of-way;
7. officially sanctioned parades and other public events.

1143.07 LIGHT & GLARE

1143.07.1 Purpose and Intent

These provisions are intended to control the use of artificial illuminating devices emitting rays into the night sky and to provide a level of illumination necessary for adequate, safe, and efficient movement of vehicles and persons. It is the intention of this section to accomplish the following:

A. Encourage lighting systems that are designed to conserve energy;

B. Minimize glare;

C. Protect the use and enjoyment of surrounding property; and

D. Increase nighttime safety, security, and productivity.

1143.07.2 Conformance with Applicable Codes

All outdoor, artificial illuminating devices shall be installed and maintained in conformance with the provisions of this section and the Ohio Building Code.

1143.07.3 Flexibility for Advances in Technology

This section does not prevent the use of any material or method of installation not specifically addressed. In considering any proposed deviation from the provisions of this Section, the Zoning Administrator shall take into consideration any state-of-the-art technology that is consistent with the intent of this section as new lighting technology develops that is consistent with Section 1143.07.1, Purpose and Intent.

1143.07.4 Nonconforming Lighting - New Uses, Buildings & Major Additions, or Modifications

This section shall apply to all lots of proposed new land uses, developments, buildings, and structures that require a permit.

All building additions or modifications of 25 percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single approval or with cumulative approvals subsequent to May 26th, 2015, shall invoke the requirements of this section for the entire property, including previously installed and any new exterior lighting.

Similarly, cumulative modification or replacement of exterior lighting constituting 25 percent or more of the total exterior light output found on site, measured in initial lamp lumens, shall invoke the requirements of this section for the entire property, including previously installed and any new exterior lighting.

1143.07.5 Nonconforming Lighting - Minor Additions

Additions or modifications of less than 25 percent, as described in Section 1143.07.4, and that require any type of permit, shall require the submission of a complete inventory and site plan detailing all existing and any proposed new exterior lighting. Any new lighting on the site shall meet the requirements of this Code with regard to shielding and lamp type.

1143.07.6 Nonconforming Lighting - Resumption of Use after Abandonment

If a property or use with nonconforming lighting is abandoned for 6 months or more, then all ex-

terior lighting shall be reviewed and brought into compliance with this Code prior to the property's reuse.

1143.07.7 Submission of Plans & Evidence of Compliance

The applicant for any permit required by The City of Kettering in connection with proposed work involving exterior mounted luminaires, specifically excluding single-unit and two-unit residential dwellings, shall submit (as part of the application for permit) evidence that the proposed work will comply with this Code. Even should no other such permit be required, the installation or modification (except for routine servicing and bulb, tube, capsule, spot, diode, or other light source replacement) of any exterior lighting shall require submission of the information required by the application and the Zoning Code.

1143.07.8 Exceptions

The following shall be exempt from the standards of this Section:

A. Public street luminaires;

B. Emergency lighting: All temporary emergency lighting needed by the police, the fire departments, or other emergency services, as well as all vehicular luminaires;

C. Lighting used for construction crews making improvements of the public right-of-way.

1143.07.9 Shielding Standards

All exterior luminaires shall not be aimed, directed, or focused to cause direct light from the luminaire toward residential property or to persons operating motor vehicles on public ways; the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

In addition, all exterior luminaires having an initial output greater than 2,000 lumens and that are mounted to a pole, building, structure, or tree, shall be full cutoff type luminaires. Such pole, building, structure, or tree mounted luminaires shall not be equipped with adjustable mounting devices permitting alteration of the luminaire's aim in the field.

1143.07.10 Light Output Standards

All exterior light output shall be maintained according to the levels shown in Table 43.5 - Exterior Light Output Standards, Section 1143.07.11. Calculations shall be rounded to the nearest footcandle. The site area used to perform this calculation shall be comprised of improved area only, excluding building footprint and perimeter landscaped and bufferyard areas.

1143.07.11 Table 43.5 - Exterior Light Output Standards

This table assembles a listing of use groups with their corresponding minimum and maximum Average Horizontal Maintained Illumination (AHMI) exterior light levels measured in foot-candles.

Use Group	Minimum AHMI	Maximum AHMI
Commercial	1.0 fc	2.5 fc
Industrial, Office, Civic, Lodging	0.5 fc	2.0 fc
Residential	Exempt	1.0 fc

Exceptions to Table 43.5:

A. The following are exempt from the **Minimum AHMI** standards found within this table: Places of Worship, Residential Uses, Public Parks, Natural Areas, Special Uses as found within Section 1143.07.20, and Non-Residential Uses, that cease operation by sundown, or have less than 10 on-site parking spaces.

B. The following are exempt from the **Maximum AHMI** standards found within this table: Special Uses as found within Section 1143.07.20, and Service Station Canopies. See Section 1143.07.21 for the maximum AHMI allowable for such canopies.

1143.07.12 Luminaire Height Standards

All exterior luminaires shall not exceed the limits shown in Table 43.6 - Maximum Luminaire Height Standards, Section 1143.07.13.

1143.07.13 Table 43.6 - Maximum Luminaire Height Standards

This table assembles a listing of the maximum allowable luminaire height by use group.

Use Group	Maximum Luminaire Height
Commercial, Civic	40 feet - However, if adjoining a Residential District then 25 feet
Industrial	25 feet
Office, Residential, Lodging	20 feet

1143.07.14 Poles and Standards

All poles or standards used to support outdoor lighting luminaires shall be anodized or otherwise coated to minimize glare from the light source. Wood poles are not permitted.

1143.07.15 Uniformity

All exterior lighting located in R-3, R-4, CC, O, IS, B, and I districts or all exterior lighting utilized in conjunction with a Conditional Use for an R district, shall not exceed an Average to Minimum Uniformity Ratio of 4:1 and a Maximum to Minimum Ratio of 10:1 as defined by the most recent edition of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook. The site area used to perform this calculation shall be comprised of improved area only, excluding building footprint and perimeter landscaped and bufferyard areas.

The Zoning Administrator may vary this standard depending on the task or use of the lighted area, provided that the lighting ratio meets the standards for such task or use as provided by the most recent edition of the IESNA Lighting Handbook.

Public Parks and Natural Areas shall be exempt from this requirement.

TIP

The IESNA recommends average to minimum uniformity ranges from 5:1 down to 2:1 depending upon application. Streets can have a 5:1 while competitive sports fields utilize a 2.5:1

1143.07.16 Control of Operational Light & Glare

Any use producing intense light or heat, including high temperature processes such as combustion and welding shall be performed within an enclosed building and not be visible beyond any lot line surrounding the property where the use is conducted. Welding that is required for exterior construction or maintenance of a principal structure located on a lot shall be exempt from the standards contained within this section.

1143.07.17 Light Trespass

All luminaires shall be located, aimed, or shielded to prevent light from trespassing across property boundaries. Light originating on a site shall not exceed 0.1 foot-candles at any property line of said site.

1143.07.18 Outdoor Advertising Signs

External illumination for signs shall conform to all provisions of this Chapter.

1143.07.19 Internally Illuminated and Neon Signs

Internally illuminated signage, neon or other similar tube type lighting shall be subject to the following conditions:

A. Outdoor internally-illuminated advertising signs be constructed with an opaque background and translucent text and symbols. Such signs shall not be factored into the calculation of the AHMI found in Section 1143.07.11.

B. Neon or other similar tube type signs shall be treated as internally illuminated signs for the purposes of this Chapter, and shall not be factored into the calculation of the AHMI found in Section 1143.07.11. However, neon or other similar tube type lighting shall conform to all provisions of this Code. In particular, such lighting shall be factored into the calculation of the AHMI found in Section 1143.07.11.

C. Electronic Changeable Copy shall not be factored into the calculation of the AHMI found in Section 1143.07.11. See also Section 1151.05, Electronic Changeable Copy.

1143.07.20 Special Uses

A. Lighting for outdoor athletic fields, courts, or tracks in all districts shall be exempt from the requirements of Section 1143.07.11.

1. Shielding: In all districts, fully shielded lighting is required for fields designed for Class III or IV levels of play (typically amateur or municipal league, elementary to high school, training, recreational or social levels). Facilities designed for Class I and II levels of play (typically college, semi-professional, professional, or national levels) shall utilize luminaires with minimal uplight consistent with the illumination constraints of the design. Where fully shielded lighting is not utilized, acceptable luminaires shall include those which:

   a. Are provided with internal and/or external glare control louvers and installed so as to minimize uplight and off-site light trespass; and

   b. Are installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each luminaire to project above the horizontal.

2. Illuminance: All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activities provided by the most recent edition of the IESNA Lighting Handbook.

3. Light Trespass: The installation shall also limit light trespass (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. For Class III and IV levels, a design goal of 5 lux (0.5 fc) at any location on any non-residential property, and 1 lux (0.1 fc) at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought. For Class I and II levels, a design goal of 7.5 lux (0.75 fc) at any location on any non-residential property, and 1.5 lux (0.15 fc) at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought.

4. Certification: Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Code.

5. Other Lighting: All lighting not directly associated with the special use listed within this Section shall conform to the lighting standards described in this Code, including but not limited to the shielding requirements of Section 1143.07.9 and the requirements of Section 1143.07.11. The measurement area for the determination of compliance with Section 1143.07.11 shall not include the area of the athletic field, court, or track illuminated by such special use lighting.

1143.07.21 Service Station Canopies

A. Shielding: All luminaires mounted on or recessed into the lower surface of service station canopies shall be full cutoff and shall utilize flat lenses.

B. Total Under-Canopy Output: The total light output used for illuminating the area below service station canopies shall not exceed an Average Horizontal Maintained Illumination (AHMI) of 30 foot-candles. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included in this calculation.

The calculation area shall include the area located directly under the canopy and also all areas located within 15' of said canopy. However, this shall not preclude compliance with Section 1143.07.17, Light Trespass.

1143.08 VIBRATIONS

1143.08.1 Control of Vibration

Every Use shall be operated in such a manner that ground vibration, inherently or recurrently generated, is not perceptible, without instruments, at any point along the property boundary of the property on which the use is located.

1143.09 STORM WATER RUNOFF

Storm water runoff from the development shall be provided in accordance with the regulations of the City of Kettering in Section 1104.13 - Storm Water Runoff, Soil Erosion and Sedimentation Control. To the extent possible, the storm water runoff plan shall be integrated with the landscaping plan.

1143.10 PEDESTRIAN CONNECTION

1143.10.1 Pedestrian Connection

From every adjoining public sidewalk an accessible connection shall be provided that is direct and not circuitous. Such connection may be striped pavement, pavers, or other surface appropriate for wheeled personal vehicles, walkers, canes, or other assisting devices for persons with disabilities or impairments. Residential dwellings consisting of 4 units or less shall be exempt from this requirement.

1143.11 CLEAR SIGHT DISTANCE

A. In order to provide a clear and unobstructed view to the motorist, there shall be a triangular area of clear vision free of any obstruction where two driveways, alleys, streets, or other access points intersect. The size of this triangular area shall be a function of street width and speed.

B. On any portion of a site that lies within the minimum sight triangle, nothing shall be erected,

placed, planted or allowed to grow in such a manner so as to impede vision between a height of 3' and 8' above the grade of the driveway, alley, street, or other access point.

C. The triangular area shall be formed by a point at the location of the driver's eye 15' behind the curb or edge of roadway, the approaching vehicle, and the potential point of impact. When the cross street has more than two lanes, sight triangles shall be formed using the vehicle in the lane nearest the centerline approaching from the right and the vehicle nearest the curb approaching from the left.

D. A clear and unobstructed view is measured from the motorist's eye at 3.75' above the grade of the driveway, alley, street or other access point to an object 4.5' above the grade of the cross street.

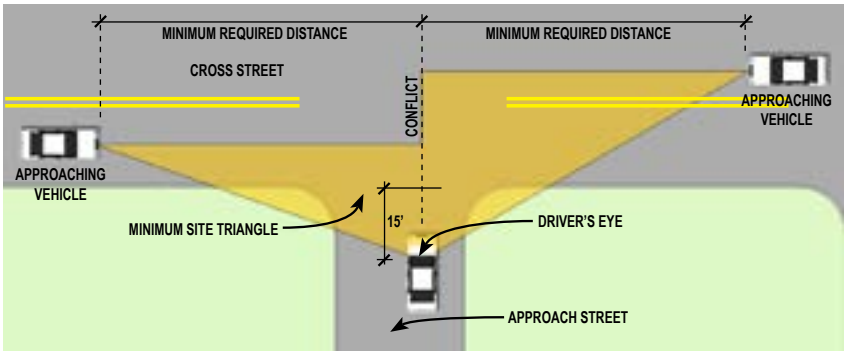
E. The minimum required sight distances shall be as shown in Table 43.7 - Minium Required Sight Distances, Section 1143.11.1

1143.11.1 Table 43.7 - Minimum Required Sight Distances

This table assembles a listing of the minimum required sight distances expressed in the number of feet required per 10 miles per hour of posted cross street speed limit.

Feet Required per 10 mph of posted cross street speed limit

	Cross Street		
Approach Street Type	2 lane	4 lane	6 lane
Driveway, Alley, Residential Street	100'	120'	130'
Collector	130'	150'	170'
Arterial, Thoroughfare	170'	200'	210'



CHAPTER 1145
PARKING & LOADING

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CHAPTER 1145 PARKING & LOADING

1145.01 PURPOSE & INTENT

This section sets minimum standards for off-street requirements for new construction and expansion of or changes to existing uses. The intent of these parking and loading regulations is to:

A. Encourage a balance between the need for parking and the desire for a compact, pedestrian friendly pattern of development;

B. Ensure that uses have a minimum level of off-street parking to avoid congestion on surrounding streets while avoiding excessive parking, discouraging pedestrian access, driving up the cost of development, and inviting excessive levels of traffic congestion, which creates increases in flooding and non-point source pollution;

C. Maintain and enhance a safe and efficient transportation system that is consistent with environmental goals and clean air;

D. Allow flexibility in addressing parking, loading, and access issues;

E. Utilize on-street and slip street parking in some locations in order to provide a buffer between pedestrians and vehicular traffic.

1145.02 GENERAL

A. Every use shall be provided with adequate parking and loading to accommodate the vehicles and bicycles of residents, employees, visitors or customers of a use.

B. Every use that requires the receipt or distribution of materials or merchandise by delivery vehicles, shall be provided with Loading Spaces or berths as required in this Section.

C. The Zoning Administrator shall determine the minimum number of parking spaces required for uses of the Civic or Industrial Use Groups, and for uses not found within a specific Use Group. The Zoning Administrator shall determine the minimum number of parking and loading spaces required based upon the following factors:

1. Type of use or uses;

2. Number of employees;

3. Designed occupancy load and maximum occupancy;

4. Square footage of building and uses;

5. Parking spaces proposed on site;

6. Parking spaces provided elsewhere;

7. Hours of operation.

D. All parking lots and driveways shall be maintained according to the approved Site Plan on file with the Zoning Administrator. Parking and loading shall only take place within the designated spaces shown upon said Site Plan. All interior portions of the lot must be appropriately striped for circulation and for designation of all parking and loading spaces, in accordance with the approved site plan on file with the Zoning Administrator. If no approved Site Plan is on file then the existing Site shall serve as the approved plan, unless such Site is nonconforming with this Chapter in which case a new Site Plan shall be submitted for approval and construction.

E. All vehicles shall be parked on an approved hard surface as described in Section 1145.14, Materials, except for emergency vehicles as defined in Section 1159.02, Definitions.

F. No vehicle shall be allowed to remain on a driveway within the public right of way, except for emergency vehicles as defined in Section 1159.02, Definitions.

G. All vehicles parked or stored on private property other than in completely enclosed buildings shall be in operable condition and be validly licensed and registered. For purposes of this Section a vehicle shall be deemed inoperable when any of the following conditions exist:

1. One or more tires or wheels are missing;

2. One or more tires are flat;

3. One or more windows are broken or missing; or

4. Parts necessary for the operation of the vehicle are missing, or the vehicle is not capable of being driven under it's own power from the location in question.

H. No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or in association with any parking lot or driveway, except that off-street parking spaces accessory to a residential use may be used for minor repairs of vehicles owned by the occupant(s) of such residental use.

I. No vehicle shall be stored or parked in any parking lot or driveway for the purpose of warehousing or distributing goods, except for temporary sales pursuant to the regulations found in Section 1139.04.11, Temporary Uses.

1145.03 REQUIRED SPACES

1145.03.1 Minimum Parking Spaces Required

A. Table 45.1 - Parking Ratios, Section 1145.03.2 establishes the minimum number of parking spaces required for the use groups or specific uses indicated.

B. The minimum number of required parking spaces shall be calculated by adding the total number of minimum spaces required by each separate use group or specific use as determined by Table 45.1 - Parking Ratios, Section 1145.03.2, and dividing the total by the appropriate factor from Table 45.2 - Sharing Factor Matrix, Section 1145.03.3. When three or more uses share parking, the lowest factor shall be used so that an adequate amount of parking is assured.

TIP

Shared parking solutions are encouraged. Required minimums can be reduced significantly by a sharing factor determined by Table 45.2 - Sharing Factor Matrix, Section 1145.03.3.

C. When determination of the number of parking spaces required by this Section results in a requirement of a fractional space, any fraction shall be counted as 1 parking space.

D. Up to a 15% reduction from the minimum required number of spaces may be approved by the Zoning Administrator. Requests greater than 15% require justification in the form of a parking study commissioned and paid for by the applicant and requires Planning Commission approval. See also Section 1145.11, Parking Studies.

E. Required parking spaces shall be accounted for with one, or a combination of, the parking type(s) established in Section 1145.03.4, Parking Types.

F. Residential driveways may be utilized as parking spaces to fulfill the number of minimum spaces required for single and two unit residential uses.

G. Parking lot layout dimensions, as well as other relevant standards to general parking lot design may be found within Table 45.5 - Required Parking Lot Dimensions, Section 1145.15.4

1145.03.2 Table 45.1 - Parking Ratios

Use Group or Specific Use	Minimum Parking Spaces	Minimum Bicycle Spaces
Residential (1)	2 per single unit dwelling 1.5 per multi-unit dwelling	0.5 per multi-unit dwelling
Lodging (2)	0.8 per bedroom	Not Applicable
Office (3)	3 per 1,000 sf GFA	1 per 20 parking spaces
Commercial (4)	4 per 1,000 sf GFA	1 per 10 parking spaces
Medical Office & Clinic	3.25 per 1,000 sf GFA	1 per 10 parking spaces
Restaurant (5)	12 per 1,000 sf GFA	1 per 20 parking spaces
Civic	As approved by Zoning Administrator*	As approved by Zoning Administrator*
Industrial	As approved by Zoning Administrator*	As approved by Zoning Administrator*
Other	As approved by Zoning Administrator*	As approved by Zoning Administrator*

Notes to Table 45.1:

(1) Single Unit and Duplex dwellings shall be exempt from the minimum bicycle spaces requirement.
(2) 1 additional space is required per every 400 sf of restaurant or public meeting area.
(3) The minimum parking spaces required for the Office Use Group shall be reduced by 15% within NC pattern districts and 30% within TC pattern districts.
(4) The minimum parking spaces required for the Commercial Use Group shall be reduced by 25% within NC pattern districts and 40% within TC pattern districts
(5) Carryout uses shall have a minimum of 3 spaces per 1,000 sf GFA.
* Unless otherwise specified within the Zoning Code.

1145.03.3 Table 45.2 Sharing Factor Matrix

| Use | | |

1145.04 ON-STREET PARKING

1145.04.1 On-Street Parking Standards

On-Street parking is permitted subject to the following conditions:

A. On-street parking is permitted throughout the City of Kettering except where restricted by ordinance or where signage restricts.

B. Excluding residential uses, the use of adjacent On-street parking spaces may count towards meeting the amount of parking required provided that:

1. The On-street spaces must be located along the property's frontages;

2. The On-street spaces are not designated or assigned as employee parking spaces.

C. In the event that the required parking spaces are being provided exclusively by available On-street parking, such a request shall require approval from the Planning Commission.

D. The design, construction and location of all On-Street parking shall be subject to the approval of the City Engineer to ensure safe access, proper construction, and proper traffic management.

E. Dimensional requirements for On-Street parking design are found within Table 45.5 - Required Parking Lot Dimensions, Section 1145.15.4.

1145.05 OFF-STREET PARKING

1145.05.1 Off-Street Parking Standards

Off-Street Parking is permitted subject to the following conditions:

A. Off-street parking is permitted in front, rear and side yards dependant upon Development Pattern District. The permitted parking locations are found within Table 45.3 - Off-Street Parking Locations, Section 1145.05.2.

See also Figure 45.2 Off-Street Parking Locations, Section 1145.05.3 and Figure 45.3 - Off-Street Parking - Detail, Section 1145.05.4.

B. According to Table 45.3 - Off-Street Parking Locations, Section 1145.05.2, Side Yard parking, is permitted in certain locations provided that specific conditions be satisfied.

If side yard parking is proposed as part of a Conditional Use approval, then the Planning Commission must make the following findings in approving such a location; if side yard parking is proposed and it is not part of a Conditional Use approval then the Zoning Administrator shall make such findings:

1. The use of Side Yard parking will eliminate or reduce the impacts of an undesirable or dangerous circulation pattern.

2. The lot size or configuration cannot accommodate a reasonable rear yard parking lot.

3. The building's function dictates the use of a Side Yard parking lot.

4. The applicant can show that the standard will cause a practical difficulty in accordance with the standards found within Section 1153.13.6.A

C. Off-street parking spaces shall be separated from any Right-of-Way or private street by a minimum 5' wide landscaped area. See also Chapter 1147.

D. Dead-end parking is prohibited with the following exceptions:

1. Parking lots under 20 spaces shall be exempt.

2. Parking lots with cross access awaiting future development on adjacent parcels shall be exempt.

3. Dead-end parking that has a posted and designated turn-around space of a sufficient dimension to allow the execution of a 3 point turnaround shall be exempt.

E. Dimensional requirements for Off-Street parking design are found within Table 45.5 - Required Parking Lot Dimensions, Section 1145.15.4.

1145.05.2 Table 45.3 - Off-Street Parking Locations

This table assembles requirements regarding Off-street parking locations listed according to Development Pattern District. Exceptions or special circumstances to Table 45.3 are as follows:

A. Non-residential Conditional Uses located within R-E(a), R-E(b), R-1, R-2, R-3 and R-4 districts, with the exception of Bed & Breakfast uses, shall be exempt.

B. Residential uses are permitted to park within driveways regardless of yard location.

C. Residential uses consisting of 2 dwelling units or less are permitted to park within side and street side yards provided that the parking space(s) be setback a minimum of 3' from all lot lines and that a minimum 6' high continuous evergreen hedge or privacy fence is used to screen the parking space(s) from the adjoining properties.

D. Residential uses consisting of 3 dwelling units or more are permitted to park within side and street side yards provided that the parking space(s) or area be setback and screened in accordance with the applicable landscape and bufferyard standards.

This table continued upon next page...

TIP

The Zoning Administrator or Planning Commission may allow for side yard parking after making the required findings, depending upon the type of application for approval.

However, this does not allow the Zoning Administrator nor the applicant to orient the building toward the side yard unless it is already permitted within the site's Development Pattern District.

1145.05.2 Table 45.3 - Off-Street Parking Locations - Continued

See previous page for a listing of exceptions or special circumstances related to Table 45.3.

Development Pattern District	Rear Yard	Side Yard	Street Side Yard	Front Yard
Town Center	■	□	□	
Neighborhood Center	■	□	□	
Suburban Center	■	■	■	■
Suburban Service	■	□	□	
Village	■	□	□	
Neighborhood	■	□	□	
Estate	■	■	■	■
Suburban	■	■	■	■
Suburban Business	■	■	■	■
Industry	■	■	■	■
Light Industry	■	■	■	■
Hospital	■	■	■	■

■ PERMITTED LOCATION
□ PERMITTED LOCATION WITH SPECIFIC CONDITIONS - See Section 1145.05.1.B

Notes to Table 45.3:

A. Where front yard parking is prohibited, the area located between the front and street side lot line(s) and a principal structure shall not contain a vehicular use area.

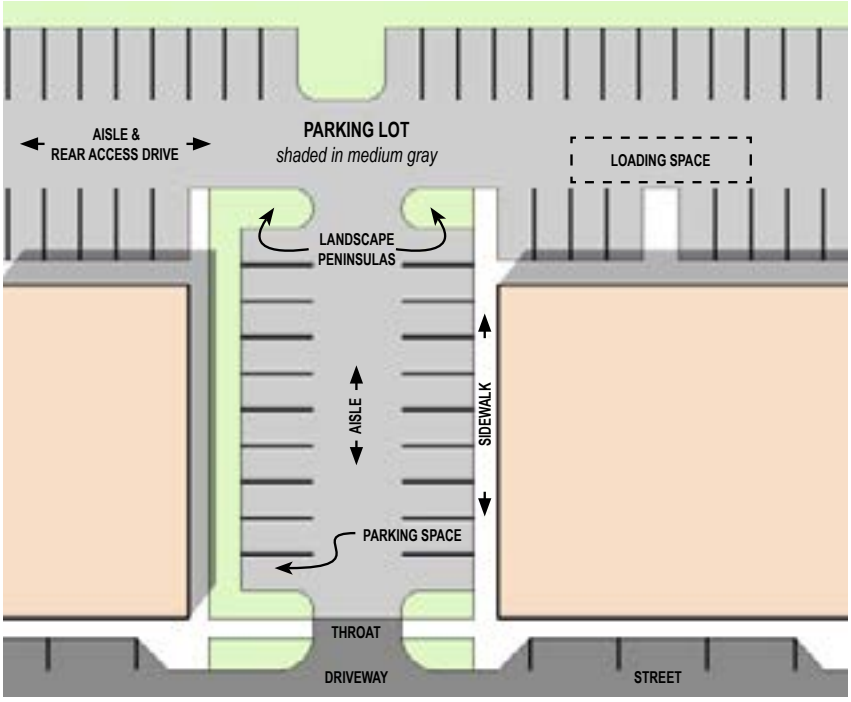
B. Authorized Street Side Yard parking locations within TC and NC development pattern districts shall not contain circulation drives or waiting spaces for drive-in or drive-thru uses.

1145.05.3 Figure 45.2 - Off-Street Parking Locations

TIP

Setbacks and landscaping requirements regarding Parking Lots are found within Chapter 1147, LANDSCAPING & BUFFERYARDS

1145.05.4 Figure 45.3 - Off-Street Parking - Detail



1145.06 SLIP-STREET PARKING

1145.06.1 Slip-Street Parking Standards

Slip-Street Parking is permitted subject to the following conditions:

A. The Slip-Street shall comprise an entire block face, or extend across multiple block faces, and shall extend from one side street to the next side street to gain access and to provide egress.

B. The Slip-Street shall be restricted to one-way traffic.

C. The Slip-Street shall not be interrupted by traversing driveways that connect the primary street to individual properties.

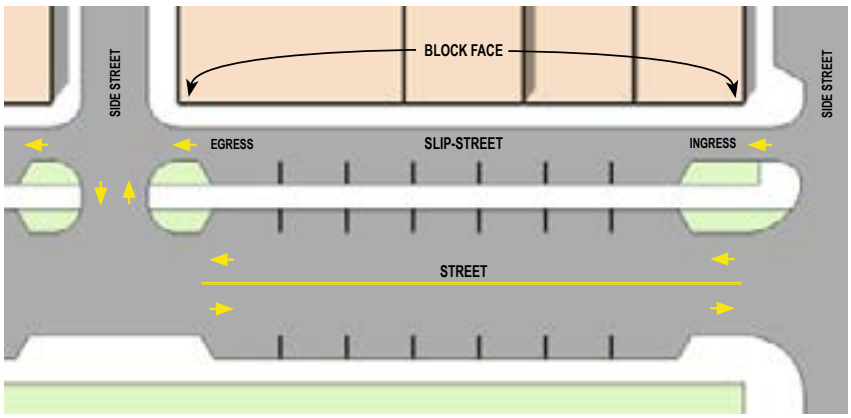
D. The Slip-Street, when crossing multiple private properties, shall be enacted by way of a cross-access easement.

E. The final design, construction and location of all Slip-Street parking shall be subject to the approval of the City Engineer to ensure safe access, proper construction, and proper traffic management.

F. Dimensional requirements for Slip-Street parking design are found within Table 45.5 - Required Parking Lot Dimensions, Section 1145.15.4.

G. See also Figure 45.4 - Typical Slip-Street, Section 1145.06.2

1145.06.2 Figure 45.4 - Typical Slip-Street



1145.07 OFF-SITE PARKING

1145.07.1 Off-site Facility

Parking for non-residential or mixed uses need not be contiguous with the building or the use or uses it serves. Up to 100% of the parking spaces required by this Section may be provided by available spaces not on the lot on which the building or use is located, or by available On-Street parking identified through a parking study commissioned and paid for by the applicant. However, all required parking must be located within 600' of the main customer entrance.

1145.08 BICYCLE PARKING

1145.08.1 Bicycle Parking

Where bicycle parking is required such bicycle racks shall be provided within 75' of a customer entrance and a non-circuitous hard surface path from such rack to entrance shall also be provided. The required bike racks shall be the inverted "U" type and shall be designed to store a minimum of 3 bicycles each.

The use of bicycle racks may be counted as Parking Spaces to fulfill the number of spaces required by Table 45.1 - Parking Ratios, Section 1145.03.2. Up to 3 required parking spaces may be reduced by a factor of 1 space for every 3 bicycles accommodated with bicycle racks meeting the specifications of this Section.

1145.09 LOADING

1145.09.1 Loading Spaces

Loading spaces are subject to the following conditions:

A. Each required loading space shall be served by access to a street, driveway, or alley in a manner that will not cause traffic to que up and overflow into the right-of-way or to cause parking lot circulation to be obstructed.

B. No loading space shall be located as to require a vehicle to back onto a public street or to extend into the right-of-way while being loaded or unloaded.

C. Loading Spaces shall not be located in any right-of-way or Front Yard, except as approved by the Zoning Administrator in consultation with the City Engineer.

D. Designated Loading Spaces shall be clearly marked.

E. Loading Spaces shall be used solely for loading and unloading.

F. There shall be two sizes of off-street loading spaces designated:

1. Small a. Each small space shall have an overhead clearance of at least 10', and shall be at least 8' wide and 20' long, exclusive of access or maneuvering area, platform, and other appurtenances.
2. Large b. Each large space shall have an overhead clearance of at least 14', and shall be at least 12' wide and 50' long, exclusive of access or maneuvering area, platform, and other appurtenances.

G. Off-street loading spaces shall be located on the same lot on which the structure for which they are provided is located. However, loading facilities that are available under a shared parking agreement may be located on another site not more than 300' from the structure for which they are provided.

1145.09.2 Required Loading Spaces

Loading Spaces shall be provided in accordance with the quantities listed in Table 45.4 - Required Loading, Section 1145.09.4.

1145.09.3 Loading Spaces - Waiver

The Zoning Administrator is authorized to waive the off-street loading requirements for uses that are required to provide and maintain fewer than five off-street parking spaces, or any other use if it can be demonstrated by the applicant that the proposed use has no need for off-street loading.

1145.09.4 Table 45.4 - Required Loading

Square Feet of Gross Floor Area in Structure	Required Loading Spaces
0 - 12,500 GFA (1)	1 Small
12,501 - 25,000 GFA	2 Small
25,001 - 40,000 GFA	1 Large
40,001 - 100,000 GFA	2 Large
For each additional 80,000 over 100,000	1 Large

Notes to Table 45.4:
(1) Residential dwellings of 12 units or less in number shall be exempt

1145.10 PARKING STRUCTURES

1145.10.1 Parking Structures

Parking Structures shall be subject to the standards found in Section 1137.06.17, Parking Structures.

1145.11 PARKING STUDIES

1145.11.1 Parking Studies

When required or utilized, a Parking Study at a minimum shall:

A. Be prepared by a professional specializing in parking demand modeling, or an equivalent;

B. When recommending a decrease in the minimum parking spaces required, use the mean of the spaces demanded on a daily basis as a baseline for required parking and shall not use peak holiday demand;

C. When recommending a decrease in the minimum parking spaces required, show how the difference may be accounted for by, for example, staggering hours of operation, and/or utilizing public transit or bicycle use;

D. Consist of an executive summary, an area plan identifying all parking spaces within 600' of the Site, a written justification detailing the need for a decrease, a site plan showing the proposed parking plan, a site plan showing any nearby public transit, bicycle lanes, or other alternate form of transportation, and any other information the Planning Commission deems appropriate to determine the need for an adjustment.

Such Parking Studies are subject to Planning Commission approval, shall require a public hearing, and shall require notification by mail and publication in accordance with the procedures for mail and publication notification prescribed in Section 1153.04, Notification.

1145.12 ACCESSIBILITY STANDARDS

Parking lots shall accommodate persons with disabilities in accordance with the most current version of the Ohio Building Code and its referenced standards for accessibility.

1145.13 SPECIAL PROVISIONS - THE PARKING OF RECREATIONAL, BUSINESS & SERVICE VEHICLES, AND TRAILERS

1145.13.1 The Parking of Recreational Vehicles and Trailers

The parking of Recreational Vehicles and Trailers is permitted subject to the following conditions:

A. All Recreational Vehicles and Trailers, when permitted, shall be subject to the following conditions:

1. Such vehicles greater than 8' in height shall be limited to indoor storage/parking only.

2. Such vehicles less than or equal to 8' in height shall be subject to the following conditions:

a. Such vehicles shall be limited in location to rear and side yards.

b. Such vehicles greater than or equal to 6' in height shall maintain a minimum setback of 6' from all lot lines.

c. Such vehicles less than 6' in height shall maintain a minimum setback of 3' from all lot lines.

d. Such vehicles shall be screened from the view of neighboring properties and all public rights-of-way by a minimum 8' high continuous evergreen hedge or a 6' high wooden privacy fence or masonry wall, subject to the provisions within Section 1147.08, Fences, Walls, Hedges and Privacy Screens.

3. Such vehicles 30' in length or longer shall only be permitted within a vehicle storage facility or within an indoor storage/parking location.

1145.13.2 The Parking of Business & Service Vehicles

The parking of business and service vehicles is permitted subject to the following conditions:

A. For purposes of this Section a vehicle shall be deemed a business or service vehicle when any two of the following conditions exist:

1. The vehicle is a Commercial Vehicle.

2. The vehicle carries a commercial message or business name greater than 3 square feet in area per side.

3. The vehicle has more than 2 axles or more than 4 tires.

4. The vehicle exceeds 8' in height or 18' in length.

5. The vehicle is designed specifically or used for carrying merchandise, tools or freight, as determined by the Zoning Administrator.

6. The cargo of the vehicle in question is visible and associated with a business or service enterprise, as determined by the Zoning Administrator.

B. Business and service vehicles, when permitted, shall be subject to the following conditions:

1. For Residential uses, such vehicles greater than 8' in height shall be limited to indoor storage/parking.

2. For Non-Residential uses, such vehicles greater than 8' in height shall be limited to parking within rear and side yards subject to the provisions of 1137.07.10 Vehicle Storage, Indoor & Outdoor

3. For Residential uses, such vehicles less than or equal to 8' in height shall be subject to the following conditions:

a. Such vehicles shall be limited to side and rear yards only.

b. Such vehicles shall maintain a 6' minimum setback from all lot lines.

c. Such vehicles, when located within a side or rear yard, shall be screened from the view of neighboring properties and all public rights-of-way by a minimum 8' high continuous evergreen hedge or a 6' high wooden privacy fence or masonry wall, subject to the provisions within Section 1147.08, Fences, Walls, Hedges and Privacy Screens.

4. For Non-Residential uses, such vehicles less than or equal to 8' in height shall be subject to the following conditions:

a. Such vehicles shall be setback at least 25' from the public right of way and shall not be parked in the first row of parking spaces that adjoin a bufferyard or right-of-way.

b. Such vehicles shall maintain a 6' minimum setback from all lot lines.

5. Such vehicles 30' in length or longer shall only be permitted within a vehicle storage facility or within an indoor storage/parking location.

TIP

For Single Unit Dwellings, Parking Spaces for secondary vehicle storage or parking within rear yards are not required to be contiguous with other paved areas and therefore the informal connections between them are not required to be improved unless visible wear (rutting) is present.

1145.14 MATERIALS

1145.14.1 Surfacing Materials

All Parking Lots and Parking Spaces shall be improved with a dustless bituminous asphalt, concrete, paving block or brick, or grass paver surface. In addition, all Access Drives, Aisles, Slip-Streets, Driveways and Loading Spaces must be surfaced with a dustless bituminous asphalt,

concrete, paving stones or paving bricks capable of carrying a wheel load of 4,000 pounds.

1145.14.2 Curbing Materials

A. The perimeter of all Parking Lots, Slip-Streets, Landscape Islands, Access Drives, and other locations where deemed appropriate by the Zoning Administrator, shall be improved with concrete full-depth barrier curbs.

B. The Zoning Administrator may waive this requirement where the use of raingardens or other environmentally sensitive storm water runoff controls are proposed. In evaluating the design the Zoning Administrator shall use the following criteria:

1. The design is compliant with Section 1104.13 - Storm Water Runoff, Soil Erosion and Sedimentation Control.

2. The design is architecturally and visually appropriate and consistent with surrounding uses and structures and is aesthetically integrated with the overall Landscape Plan for the Site.

3. The proposal is prepared under the direction of and shall bear the seal of a Registered Landscape Architect with the State of Ohio.

1145.15 DIMENSIONS

The dimensional requirements regarding parking space and parking lot layout are as shown in the diagrams and tables of this Section. Required dimensions regarding parking spaces and parking lot layout are shown in Table 45.5 - Required Parking Lot Dimensions, Section 1145.15.4.

Example parking lot configurations are shown in Figure 45.5 - Parking Lot Layouts, Section 1145.15.3.

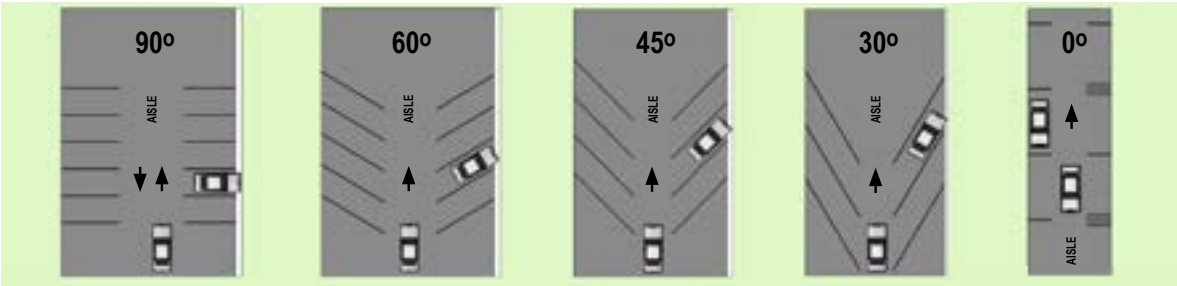
1145.15.1 Vehicle Overhang

Parking spaces located against curbing or sidewalks must provide a minimum clear zone of 2'-0" free of vertical obstructions to allow for vehicle overhang.

1145.15.2 Compact Vehicles

Up to 30 percent of the required parking spaces may be designated for use by compact vehicles with minimum dimensions of 8' in width and 16' in length. Compact vehicle parking spaces shall be identified by individually marking each parking space surface with lettering a minimum of 6 inches in size.

1145.15.3 FIGURE 45.5 - PARKING LOT LAYOUTS

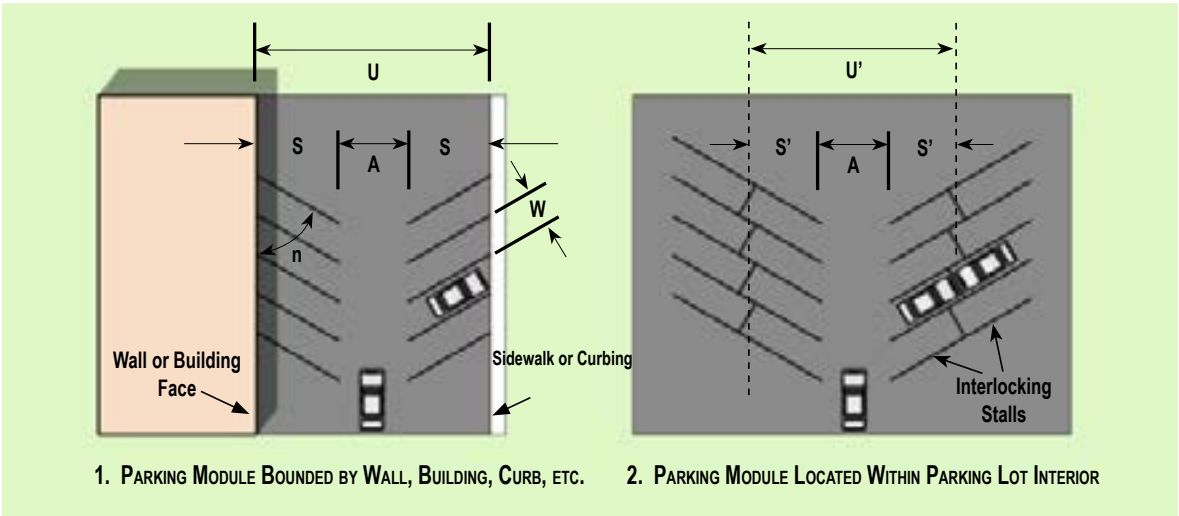


1145.15.4 TABLE 45.5 - REQUIRED PARKING LOT DIMENSIONS

A. Required Dimensions

Angle n	Stall Depth S	Aisle Width One-Way A	Aisle Width Two-Way A	Stall Width W	Module Width One - Way U	Module Width Two - Way U	Stall Depth Interlocking S'	Module Width Interlocking U'
90º	18'-0"	24'-0"	24'-0"	9'-0"	60'-0"	60'-0"	18'-0"	60'-0"
60º	20'-0"	16'-0"	20'-0"	9'-0"	56'-0"	60'-0"	18'-0	52'-0"
45º	19'-0"	12'-0"	19'-0"	9'-0"	50'-0"	57'-0"	16'-0"	44'-0"
30º	17'-0"	12'-0"	19'-0"	9'-0"	46'-0"	53'-0"	13'-0"	38'-0"
0º	8'-0"	12'-0"	19'-0"	22'-0"	28'-0"	35'-0"	8'-0"	28'-0"

B. Table Key



1. PARKING MODULE BOUNDED BY WALL, BUILDING, CURB, ETC. 2. PARKING MODULE LOCATED WITHIN PARKING LOT INTERIOR

CHAPTER 1147
LANDSCAPING & BUFFERYARDS

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CHAPTER 1147 LANDSCAPING & BUFFERYARDS

1147.01 PURPOSE & INTENT

These landscaping, street tree, screening, and buffer requirements are designed to:

A. Protect the health, safety, and general welfare of the public;

B. Enhance property values;

C. Improve the appearance of the community through preservation of natural resources, trees, and native plants;

D. Maintain the ecological balance of the area; and

E. These minimum requirements will:

1. Safeguard and enhance property values;

2. Protect public and private investment;

3. Encourage preservation of existing trees and other significant vegetation;

4. Encourage proper selection, installation, and maintenance of plant materials that result in the conservation of natural resources, including water;

5. Reduce the negative environmental effects of development while protecting and enhancing the value of developed properties and the surrounding area;

6. Reduce soil erosion and increase infiltration in permeable land areas essential to stormwater management and aquifer recharge;

7. Mitigate air, dust, noise, heat, chemical pollution, glare, and other adverse environmental effects of development;

8. Reduce the “heat-island” effect of impervious surfaces, such as parking lots, by cooling and shading the surface area, and breaking up large expanses of pavement;

9. Establish a landscape theme, including street trees and streetscape designs, to be used throughout the City of Kettering to promote the overall character and identity of the community;

10. Address the design of entryways into the City of Kettering to express the community’s values;

11. Preserve existing native vegetation as an integral part of the wildlife habitats, and incorporate native plants and ecosystems into landscape design;

12. Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging xeriscape planting techniques and water and energy conservation;

TIP

Bufferyards are strips of land planted with trees and groundcover, such as mulch and lawn area, or even built upon with structures meant to provide buffering and screening between potentially incompatible uses.

13. Screen unsightly equipment or materials from the view of persons on public streets or abutting properties and buffering from uncomplimentary land uses;

14. Maintain and increase property values by requiring site-appropriate landscaping to be incorporated into development that is designed and installed by a qualified landscape professional;

15. Promote walkable, pedestrian-scale streetscapes, traditional neighborhoods, and compact centers by exempting uses that relate to each other functionally and visually from certain requirements of this section;

16. Promote water conservation through rain water capture, treatment, and storage, and efficient landscape and irrigation design; and

17. Promote and protect the health, safety, and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life.

1147.02 GENERAL

1147.02.1 Applicability

Every property shall be provided with required bufferyards and landscaping in accordance with this Chapter 1147.

TIP

There are several different types of required landscaping. Make sure to check within all sections of this Chapter to ensure compliance.

1147.02.2 Front Yard and Street Side Yard Lawns

Grass of the Fascias (Gramineae) or Bluegrass (Pouceae) families shall be planted in front yard and street side yard lawns. Alternative ornamental groundcovers may be approved by the Zoning Administrator as a substitute depending upon site conditions and neighborhood context.

1147.02.3 Interpretation of Terms

Where necessary to interpret the precise meaning of technical landscaping terms used in this chapter, reference shall be made to the most current version of the *American Standard for Nursery Stock*.

1147.03 BUFFERYARDS

1147.03.1 Location of Bufferyards

A. Bufferyards required by this section shall be provided along the side or rear lot lines of abutting uses or properties.

B. Bufferyards are not required along the front property line.

C. Bufferyards shall be located solely upon private property and shall not extend into the public right-of-way.

1147.03.2 Bufferyards Required

Table 47.1 - Bufferyard Requirements, Section 1147.03.3 shows when a bufferyard is required for abutting uses. The applicant of the proposed use shall provide the required buffer yard indicated in Table 47.1 - Bufferyard Requirements, Section 1147.03.3

1147.03.3 Table 47.1 - Bufferyard Requirements

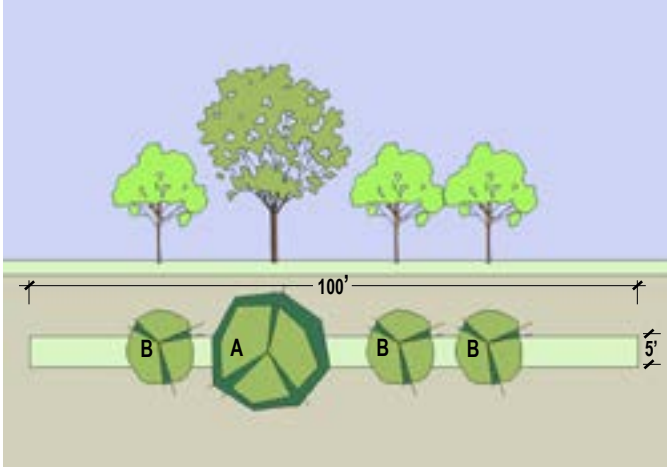
	Adjoining Land Use or Use Group							
Proposed Land Use or Use Group	Residential, Single Unit	Residential, Two Unit	Residential, Other	Lodging	Office	Commercial	Civic	Industrial
Residential, Single Unit	NA	NA	NA	NA	NA	NA	NA	NA
Residential, Two Unit	NA	NA	NA	NA	NA	NA	NA	NA
Residential, Other	B	B	A	A	A	A	A	A
Lodging	C	C	B	A	A	A	A	A
Office	C	C	B	B	A	A	A	A
Commercial	D	D	D	C	B	A	A	A
Civic	C	C	C	C	B	A	A	A
Industrial	E	E	E	D	D	D	D	A

1147.03.4 Bufferyard Types

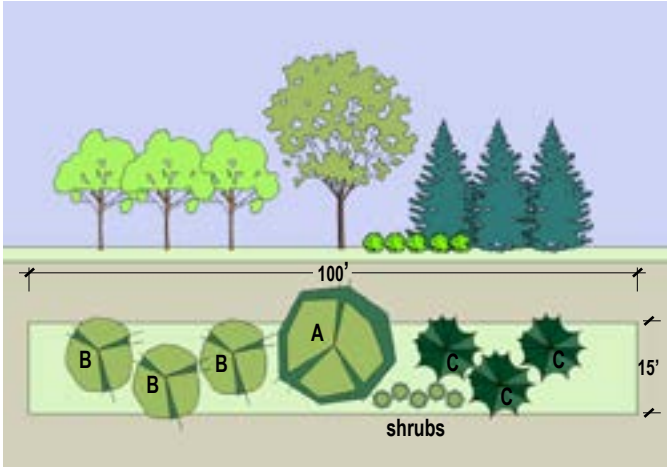
There are five types of buffer yards. Table 47.2 - Bufferyard Descriptions & Requirements, Section 1147.03.5 illustrates a typical bufferyard and shows the minimum width and number of trees and/or plants required for each 100 lineal feet for each bufferyard. Each bufferyard type provides several plant material options. The applicant may either plant new trees or plants or preserve existing trees or plants within the required buffer provided that the existing trees or plants meet the requirements of this section.

1147.03.5 TABLE 47.2 - BUFFERYARD DESCRIPTIONS & REQUIREMENTS

Type A Bufferyard Requirements	
Minimum Width	5'
Minimum Trees per 100' of Bufferyard	1 from Group A [1] 3 from Group B
No Shrubs Required	
Fence, Wall or Hedge	None Required



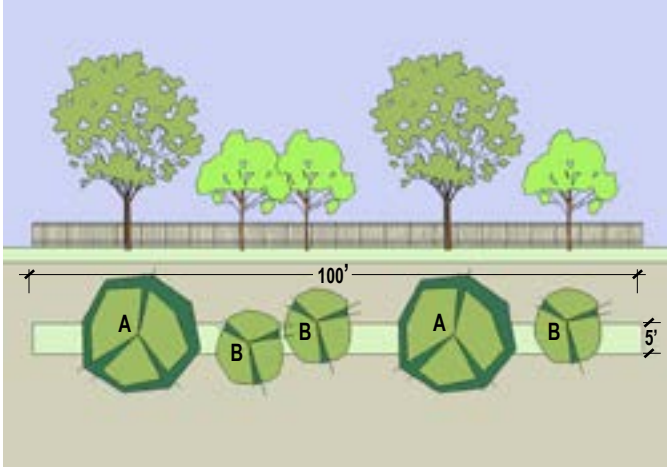
Type B Bufferyard Requirements	
Minimum Width	15'
Minimum Trees per 100' of Bufferyard	1 from Group A [1] 3 from Group B 3 from Group C
Shrubs per 20' of Bufferyard	1 shrub
Fence, Wall or Hedge	None Required



As an alternative to Bufferyard B, the following may be provided:

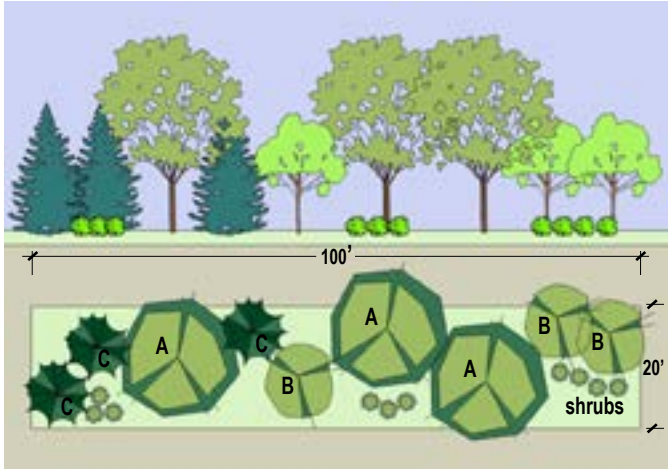
Type B Alternate Bufferyard Requirements	
Minimum Width	5'
Minimum Trees per 100' of Bufferyard	2 from Group A 3 from Group B
No Shrubs Required	
Fence, Wall or Hedge [1]	4' minimum height

Notes to Type B Alternate Bufferyard Requirements:
(1) Fence, Wall or Hedge shall be continuous



1147.03.5 Table 47.2 - Bufferyard Descriptions & Requirements - Cont'd

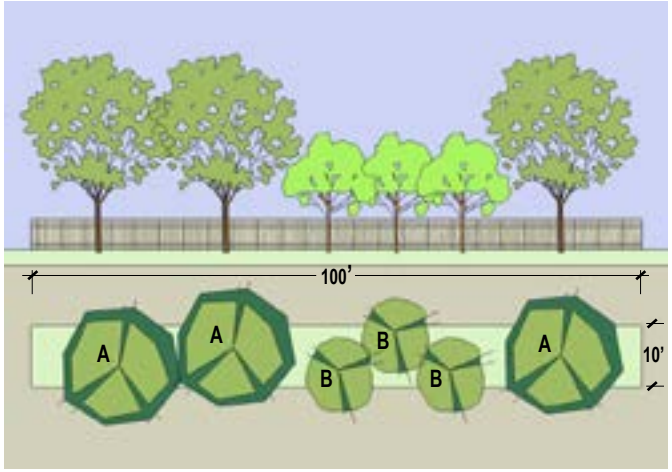
Type C Bufferyard Requirements	
Minimum Width	20'
Minimum Trees	3 from Group A [1]
per 100' of Bufferyard	3 from Group B
	3 from Group C
Shrubs per 10' of Bufferyard	1 shrub
Fence, Wall or Hedge	None Required



As an alternative to Bufferyard C, the following may be provided:

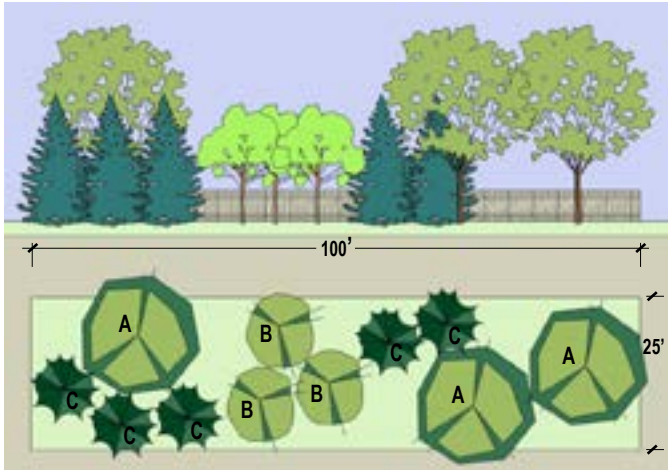
Type C Alternate Bufferyard Requirements	
Minimum Width	10'
Minimum Trees	3 from Group A
per 100' of Bufferyard	3 from Group B
No Shrubs Required	
Fence, Wall or Hedge [1]	5' minimum height

Notes to Type C Alternate Bufferyard Requirements:
(1) Fence, Wall or Hedge shall be continuous



Type D Bufferyard Requirements	
Minimum Width	25'
Minimum Trees	3 from Group A [1]
per 100' of Bufferyard	3 from Group B
	5 from Group C
No Shrubs Required	
Fence, Wall or Hedge[2]	4' minimum height

Notes to Type D Bufferyard Requirements:
(1) Group A trees required for Type D buffers shall be large shade trees that reach a mature height of at least 60'. Where existing or proposed overhead electric lines conflict with tree canopies, understory trees may be substituted.
(2) Fence, Wall or Hedge shall be continuous

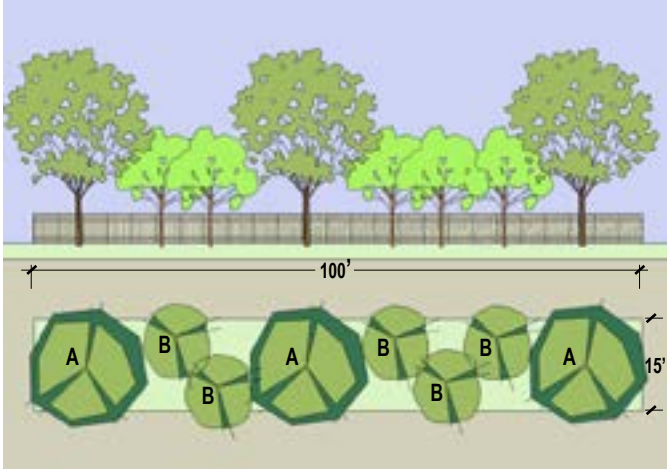


1147 .03.5 Table 47.2 - Bufferyard Descriptions & Requirements - Cont'd

As an alternative to Bufferyard D, the following may be provided:

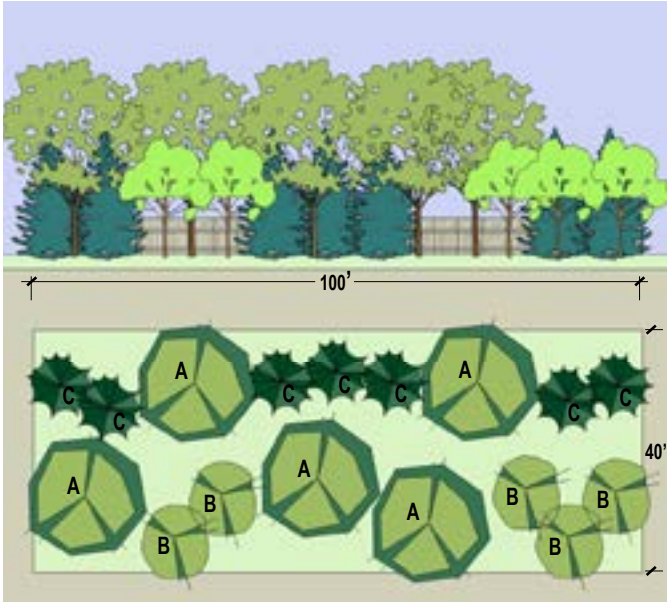
Type D Alternate Bufferyard Requirements	
Minimum Width	15'
Minimum Trees per 100' of Bufferyard	3 from Group A [1] 5 from Group B
No Shrubs Required	
Fence, Wall or Hedge[2]	5' minimum height

Notes to Type D Alternate Bufferyard Requirements:
(1) Group A trees required for Type D buffers shall be large shade trees that reach a mature height of at least 60'. Where existing or proposed overhead electric lines conflict with tree canopies, understory trees may be substituted.
(2) Fence, Wall or Hedge shall be continuous



Type E Bufferyard Requirements	
Minimum Width	40'
Minimum Trees per 100' of Bufferyard	5 from Group A [1] 5 from Group B 7 from Group C
No Shrubs Required	
Fence, Wall or Hedge[2]	6' minimum height

Notes to Type E Bufferyard Requirements:
(1) Group A trees required for Type E buffers shall be large shade trees that reach a mature height of at least 60'. Where existing or proposed overhead electric lines conflict with tree canopies, understory trees may be substituted.
(2) Fence, Wall or Hedge shall be continuous



1147.03.6 Bufferyard Design

Trees and plants required in a bufferyard shall be spaced throughout and planted within the bufferyard to achieve the functional screening from adjoining property. The Zoning Administrator shall review all bufferyard plans and verify if they meet the bufferyard requirements contained in this chapter. All bufferyard areas shall be established with grass, groundcover, or mulch as provided in Section 1147.11.1, Acceptable Plant Materials.

1147.03.7 Permitted Uses Within the Bufferyard

A. No storage of materials, parking, or structures, except for necessary utility boxes and equipment, shall be located within the bufferyard. However, a principal structure may be located within a required bufferyard, provided that:

1. Such principal structure is located within the TC or NC development pattern districts and such structure complies with the required setbacks of its development pattern district;

2. Such principal structure is located within the I or LI development pattern districts and the required bufferyard is a Type A Bufferyard.

B. A bufferyard may be used for recreational purposes, provided that:

1. No plant material is eliminated;

2. The total width of the bufferyard is maintained;

3. All other regulations of this ordinance are met.

1147.03.8 Bufferyards - Vacant Land & Ownership

A. Vacant Land

1. When a use is the first to develop on two abutting vacant parcels, this first use shall meet the requirements for a Type A Bufferyard unless the abutting vacant parcel is zoned RE(a), RE(b), R-1, or R-2 in which case the vacant parcel shall be treated as if it were developed for a single unit residential use and the parcel to be developed shall provide the bufferyard that Table 47.2 - Bufferyard Descriptions & Requirements, Section 1147.03.5 requires next to a single unit residential use. If the adjoining vacant property is zoned R-3 or R-4, then the vacant parcel shall be treated as if it were developed for multi-unit uses.

B. Excess Bufferyards

1. If a property has bufferyards in excess of what is required, a property owner may do the following:

a. The existing use may reduce its excess buffer by transferring part or all of the excess buffer to the adjoining landowner to serve as its buffer or by entering into an agreement with the adjoining landowner for use as same. Such agreement must be approved by the City of Kettering prior to its execution to ensure that it meets the requirements of the Code. This agreement shall be recorded as a restrictive covenant enforceable by the City of Kettering.

b. Any excess buffer may be used by the property owner for expansion of the existing use or may be transferred to the adjoining landowner to expand its use.

C. Contractual Reduction of Bufferyard Abutting Vacant Land

1. When a land use is proposed adjoining vacant land, and the owner of that vacant land

enters into a contractual relationship with the owner of the land that is to be developed first, a reduced buffer may be provided by that first use, provided that:

a. The contract contains a statement by the owner of the vacant land of an intent to develop at no greater than a specified use intensity class;

b. An agreement by that vacant landowner to assume all responsibility for additional buffer, if needed by the subsequent development of a different use than had been agreed upon;

c. Such agreement must be approved by the City of Kettering prior to its execution to ensure that it meets the requirements of the Code. This agreement shall be recorded as a restrictive covenant enforceable by the City of Kettering.

D. Ownership of Bufferyards

1. Bufferyards may remain in the ownership of the original developer (and assigns) of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve district, the City of Kettering, or an open space or conservation group, provided that any such conveyance guarantees the protection of the bufferyards for the purposes of this ordinance by means of restrictive covenants enforceable by the City of Kettering.

1147.03.9 Substitution of Bufferyard Standards

The Zoning Administrator may permit a waiver of Section 1147.03, Bufferyards subject to the following conditions:

A. An applicant can show that the standard will cause a practical difficulty in accordance with the standards found within Section 1153.13.6.A; and

B. That an alternative bufferyard be provided that will provide a comparable level of protection imposed by the original standard or condition.

1147.04 STREETSCAPE LANDSCAPING

1147.04.1 Applicability

This section applies to any non-residential development, multi-unit residential development consisting of 4 or more dwelling units, and all residential development requiring subdivision review and consisting of 3 or more lots.

1147.04.2 Streetscape Landscaping Required

A. Size

Where no existing or proposed overhead utility lines exist, street trees shall be Canopy Trees. If existing or proposed overhead utility lines exist along the right-of-way that are greater than 35' in height, then the trees shall be Group A Trees. If existing or proposed overhead utility lines exist along the right-of-way that are lower than 35' in height, then the trees shall be Group B Trees.

B. Location

The street trees shall be planted according to the following standards and in the following order of priority:

1. First, within a minimum 5' wide landscaped planting strip located upon the subject property. If setbacks or existing structures prevent planting in this manner then proceed to the next priority;

2. Second, within the tree lawn a minimum of 4' from the back of the curb. If no such tree lawn exists then proceed to the next priority;

3. Third, within a tree grate or raised planter a minimum of 4' from the back of the curb.

C. Spacing

1. Canopy trees shall be planted at a minimum ratio of one for every 50'.

2. Group A trees shall be planted at a minimum ratio of one for every 40'.

3. Group B trees shall be planted at a minimum ratio of one for every 30'.

4. The spacing requirements are measured as an average of the street frontage along the particular street. In no instance shall the distance between street trees exceed 100' on center. Street trees shall be planted in an even, linear spacing. If shifts to the linear spacing not exceeding 15' are required due to the location of existing infrastructure, development, or required sight distance, these shifts may be approved by the Zoning Administrator.

D. Type

The species shall be drought and salt tolerant and shall provide shade and shelter as determined by the Zoning Administrator. A list of acceptable trees is on file with the Zoning Administrator.

See also Section 1147.06, Parking Lot Landscaping

1147.04.3 Existing Trees

Preservation of existing trees to meet this requirement is permissible and recommended. A 15' existing vegetation buffer along the right-of-way line is required for this option. The Zoning Administrator may grant waivers for spacing and alignment in order for existing trees to meet street tree requirements provided that the trees are similar to those required by this section.

1147.04.4 Substitution of Streetscape Landscaping Standards

The Zoning Administrator may permit a waiver of Section 1147.04, Streetscape Landscaping subject to the following conditions:

A. An applicant can show that the standard will cause a practical difficulty in accordance with the standards found within Section 1153.13.6.A; and

B. That an alternative arrangement be provided that will provide a comparable level of protection imposed by the original standard or condition.

1147.05 BUILDING FOUNDATION LANDSCAPING

1147.05.1 Applicability

This section applies to any non-residential building or multi-unit dwelling consisting of 4 units or more that:

A. Has a building footprint that exceeds 1,000 square feet; and

B. Has a required setback greater than 20' from the front or side property line.

1147.05.2 Building Foundation Landscaping Required

A. Building foundation landscaping is required on all building sides except those sides facing an alley, along openings for overhead or loading-area doors, vehicle bays, or entrances to the building, or along the perimeter of a building underneath attached or detached canopies. Building foundation landscaping shall be located in such a manner as to separate the principal structure form any paved areas.

B. Building foundation landscaping shall be a minimum of 5' in width.

C. A minimum of one shrub is required for every 3.5 linear feet, and one Group B tree is required for each 30' of exterior building perimeter.

D. Building foundation landscaping may be comprised of shrubs or ornamental plants in any combination, provided that at least 50 percent of the total required materials are shrubs.

E. Building foundation landscaping may be planted in groupings provided that the minimum number of required plants is provided.

F. Building landscaping shall adjoin the building and shall be used or installed in such a manner as to screen mechanical equipment attached to or adjacent to the building, provide direction to and enhance entrances, and enhance walkways and provide visual breaks along blank building façades.

1147.06 PARKING LOT LANDSCAPING

1147.06.1 Applicability

This section shall apply to Vehicular Use Areas and Parking Lots, loading docks, and service doors, and other similar areas.

1147.06.2 Exemptions

This section shall not apply to the following:

1. Residential Driveways and access drive throats; See Section 1143.05.10, Driveway Throat or Vehicle Storage Length

2. Permitted off-street parking spaces of single and two unit detached residential dwellings.

1147.06.3 Parking Lot Landscaping Required

Any open Parking Lot (including loading areas) containing more than 6,000 square feet of area or 15 or more parking spaces shall provide the following interior landscaping in addition to the screening required in Section 1147.03, Bufferyards. See also Figure 47.1 - Parking Lot Area, Section 1147.06.4.

A. Planting Area

1. A minimum of 5% of the total parking lot area shall be landscaped and permeable.

2. Landscaped areas in parking lots shall be dispersed throughout in peninsulas or islands. The maximum landscape island or peninsula size shall be:

   a. 360 square feet within parking lots less than 30,000 square feet;

   b. 1,080 square feet within parking lots of 30,000 square feet or more.

3. The minimum landscape island or peninsula size shall be at least 9' wide and 15' long with a 2'-6" minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang.

4. The Zoning Administrator may vary the requirements for minimum and maximum size of landscape islands and peninsulas if any of the following conditions exist:

   a. The need to concentrate landscape areas for the purpose of storm water detention;

   b. The need to locate required landscaping on the perimeter of a vehicular use area in the case of a small or unusually shaped lot or where additional screening is desired.

B. Plant Materials

1. One Canopy Tree or 2 Group A trees shall be required for every 3,000 square feet of Park-

ing Lot area.

2. Trees shall have a clear trunk of at least 5' above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed 3' in height.

3. A sidewalk at least 5' in width shall be required to separate any side of a building with a public entrance from a Parking Lot. Such sidewalks shall be installed as to extend the full length of the parking lot on the side of the building where the customer entrance is located.

C. Screening

In addition to the bufferyard requirements established in this Chapter, the perimeter of all Parking Lots and Vehicular Use Areas shall be screened from view from rights-of-way, private streets and neighboring properties according to the following standards:

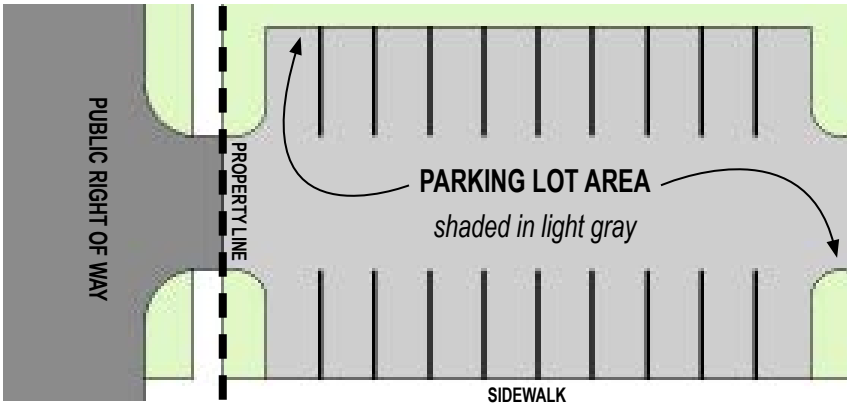
1. Such areas shall be separated from Rights-of-Way and private streets by a minimum 5' wide landscaped strip planted in accordance with subitem (2) below and this Chapter. See also Section 1147.04 Streetscape Landscaping.

2. The perimeter of such areas shall be screened by a continuous hedge, wall, fence, berm, or any combination of these at least 2'-6" in height. However, on the perimeter of such areas where Type A, B, or C Bufferyards are required, the perimeter of such areas shall be screened by a continuous hedge, wall, fence, berm, or any combination of these at least 4' in height.

D. Screening shall be located in such a manner so as not to interfere with visibility at driveways and street intersections.

E. See Section 1145.14.2, Curbing Materials for requirements regarding curbing surrounding and within parking lots.

1147.06.4 FIGURE 47.1 - PARKING LOT AREA



1147.06.5 Substitution of Parking Lot Landscaping Standards

The Zoning Administrator may permit a waiver of Section 1147.06, Parking Lot Landscaping subject to the following conditions:

A. An applicant can show that the standard will cause a practical difficulty in accordance with the standards found within Section 1153.13.6.A; and

B. That an alternative arrangement be provided that will provide a comparable level of protection imposed by the original standard or condition.

Tip

Fences and Walls require a permit. Contact the Planning & Development Department to obtain an application.

1147.07 FREESTANDING SIGN LANDSCAPING

Landscaping around freestanding signs shall be in accordance with the provisions of Section 1151.04.4.D, Ground Signs.

1147.08 FENCES, WALLS, HEDGES, PRIVACY SCREENS

1147.08.1 Fences & Walls

The standards for fences and walls shall be as shown within Table 47.3 - Fence & Wall Standards, Section 1147.08.2.

1147.08.2 Table 47.3 - Fence & Wall Standards

This table establishes the maximum height and the minimum setback for fences and walls within specific yard locations.

Location of Fence or Wall	Maximum Height (1,2)	Minimum Setback
Front Yard	4' 3' for privacy fence	3' from right-of-way (3)
Side Yard	6'	3' from right-of-way (3)
Rear Yard	6'	3' from right-of-way (3)
Street Side Yard	Varies, See 1147.08.8, Fences & Walls - Corner Lots	Varies, See 1147.08.8, Fences & Walls - Corner Lots

Notes to Table 47.3:
(1) A fence or wall may extend beyond the 6' maximum in certain instances. See Section 1147.08.3, Fence & Wall Height Exceptions.
(2) The maximum height found within this table does not apply where the use regulations in Chapter 1137, Standards for Specific Uses, require a higher fence or wall for screening or security purposes.
(3) A fence or wall may encroach into the required 3' setback in certain instances. See Section 1147.08.12,, Setback From Right-of Way Encorachment

1147.08.3 Fence & Wall Height Exceptions

A. Decorative posts, finials, post caps, and other commonly utilized decorative fencepost elements may extend up to 12" beyond the maximum fence height. Lattice work, additional screening, or pickets shall not be allowed to extend beyond the maximum fence height.

B. A fence or wall may be erected or altered up to a height of 8' within rear and side yards along lot lines where:

1. The ground-floor elevation of the principal structure on an abutting lot is at least 4' higher than the elevation at the abutting lot line. See Figure 47.2 - Fence & Wall Height Grade Exception, Section 1147.08.4.

2. The fence or wall adjoins a rear lot line that adjoins a collector street or an arterial street, in which case streetscape planting shall be provided in accordance with Section 1147.04, Streetscape Landscaping of this Chapter.

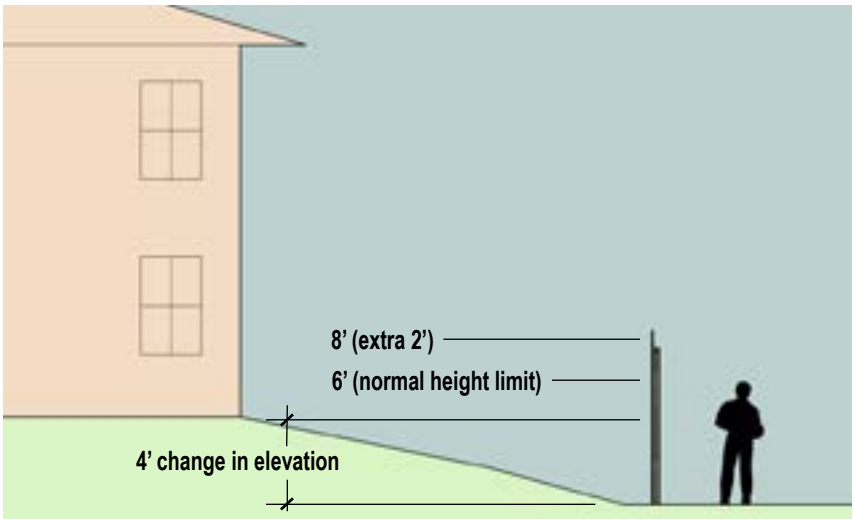
3. The fence or wall is a sound wall or fence required by the State Department of Transportation.

4. The abutting property is a Commercial, Civic, or Industrial Use with a nonconforming Bufferyard or nonconforming Screening; however,

   a. When the abutting property becomes conforming, the fence or wall shall either be removed or it may remain and be counted towards the required screening of the Commercial, Civic, or Industrial Use if the adjoining property owners provide a signed and notarized letter attesting to their approval of this situation.

C. Additional fence or wall height may be permitted as required by the Planning Commission as a condition for approval of a conditional use, or other such development approval requiring Planning Commission approval.

1147.08.4 Figure 47.2 - Fence & Wall Height Grade Exception



1147.08.5 Fence & Wall Materials

A. General

1. Fences and walls shall be constructed of permanent material, such as wood, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, high-grade matte vinyl, or other materials that are similar in durability. No more than three such materials may be incorporated into a design. The design must be uniform along the entire length of such structures. However, different designs may adjoin one another as they transition from one yard area to another. For example, a split rail fence in a front and street side yard may adjoin a wooden privacy fence that surrounds the rear yard. Chain link and wire mesh fences are permitted within rear yards only.

2. All structural supports of any fence shall be erected with such supports on the inside of the area to be enclosed, except as permitted in the following case:

   a. A fence that adjoins the side or rear lot line of another lot may be erected with such supports on the outside of the area to be enclosed if the adjoining property owners provide a signed and notarized letter attesting to their approval of this situation.

B. Prohibited Materials

The following materials shall not be used for any fence or wall:

1. Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence;

2. Corrugated and galvanized steel or metal sheets;

3. Plywood, particle board, paper, and visqueen plastic, plastic tarp, or similar material;

4. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury.

C. Privacy Fences & Walls

Privacy fences and walls used to satisfy bufferyard and/or screening requirements shall be solid and 100% opaque, except where otherwise required. Fence material shall be a minimum of 1/2 inches thick and shall be made of wood, precast concrete, metal, or wrought iron with an adjoining hedge that provides an opaque barrier.

D. Wooden Privacy Fences

1. The planks of a wooden privacy fence may have a gap not to exceed one fourth (1/4") of one inch between planks as viewed from a right angle to the face of the fence. See Figure 17 - Fence Plank Spacing, Section 1147.08.6.

2. Any wooden privacy fence used to satisfy bufferyard and/or screening requirements shall include at least one of the following architectural or landscaping elements for every 50 lineal feet:

Tip

Items C and D do not generally apply to homeowners building a privacy fence for their rear or side yard.

*Unless the fence or wall is **required** as part of a bufferyard or screen, then the privacy fence only must comply with Items A and B.*

a. A masonry wall or column extending at least 12 inches vertically and 6 inches horizontally from the remainder of the fence;

b. A decorative post, finial, post cap or other commonly utilized decorative fencepost elements extending at least 6 inches vertically from the remainder of the fence;

c. Climbing vines, shrubs, or trees planted along the base of that portion of the wall or fence that fronts a public street. The remaining setback area between the fence and property line shall be landscaped with grass or other low ground cover. All plants shall be maintained consistent with the provisions of this chapter. Only living vegetation may be used to meet these landscaping requirements.

E. Wall Construction

1. Masonry walls shall be constructed of "finished masonry materials" on all exposed faces, capped with a water resistant cover or coping of similar material, and set on a stable foundation and footing located at least 30 inches below the lowest finish grade.

2. The wall must be constructed with masonry units and mortar; loose laid materials are prohibited.

3. If the wall also functions as a retaining wall, with the finish grade higher on one side than the other, sufficient engineering documents must be submitted detailing the method of reinforcing and stabilizing the wall to resist horizontal pressures.

4. The wall must be constructed with the same "finished masonry material" on each side of the wall. The wall may have a different material on one side than the other, but materials must not be combined on the same side or face of the old wall.

5. A "finished masonry wall" is defined as a solid wall that is constructed with the same finished masonry material on any given side, and that is constructed on both sides with one of the following finished materials:

a. Cast in place colored concrete, textured by use of form liners or with an exposed aggregate finish;

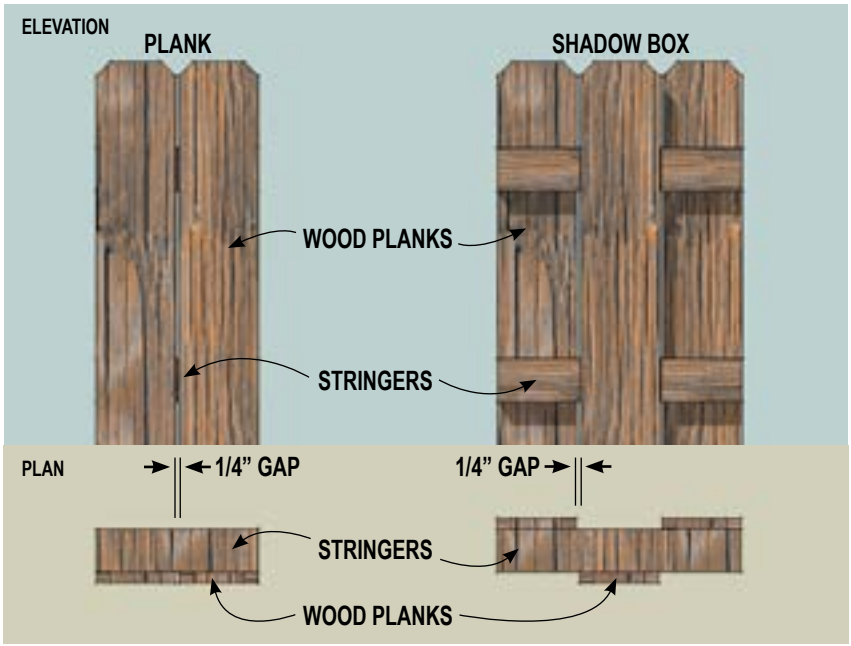
b. Pre-cast colored concrete, textured by use of form liners or with all exposed aggregate finish;

c. Concrete masonry units, colored and textured by scoring, fluting, ribbing, fracturing, splitting, or polishing the surface to produce a face module of less than the nominal 8" high by 16" long;

d. Face brick, fired, glazed or unglazed, in any normally accepted size such as: standard, modular, engineer, economy, king, norman, jumbo utility, or 8" by 8";

e. Stone, cut stone, field stone, rubble stone, or surfaced limestone.

1147.08.6 Figure 47.3 - Fence Plank Spacing



1147.08.7 Fence & Wall Design

For every 100 linear feet of fence or wall utilized by a non-residential use, at least one of the following architectural features shall be incorporated:

A. A column or pillar; such columns or pillars shall also be placed at corners and termini;

B. Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least 1' and extending a horizontal distance of at least 3' and less than 20'.

C. Exception:

Articulation of this chapter does not apply to a fence or wall constructed of brick, masonry, or iron fencing that consists of at least 50 percent open voids. The square footage of the fence shall be measured by taking the total square footage of an area defined by the length of the fence and its average height. The percent of open voids shall then be derived by dividing the total square footage of the open voids by the total square footage of the area calculated above and multiplying this figure by 100. The fence's framing (the vertical posts supporting the fence from the ground and no more than three horizontal cross bars between the posts or brick or stone pillars) shall not be included in the calculation of the total square footage, provided that the framing posts and cross bars do not exceed a 4-inch width and the posts are spaced at least 8 feet apart.

1147.08.8 Fences & Walls - Corner Lots

Corner lots are configured differently than interior lots. Corner lots possess front yards, rear yards,

and two types of side yards. The two types of side yards are interior side yards and street side yards. The regulations in Table 47.4 - Fences & Walls Within Street Side Yards, Section 1147.08.9 establish standards for fences and walls placed within street side yards.

1147.08.9 Table 47.4 - Fences & Walls Within Street Side Yard

This table establishes the maximum height and the minimum setback for fences and walls located within street side yards on corner lots.

A. Fence Types & Setbacks Required

Fence or Wall Type	Maximum Height	Minimum Required Setback
Privacy Fence or Wall	6'	Must maintain required Street Side Yard setbacks, See B. below
Privacy Fence or Wall	3'	3' from ROW (1)
Non-Privacy Fence or Wall	6'	Must maintain required Street Side Yard setbacks, See B. below
Non-Privacy Fence or Wall	4'	3' from ROW (1)

Notes to Table 47.4.A:
(1) A fence or wall may encroach into the required 3' setback in certain instances. See Section 1147.08.12,, Setback From Right-of Way Encorachment

B. Street Side Yard Setbacks

Street Side Yard adjoins a Neighboring...	Minimum Required Setback
Rear Lot Line	Equal to required Side Yard Setback
Side Lot Line	Equal to 1/2 the Neighboring Property's Required Front Yard Setback

1147.08.10 Hedges

When hedges are used to satisfy Bufferyard or other screening requirements, the following standards shall apply:

A. Hedges shall be comprised of evergreen shrubs.

B. The minimum height of all hedges, unless otherwise specified, shall be 6'.

C. Shrubs shall reach their minimum required height within 5 growing seasons.

D. Shrubs shall be planted at such a spacing as to achieve a continuous screen in accordance with the following standards:

1. For shrubs 24" in height at the time of planting with a mature spread of at least 4', the maximum spacing between plants shall be 2'-6".

2. For shrubs 30" in height at the time of planting with a mature spread of at least 4', the maximum spacing between plants shall be 3".

3. The root system of a shrub shall not be included in the measurement of its height.

1147.08.11 Privacy Screens

Privacy Screens are permitted subject to the following standards:

A. Privacy Screens are permitted in side, street side, and rear yards only.

B. Privacy Screens attached to raised decks or platforms less than or equal to 4' above grade shall be limited to 8' in total height above grade provided that they maintain an 8' side yard setback and a 20' rear yard setback.

C. Privacy Screens attached to raised decks or platforms greater than 4' above grade shall be limited to 4' in height above the deck or platform provided that they maintain an 8' side yard setback and a 20' rear yard setback.

D. Privacy Screens shall not enclose a deck or platform by more than 50%. The walls of a principal structure, if attached to such deck or platform, shall be counted towards this limitation.

E. Privacy Screens shall be designed and constructed of materials according to the standards of Section 1147.08.5, Fence and Wall Materials

1147.08.12 Setback From Right-of-Way Encroachment

Fences and walls may encroach into the required 3' setback from the Right-of-Way subject to the following standards:

A. The design, materials, and location of such a fence or wall shall be subject to the Zoning Administrator's approval.

B. Such a fence or wall shall not obstruct free and clear vision of traffic or pedestrians and such fence or wall shall not interfere with the function of or obstruct the view of any authorized traffic sign, signal, or device.

1147.09 BERMS & BASINS

1147.09.1 Berms

Berms (also called mounds), when established as a required bufferyard treatment, shall be constructed according to the following standards:

A. Berms shall have a slope not greater than the slope created in 3 horizontal feet with a 1-foot vertical rise.
B. The surface of the berm that is not planted with trees and shrubs shall be covered with grass, perennial ground cover, or woody or herbaceous perennials, with mulch.

C. Grass or other coverings shall be maintained in conformance with applicable City of Kettering codes.

1147.09.2 Basins

Detention basins, when established within a front yard, shall be constructed according to the maximum slopes as specified below:

A. Basins shall have a slope not greater than the slope created in 5 horizontal feet with a 1-foot vertical rise when located within 10' of the public right-of-way.

B. Basins shall have a slope not greater than the slope created in 4 horizontal feet with a 1-foot vertical rise when located within 20' of the public right-of-way.

C. To provide variety in the aesthetic design of front yard detention basins, the Zoning Administrator may reduce the distance requirements of Items A and B, above.

1147.10 SCREENING OF SERVICE & STORAGE AREAS

Off-street loading spaces, loading docks, service bays, refuse and recycling areas, recycling containers, dumpsters and trash containers, outdoor storage areas, antennas, satellite dishes larger than 39" in diameter, and mechanical equipment including, but not limited to: air-conditioning compressor units, backflow devices, electric and gas meters, telecommunication boxes, and other essential services shall be screened from all public streets and from neighboring residential uses in accordance with the following standards:

A. The screening shall be a minimum of 6' in height or one foot higher than the item or area to be screened, whichever is greater. If more than one type of item or area is grouped together, the height of the required screening shall be based on the tallest item to be screened.

B. The screening shall be provided by a continuous planting, hedge, a maximum 6' high privacy screen fence or wall,, berm, or a combination of these elements. The height of plants shall be based on reaching their size at maturity within five growing seasons.

C. The screening of refuse and recycling areas, recycling containers, dumpsters and trash containers associated with non-residential permitted principal uses shall be constructed of a 6'

high finished masonry wall similar in style and finish to that of the principal structure. Such enclosures or screening walls shall be constructed with separate gates for access by both vehicles and persons. Such gates shall be constructed of durable and long-lasting materials and shall provide a 100% opaque screen to shield its contents from view. The gate's structure, hardware and hinges shall be of a heavy-duty commercial-grade design and constructed of metal.

D. Whenever screening material is placed around any trash disposal unit or waste collection unit a curb shall be provided at least one foot from the screening material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

1147.10.1 Exemptions

A. Single Unit and Duplex dwelling units shall be exempt from required screening for refuse and recycling areas, recycling containers, and dumpsters and trash containers.

B. Loading docks and service bays located within TC and NC districts shall not be required to be screened.

1147.11 ACCEPTABLE LANDSCAPE MATERIALS

This Section specifies the minimum requirements for plant materials, fences and walls, and other screening material considered acceptable to meet the requirements of this Chapter. Alternatives to these materials that can be demonstrated to meet both the intent and requirements of this ordinance may be approved by the Zoning Administrator. A list of specific approved species of plant materials and their characteristics is available on file with the Zoning Administrator.

1147.11.1 Acceptable Plant Materials

A. No artificial plant materials shall be used to satisfy the requirements of this section.

B. Plant materials required by this section shall comply with the minimum size requirements of Table 47.5 - Minimum Plant Material Specifications, Section 1147.11.2 at the time of installation. Plant height shall be measured from the average grade level of the immediate planting area to the top horizontal plane of the shrub at planting; for single-trunk trees, the measurement shall be taken at 6 inches above grade level; for multitrunk trees, the tree shall be measured from the average grade level of the immediate planting area.

C. Planting areas shall consist of permeable surface areas only. These areas shall only consist of grasses, mulch, or groundcover plants. The permeable surface areas for shrubs may be included within permeable surface areas required for trees.

D. In satisfying the requirements of this section, the use of 4 inches of organic mulch material shall be provided at the time of planting.

E. Each tree, or shrub shall be planted at least 30 inches from the edge of any paved surface.

1147.11.2 TABLE 47.5 - MINIMUM PLANT MATERIAL SPECIFICATIONS

This table assembles the specifications for acceptable plant materials used to satisfy the requirements of this Section:

Plant Feature	Minimum Caliper at the Time of Planting	Minimum Height at the Time of Planting	Minimum Mature Crown Spread & Height
Canopy Trees (Type D and E bufferyards)	2" for single trunk trees	Not applicable except for multitrunk trees, in which case the tree shall be a minimum of 12' in height at the time of planting.	60' Spread 60' Height
Group A Trees	2" for single trunk trees	Not applicable except for multitrunk trees, in which case the tree shall be a minimum of 12' in height at the time of planting.	35' Spread 35' Height
Group B Trees	1-1/2" for single trunk trees	Not applicable except for multitrunk trees, in which case the tree shall be a minimum of 8' in height at the time of planting.	20' Spread 20' Height
Group C Trees "Evergreen"	1-1/2" for single trunk trees	Not applicable except for multitrunk trees, in which case the tree shall be a minimum of 10' in height at the time of planting.	15' Spread 25' Height
Large Shrubs	Not Applicable	30"	6' Spread 8' Height
Medium Shrubs	Not Applicable	24"	3' Spread 4' Height

1147.12 INSTALLATION & MAINTENANCE

1147.12.1 MAINTENANCE

Required plants shall be maintained in a healthy condition at all times. The property owner shall provide weeding, mowing of grass, irrigation, fertilization, prevention of pests, pruning, and other maintenance of all plantings as needed. Any plant that dies, deteriorates, or is maintained in such a manner that they fail to fulfill the requirements in this Chapter shall be replaced with another living plant that is comparable to the existing plant materials or plant materials specified in the approved landscape plan within 30 days after notification is given by the City of Kettering. The

Zoning Administrator may extend this time period up to an additional 90 days due to weather considerations. If the plants have not been replaced after appropriate notification and/or extension, the property owner, or his/her designee or leasee, shall be in violation of this chapter.

If the screening or landscape material is not replaced within the specified time period, then the City of Kettering may replace such material and assess the cost to the property owner.

1147.12.2 Landscape & Bufferyard Plan

Applications subject to this Chapter shall include a landscape plan prepared as required upon the application. The landscape plan shall be approved as part of the overall application for approval.

Residential dwelling units consisting of 4 units or less are exempt from this requirement.

1147.12.3 Utilities

Any damage to utility lines resulting from the negligence of the property owner or his/her agents or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the property owner. If a public utility disturbs plants within a utility easement, it shall preserve the plants and return them to their prior locations after the utility work. The property owner shall replace all required plants that die.

1147.13 TREE PRESERVATION & TREE SAVE AREAS

1147.13.1 Applicability

A. This section applies to the construction, repair, renovation, alteration, or removal of any building or structure, as well as grading in anticipation of such development.

B. This section does not apply to the harvesting of trees. For purposes of this section, “harvesting” means cutting or clearing trees for purposes relating to forestry. “Harvesting” does not include the clearing of land for purposes of development, even where the trees are sold for purposes of creating lumber or for related purposes.

C. This section does not apply to single-unit dwellings on an existing platted lot of record.

D. This section does not apply to publicly owned or managed park lands.

1147.13.2 Tree Protection Zone

For purposes of this Section, a “tree protection zone” is established for any lot or parcel that has a woodland coverage. The tree protection zone includes all woodland areas within the required setbacks and outside of the designated building envelopes. The percentage of protected trees that must be preserved within the tree protection zone is established in Table 47.6 - Percentage of Protected Trees Requiring Preservation, Section1147.13.3.

1147.13.3 Table 47.6 - Percentage of Protected Trees Requiring Preservation

This table assembles the required percentages of trees that must be protected within a Tree Protection Zone depending upon the Protection Zone's location:

Protection Zone Location	Preservation Ratio (Percent of Tree Protection Zone Category)
Lots within R and CC districts	35%
Lots within B, O, I and IS districts	20%
Lots within B, O, or I districts with a TC or NC designation	Exempt

1147.13.4 Protected Trees

For purposes of this section, a "protected tree" means any large tree, other than any variety of Ash tree susceptible to the Emerald Ash Borer, that is equal to or larger than 8 inch diameter breast height (DBH).

1147.13.5 Preservation Standards

No grading, demolition, trenching, or other activity that may adversely affect trees within a Tree Protection Zone may proceed prior to approval and issuance of necessary development approvals by the City of Kettering. No person shall perform construction work (including the operation or storage of equipment or materials) within the drip line of any tree or shrub having its trunk on any public street or public property without first obtaining a development approval from the Zoning Administrator and complying with the requirements as described in Section 1147.13.6, Protective Barriers through 1147.13.9 Replacement of this Chapter.

1147.13.6 Protective Barriers

The applicant shall erect protective barriers as follows:

A. Protective barriers shall be installed around each protected tree or group of protected trees that are designated for protection.

B. Barriers shall not be supported by the plants they are protecting but shall be self-supporting.

C. Protective barriers shall be a minimum of 4' high and constructed of a durable material that will last until construction is completed.

D. Protective barriers shall be installed at least 1 foot from the drip line or 1 foot from the trunk of the tree for each 1 inch of tree caliper.

1147.13.7 Irreparable Damage

Where the Zoning Administrator determines that irreparable damage has occurred to a protected tree the tree shall be removed and replaced. Trees must be replaced with similar species or type and shall also be in accordance with the standards found in Section 1147.11, Acceptable Landscape Materials. Whenever replacement trees are planted protective fencing shall be installed as provided in Section 1147.13.6, Protective Barriers of this chapter.

1147.13.8 Compaction

Where compaction might occur due to traffic or materials storage, the tree protection zone must first be mulched with a minimum 4 inch layer of processed pine bark or wood chips or a 6 inch layer of pine straw.

1147.13.9 Replacement

When trees designated or planted in accordance with this section die or are removed for any reason, they must be replaced during the next suitable planting season as approved by the Zoning Administrator. Trees must be replaced with similar species or type and shall also be in accordance with the standards found in Section 1147.11, Acceptable Landscape Materials.

1147.13.10 Tree Survey Required

A. Applications for development approvals and zoning clearance development approvals on all property subject to this section shall provide a tree survey as part of the landscape plan.

B. The tree survey shall include all trees of 8 inch DBH and larger within the tree protection zone and all trees over 1 inch caliper and 6' in height on the public right-of-way. Stands of species may be indicated by groups with the average tree DBH.

C. The tree survey shall be prepared by:

1. A landscape architect, a surveyor, a professional engineer, or a certified arborist retained by the applicant; or

2. Upon mutual agreement between the Zoning Administrator and the applicant, a landscape architect, a surveyor, a professional engineer, or a certified arborist retained by the City of Kettering at the expense of the applicant.

D. The tree survey shall be reviewed by the Zoning Administrator as part of the normal process for approving the application. The Zoning Administrator may refer the tree survey to a certified arborist or other qualified official for his/her review and comments.

CHAPTER 1149

ARCHITECTURE

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CHAPTER 1149 ARCHITECTURE

1149.01 GENERAL

1149 .01.1 Purpose & Intent

The purpose of this Section is to regulate the architectural design of all development within the City of Kettering. Massive, franchise-style, generic, or cookie-cutter developments that do not contribute to, nor integrate with, the community in a positive manner can be detrimental to the community's image and sense of place and can contribute to the loss of community identity. The goal of this Section is to create and maintain a strong community image by providing for architectural design standards that will enhance the visual appearance and function of development within the City of Kettering.

All buildings and structures must be designed to maintain and enhance the attractiveness of the public streetscape and the existing architectural design of the community. Buildings and structures shall have architectural features and patterns that reflect human scale and proportion and recognize neighborhood character. Facades must be designed to provide visual interest through the use of detail and scale that is consistent with the surrounding community's identity and character.

1149.01.2 Applicability

For purposes of this Chapter no Structure, including any additions, shall be erected, converted, enlarged, reconstructed, moved, or structurally altered within the The City of Kettering except in conformance with these standards.

1149.01.3 Proper Use of Design, Elements & Features

All elevation drawings shall be designed with proper proportion, scale, consistent application of details and architectural elements, such as doors, windows, trim, columns, roof details and materials, and with a discernible and consistent architectural style.

1149.01.4 Alternative Compliance

The Planning Commission may approve of a design plan that varies from the standards set forth in this Chapter in order to accommodate unique site features or to provide a more innovative design, provided that the alternative plan generally and satisfactorily fulfills the purpose and intent of this Chapter, or complies to the maximum extent practicable considering either the configuration of the development that existed prior to the effective date of this Code, or the unique constraints imposed by the Site.

Requests for Alternative Compliance are subject to Planning Commission approval, shall require a public hearing, and shall require notification by mail and publication in accordance with the procedures for mail and publication notification prescribed in Section 1153.04, Notification.

1149.01.5 Consistency of Style

The secondary facades of each building or structure shall be consistent with the principal facade subject to the following conditions:

A. The Secondary Facades of each building or structure shall be consistent with the Principal Facade in terms of architectural style, detailing and trim, exterior finish, and colors used. For example, if the dominant exterior finish of the Principal Facade is brick with beige and white trim, the Secondary Facades of the building or structure shall include a similar brick finish, beige paint, and white trim.

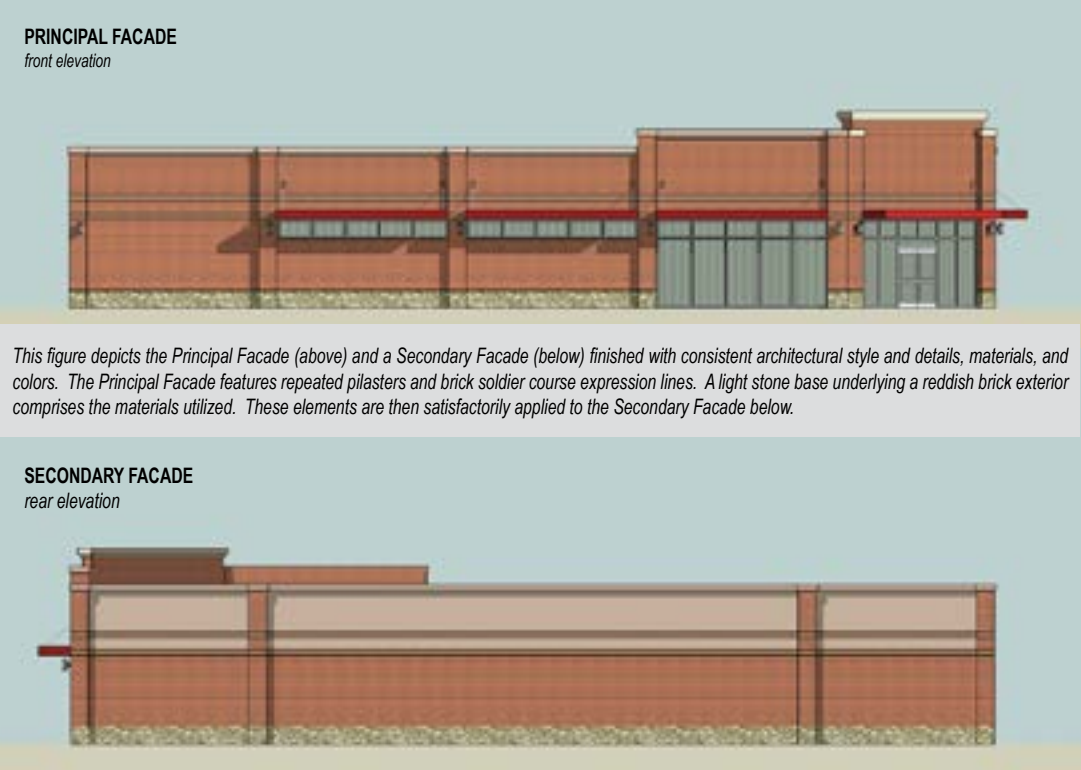
B. Within multi-tenant strip centers, the Facades of individual tenant spaces may take on an individual style, but must relate to their adjacent neighbors and the character of the overall development.

C. Within multi-building developments, such as institutional campuses, buildings need not be identical, but rather shall complement each other and shall be designed with a similar palette of materials, colors, and architectural features.

D. Residential structures consisting of 3 units or less shall be exempt from these Consistency of Style standards.

See Figure 49.1 - Consistency of Style, Section 1149.01.5.E.

1149.01.5.E Figure 49.1 - Consistency of Style



This figure depicts the Principal Facade (above) and a Secondary Facade (below) finished with consistent architectural style and details, materials, and colors. The Principal Facade features repeated pilasters and brick soldier course expression lines. A light stone base underlying a reddish brick exterior comprises the materials utilized. These elements are then satisfactorily applied to the Secondary Facade below.

1149.01.6 Rooftop Screening

All mechanical, electronic, and communication equipment mounted upon a roof shall be properly screened and shall be subject to the following conditions:

A. All such equipment shall be screened to an opacity of 100% through the use of the following:

1. All such equipment placed atop flat roof structures shall be screened by means of a parapet wall extending along the perimeter of the outside walls or by means of a raised parapet wall enclosing the items to be screened. Such parapet walls shall be a minimum of 12" in height or equal in height to the items or area to be screened, whichever is greater. Non perimeter parapet walls shall be finished consistent with the requirements for a Secondary Facade and shall provide a continuous three dimensional Cap along its entire length.

2. Rooftop mounted mechanical equipment placed atop peaked roof structures shall be concealed using a continuous masonry parapet wall of at least 12" in height or equal in height to the items or area to be screened, whichever is greater. Said parapet shall be finished consistent with the requirements for a Secondary Facade and shall provide a continuous three dimensional Cap along its entire length.

B. Residential structures consisting of 3 units or less shall be exempt from these Rooftop Screening standards.

1149.01.7 Elements Prohibited

The following elements shall not be utilized on any Principal or Secondary Facade:

A. Fluorescent colors, camouflage;

B. Neon, fluorescing, LED, or other similar unshielded light emitters applied so as to accent the architectural features of a building or structure;

C. Embossed EIFS fashioned to appear as brick or stone utilized on any ground floor elevation. Such materials may only be utilized at 8' above grade or above the ground floor elevation, whichever is higher;

D. Using the Hue, Saturation, and Brightness representation model for color, a principal exterior paint or treatment color that:

1. For any given Hue with a Saturation greater than 50%, the Brightness is greater than 50%;

2. For any given Hue with a Saturation greater than 30% but less than or equal to 50%, the Brightness is greater than 80%.

The use of black as the principal exterior color upon commercial structures, and also any uncoated natural material (ex. dark red brick, wood siding, black slate) shall be exempt from this requirement.

This shall serve to keep exterior colors from becoming visually obnoxious and aesthetically

Tip

Hue, along with saturation and brightness make up the three distinct attributes of color. The terms "red" and "blue" are primarily describing hue.

Saturation refers to a color's richness. A good way to imagine this is to think of saturation as pure color pigment added to a can of gray paint. The more pigment added, the richer or more intense the color.

Brightness deals with a color's ability to reflect light. We percieve this as the amount of white or black present in a color. An example: Pink would be a very bright color, red less so, and maroon even less. Maroon would have a very low brightness value.

unappealing, thus having a negative impact upon adjacent properties.

1149.02 REQUIRED ARCHITECTURAL ELEMENTS & FEATURES

1149.02.1 APPLICABILITY

Dependant upon Development Pattern District, specific architectural standards apply. The requirements for each Pattern District shall be as shown in TABLE 49.1 - REQUIRED INDIVIDUAL ELEMENTS & FEATURES BY DEVELOPMENT PATTERN DISTRICT, Section 1149.02.2

1149.02.2 TABLE 49.1 - REQUIRED INDIVIDUAL ELEMENTS & FEATURES BY DEVELOPMENT PATTERN DISTRICT

This table shows each Development Pattern District with its required architectural standards. Regulations for each requirement are found in Section 1149.03, Standards for Architectural Elements & Features.

Requirement	E (1)	N (1)	V (1)	VH (1)	S	SS	SB	SC	NC	TC	LI	I	H
Blank Wall Limitations					■	■	■	■	■	■	■	■	■
Caps and Bases					■	■	■	■	■	■	■	■	■
Customer Entrances					■	■	■	■	■	■	■	■	■
Expression Lines				■	■	■	■	■	■	■	■		■
Facade Delineation						■		■	■	■			
Gateway Features					■		■		■	■			■
Minimum Design Elements					■	■	■	■	■	■	■	■	■
Minimum Transparency								■	■	■			
Roofs					■	■	■	■	■	■	■	■	■
Windows					■	■	■	■	■	■	■	■	■
Infill Standards	■	■	■	■									
New Housing Standards	■	■	■	■									
Exterior Finishes	■	■	■	■	■	■	■	■	■	■	■	■	■
Pedestrian Protection					■	■	■		■	■			■
Projections	■	■	■	■	■	■	■	■	■	■	■	■	■

■ REQUIRED ELEMENT

Notes to Table 49.1 - Required Individual Elements & Features by Development Pattern District
(1) Non-Residential Uses within the VH, V, N, and E Development Pattern Districts shall follow the architectural requirements prescribed for the SS Development Pattern District.

1149.03 STANDARDS FOR ARCHITECTURAL ELEMENTS & FEATURES

1149.03.1 General

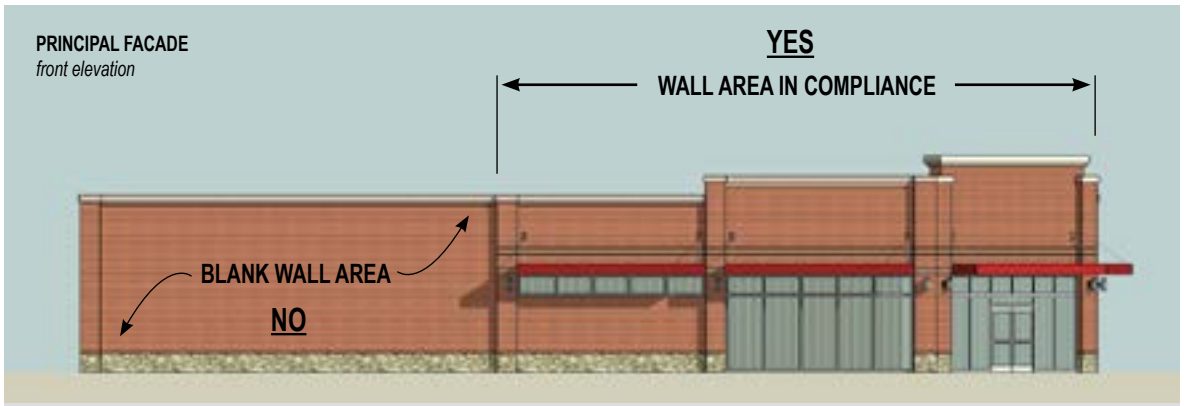
Elements and features utilized in fulfillment of this Section shall be in accordance with Section 1149.01.3, Proper Use of Design, Elements and Features.

1149.03.2 Blank Wall Limitations

A. Blank wall areas shall not exceed 10' feet in height and 20' in width on any Principal Facade. Control and expansion joints shall be considered blank wall area unless used as a decorative pattern. Wall areas that are adorned using at least one of the design features set forth in Section 1149.03.11, Minimum Design Elements shall not be considered blank wall areas. Walls that are within a pedestrian arcade shall not be considered blank wall areas.

See Figure 49.2 - Blank Walls, Section 1149.03.2.B.

1149.03.2.B Figure 49.2 - Blank Walls



This figure depicts the Principal Facade with blank wall area that is out of compliance (left) and wall area that is compliant (right).

1149.03.3 Caps & Bases

When required, buildings and structures shall have a capital and base that is visually contrasting with the primary exterior finish materials subject to the following conditions:

A. The capital and base shall consist of elements that are three-dimensional and shall project away from the Principal Facade a minimum of 1" in depth.

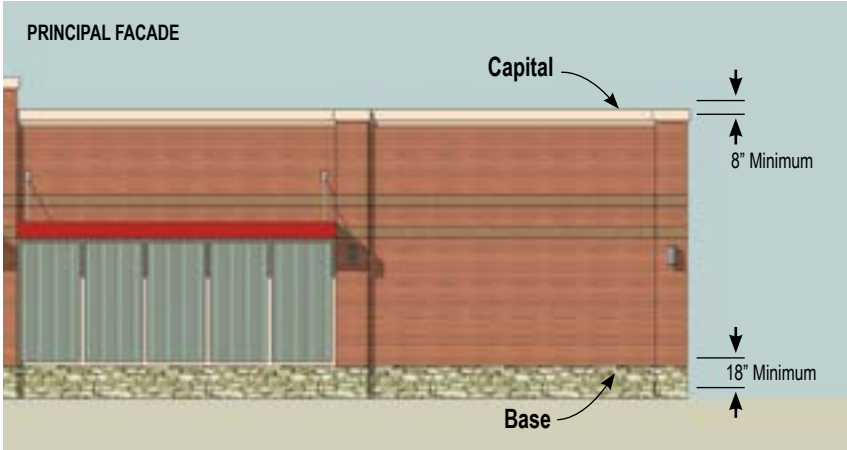
B. The capital and base shall run horizontally along the entire length of the Principal Facade and shall wrap around to the Secondary Facades by a minimum length of 4'-0".

C. Capitals shall be a minimum of 8" in height.

D. Bases shall be a minimum of 18" in height.

See Figure 49.3 - Caps & Bases, Section 1149.03.3.E.

1149.03.3.E Figure 49.3 - Caps & Bases



This figure depicts a Principal Facade with a visually contrasting capital and base. The capital is a beige cornice treatment meeting all requirements. The base is a light colored stone veneer. This design meets the Cap & Base requirements.

1149.03.4 Columns

When utilized to satisfy the requirements of this Chapter, columns shall be subject to the following conditions:

A. Columns shall be a minimum of 8" in diameter (circular columns), or a minimum of 8" in width and depth (square columns).

B. Columns shall possess a visually contrasting capital and base consisting of elements that are three-dimensional and project or recede away from the face of the column by a minimum of 1" in depth.

C. The capital and base shall wrap horizontally around the entire circumference or perimeter of the column.

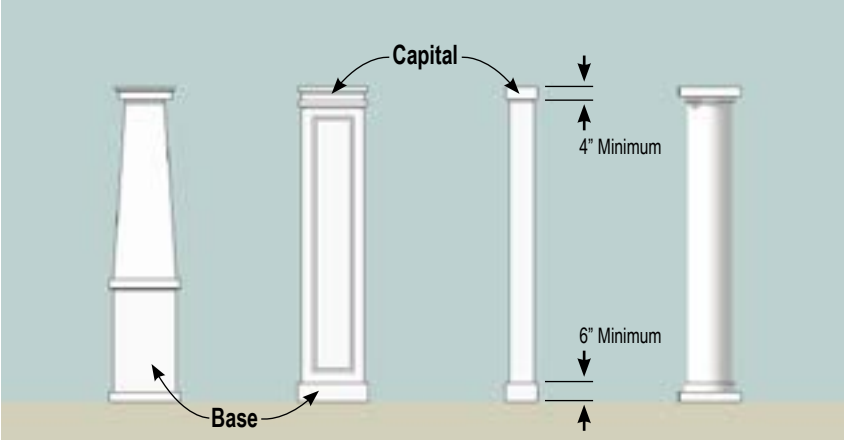
D. Capitals shall be a minimum of 4" in height.

E. Bases shall be a minimum of 6" in height.

F. Residential structures consisting of 3 units or less shall be exempt from these Column standards.

See Figure 49.4 - Columns, Section 1149.03.4.G.

1149.03.4.G Figure 49.4 - Columns



This figure depicts various columns of the correct dimension (diameter or W x D) with visually contrasting capitals and bases meeting the requirements for columns.

1149.03.5 Customer Entrances

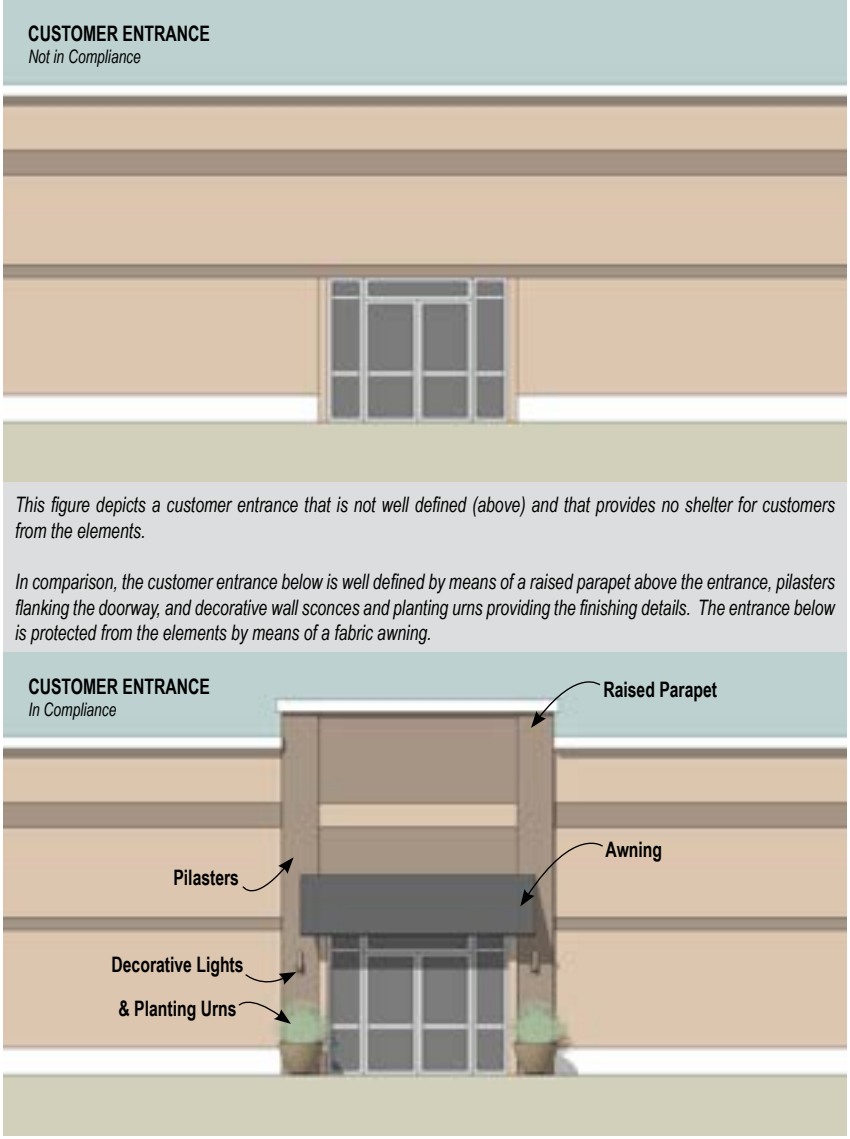
A. When required, buildings and structures shall have defined Customer Entrances. At least one such Customer Entrance shall face the public Right-of-Way for structures located within the NC and TC development pattern districts.

Customer Entrance design elements and variations shall give protection from the sun and adverse weather conditions and shall be adequately sized to accommodate expected pedestrian circulation and flow. Recessed entryways are encouraged throughout Kettering, however when doors open directly onto public sidewalks, recessed doorways equal in depth to at least the width of the door swing shall be required.

Customer Entrances may be incorporated into the overall design by means of an arcade, awning, canopy, balcony, or marquee structure; the standards for which are found within this Section.

See Figure 49.5 - Customer Entrances, Section 1149.03.5.B.

1149.03.5.B FIGURE 49.5 - CUSTOMER ENTRANCES



This figure depicts a customer entrance that is not well defined (above) and that provides no shelter for customers from the elements.

In comparison, the customer entrance below is well defined by means of a raised parapet above the entrance, pilasters flanking the doorway, and decorative wall sconces and planting urns providing the finishing details. The entrance below is protected from the elements by means of a fabric awning.

1149.03.6 EXPRESSION LINES

Expression Lines serve to visually delineate the division between the first story and the upper stories or "false" upper stories. When required, buildings and structures shall have a visually contrasting Expression Line subject to the following conditions:

A. The Expression Line shall run horizontally along the entire length of the Principal Facade(s).

B. Expression Lines shall be a minimum of 16" in height.

C. Expression Lines shall either project or recede away from the Principal Facade by a minimum

of 1-1/2" in depth, or Expression Lines shall be of a contrasting color or material in comparison with the primary wall color or material.

See Figure 49.6 - Expression Lines, Section 1149.03.6.D.

1149.03.6.D Figure 49.6 - Expression Lines

This figure depicts an Expression Line that runs the entire length of the Principal Facade and separates the ground floor elevation from the half story above. The Expression Line is composed of two lighter colored soldier courses separated by several running courses of brick veneer. This configuration produces a three line effect. The Expression Line is visually contrasting in color and orientation of the materials used and is in compliance with the Expression Line requirements.

1149.03.7 Exterior Finishes

A. Purpose & Intent

The City finds it necessary to regulate the exterior finish and appearance of all primary and accessory buildings and structures that are erected in the City in order to insure the consistency in quality, compatibility, and character of buildings within comparable districts. The regulation of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and man-made forces over time and a safe environment for those occupants, equipment, and goods within the structure. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood. A quality exterior finish also provides for improved health, safety, and welfare of occupants and enclosed goods or equipment by providing increased protection through durability, strength, security, damage resistance, and stability.

B. Applicability

The permitted exterior finish materials for each Development Pattern District shall be as shown in Table 49.2 - Permitted Exterior Finish Materials by Development Pattern District, Section 1149.03.7.C Additional requirements for individual finish materials are listed following the table.

1149.03.7.C Table 49.2 - Permitted Exterior Finish Materials by Development Pattern District

This table shows each permitted exterior finish material with its permitted location by Pattern District.

	Material	E	N	V	VH	S	SS	SB	SC	NC	TC	LI	I	H
Roofs	Asphaltic Shingles	■	■	■	■	■	■	■	■	■	■	■	■	■
	Clay Tile	■	■	■	■	■	■	■	■	■	■	■	■	■
	Membrane	■	■	■	■	■	■	■	■	■	■	■	■	■
	Membrane with ballast	■	■	■	■	■	■	■	■	■	■	■	■	■
	Metal, Corrugated												■	
	Metal, Sheet or Panel												■	
	Metal Shingles	■	■	■	■	■	■	■	■	■	■	■	■	■
	Metal, Standing Seam	■	■	■	■	■	■	■	■	■	■	■	■	■
	Slate or Stone	■	■	■	■	■	■	■	■	■	■	■	■	■
	Wood Shake	■	■	■										■
Walls	Architectural Concrete	■	■	■	■	■	■	■	■	■	■	■	■	■
	Brick	■	■	■	■	■	■	■	■	■	■	■	■	■
	Concrete Block, glazed	■	■	■	■	■	■	■	■	■	■	■	■	■
	Concrete Block, split-faced											■	■	
	EIFS	■	■	■	■	■	■	■	■	■	■	■	■	■
	Fiber Cement, Lap Siding	■	■	■	■	■	■	■	■	■	■	■	■	■
	Glass	■	■	■	■	■	■	■	■	■	■	■	■	■
	Glass Block	■	■	■	■	■	■	■	■	■	■	■	■	■
	Metal, Aluminum Siding	■	■	■										
	Metal, Corrugated												■	
	Metal, Standing Seam												■	
	Metal, Composite Panel	■	■	■	■	■	■	■	■	■	■	■	■	■
	Metal, Core 10	■	■	■	■	■	■	■	■	■	■	■	■	■
	Metal, Anodized Aluminium	■	■	■	■	■	■	■	■	■	■	■	■	■

■ PERMITTED MATERIAL

1149.03.7.C TABLE 49.2 - PERMITTED EXTERIOR FINISH MATERIALS BY DEVELOPMENT PATTERN DISTRICT - CONTINUED

	Material	E	N	V	VH	S	SS	SB	SC	NC	TC	LI	I	H
Walls Continued	Stone, Natural and Cultured	■	■	■	■	■	■	■	■	■	■	■	■	■
	Stucco (Cement Plaster)	■	■	■	■	■	■	■	■	■	■	■	■	
	Vinyl, Lap Siding	■	■	■										
	Wood, Board & Batten	■	■	■										
	Wood, Lap Siding	■	■	■										
	Wood, Shake	■	■	■										

■ PERMITTED MATERIAL

1149.03.8 FACADE DELINEATION

A. When required, individual buildings or structures shall be distinguishable from each other. Individual facades shall be delineated at their extents through the use of pilasters, quoins, piers, bulkheads, or other similar architectural elements.

See FIGURE 49.7 - FACADE DELINEATION, Section 1149.03.8.B.

1149.03.8.B FIGURE 49.7 - FACADE DELINEATION

These two building facades are successfully distinguishable from each other. They are delineated at their edges by the use of quoins on Building Facade B and by the use of pilasters on Building Facade A.

1149.03.9 Gateway Features

When required, developments located at an intersection of two or more arterial or collector streets shall provide a prominent architectural feature such as, but not limited to a monument, sculpture, clock tower, or tower to emphasize their location as gateways and transition points within the community.

1149.03.10 Infill Standards

When required, residential structures that are not part of a New Housing Development shall adhere to the following standards:

A. Principal Structures shall not exceed the height of adjacent Principal Structures by more than 20'.

B. Structures shall be consistent with the predominant character of their neighborhood in terms of materials, texture, scale, architectural style, orientation and location of the front entry, orientation and location of the garage, and orientation and location of garage doors.

C. Additions shall generally match their principal or attached structures in color; this includes, but is not limited to, siding material, trim work, doors, window frames, and roofing materials.

D. Additions shall generally match their principal or attached structure's design. In order to accomplish this, additions shall match their Principal Structure with any two of the following features:

1 Architectural Style: this includes, but is not limited to, the overall proportions as well as the proportions of architectural details, roof pitch and overhang, window and door styles, trim features, and other architectural features;

2. Materials: this includes, but is not limited to, siding, roofing, trim work, doors, and windows;

3. Visual character: this includes, but is not limited to, dimensional sizes of brick or stone, sizing and orientation of lap board and board and batten siding, and texture of materials chosen.

See also Section1149.03.13, New Housing Standards.

Tip

Infill Standards generally apply to existing homes or lots in established neighborhoods. They are intended to preserve and enhance Kettering's existing residential neighborhoods.

They only apply when a new infill home is constructed or at the time of an addition or expansion.

1149.03.11 Minimum Design Elements

When required, Principal Facades along their ground floor elevations shall have at least 4 of the following design features along a minimum of 50% of their horizontal length:

A. Awnings, See Section 1149.03.14.E, Awnings, Canopies, Marquees, etc.;

B. Arcades, See Section 1149.03.14.D, Arcades;

C. Colonnades and Columns, See Section 1149.03.4, Columns;

D. Raised parapet over a customer entrance; Such feature shall be exempt from being applied along a minimum of 50% of the Principal Facade's horizontal length;

E. Decorative Light Luminaires;

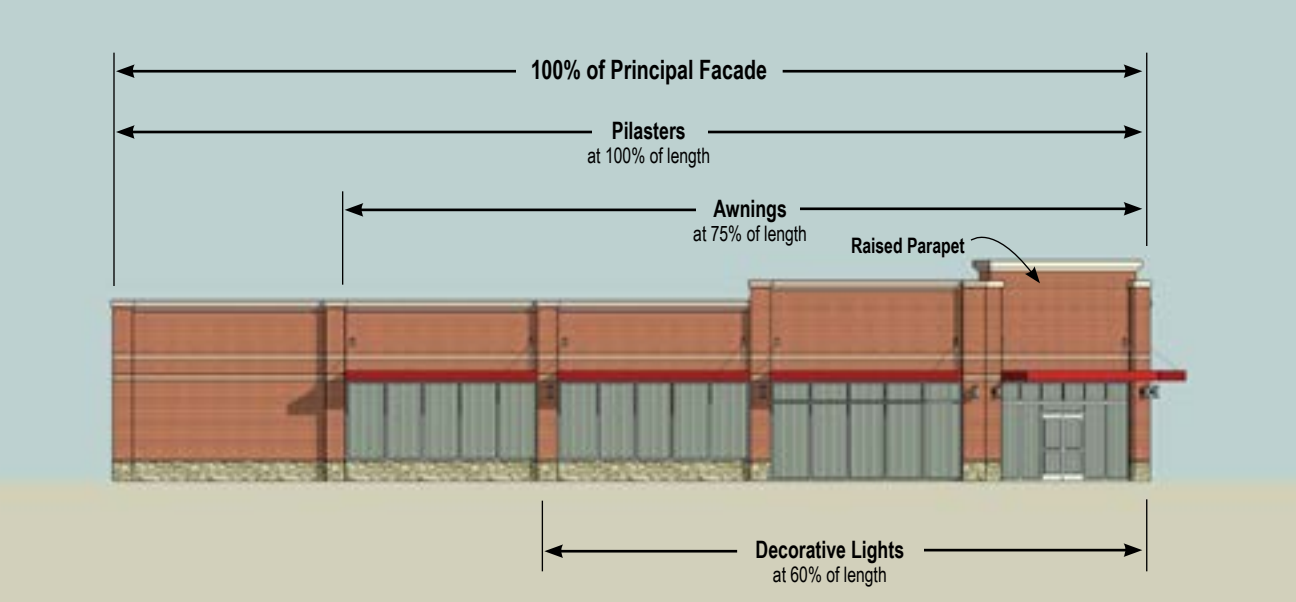
F. Decorative use of materials, such as but not limited to alternating or contrasting materials used to add visual interest, contrasting colors or a contrasting material orientation used for articulation, expression lines, contrasting bases or watertables, or the stylized use of windows or glazing by means of the pattern of fenestration or the design of the frame or mullions.

G. Decorative landscape urns, window flower boxes, or other similar planter located within 10' of the building;

H. Architectural details, other than those listed above, that are integrated into the building and overall design. Examples of architectural details include, but are not limited to relief and reveal work, tile mosaic, or pilasters.

See Figure 49.8 - Minimum Design Elements, Section 1149.03.11.I.

1149.03.11.I Figure 49.8 - Minimum Design Elements



This Principal Facade is compliant with the Minimum Design Elements requirements. It has four design elements: 1) Pilasters, 2) Awnings, 3) a Raised Parapet over a Customer Entrance, and 4) Decorative Light Luminaires. The pilasters, awnings and decorative lights are applied along at least 50% of the facade's horizontal length.

1149.03.12 Minimum Transparency

When required, a structure's Principal Facade(s) shall contain transparent windows subject to the following conditions:

A. Principal Facades of non-residential structures shall contain transparent windows consisting

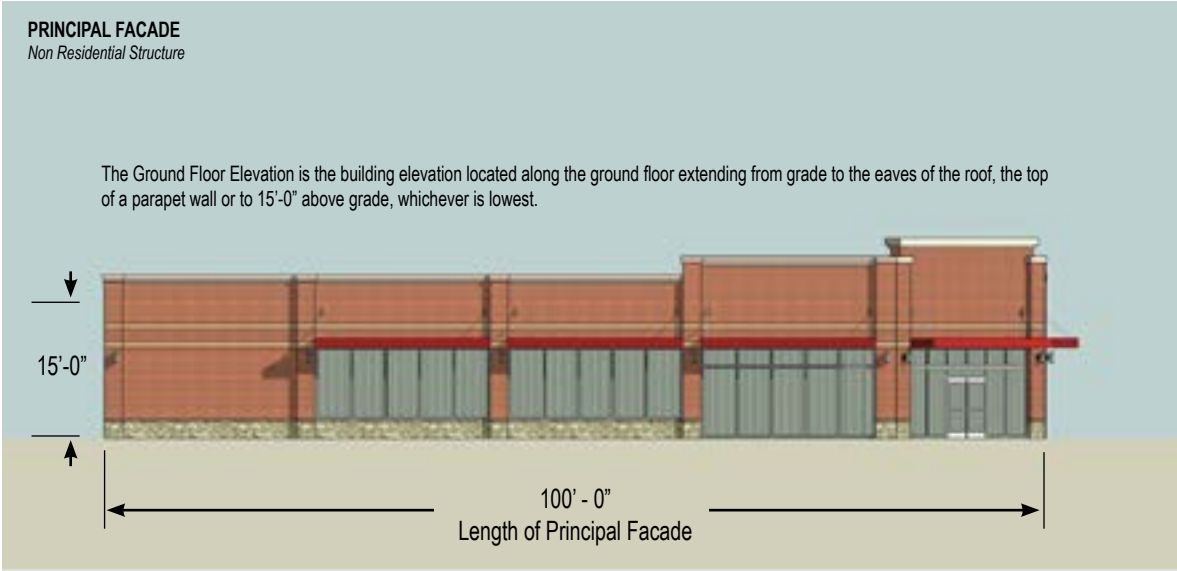
of at least 30% of the total facade area of the ground floor elevation. The front elevation area shall not include roofs or roof trim (ie. - fascia boards).

B. Principal Facades of residential structures shall contain transparent windows consisting of at least 15% of the total facade area of the ground floor elevation. The front elevation area shall not include roofs or roof trim (ie. - fascia boards), nor shall it include the door(s) of attached garages provided that the garage doors include windows in their design.

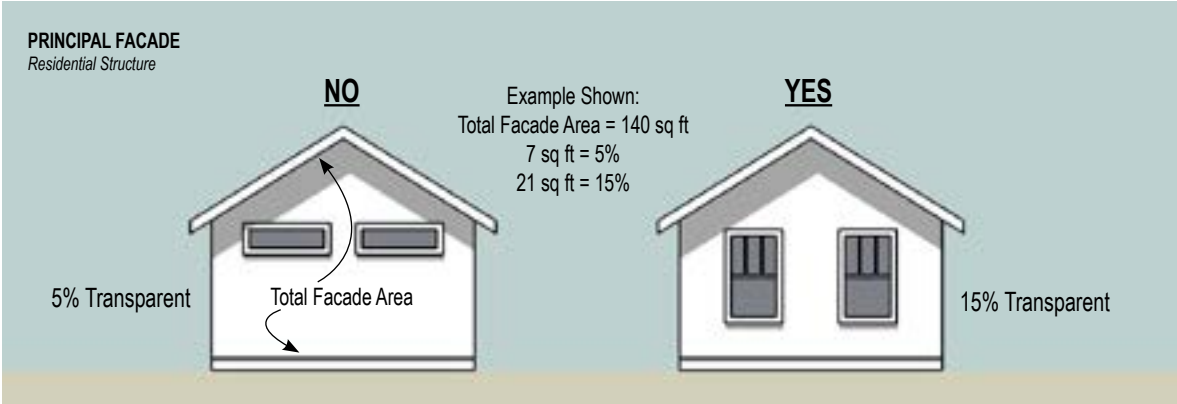
C. Exception: Parking Structures and other unenclosed or open-air structures shall be exempt from providing windows or other glazing. However, penetrations for access to light and air shall be counted towards meeting this requirement.

See Figure 49.9 - Minimum Transparency, Section 1149.03.12.D.

1149.03.12.D Figure 49.9 - Minimum Transparency



The Principal Facade shown above is in compliance with the Minimum Transparency requirements. The Principal Facade is 100' in length. The extended parapet wall is higher than 15'-0" so the 15'-0" maximum is utilized. The Ground Floor Elevation is 100' x 15'-0" = 1,500 sq feet. The windows upon this facade total 678 sq feet or 45.2%, thus meeting the 30% minimum standard.



The Principal Facade shown above at left is not in compliance with the Minimum Transparency requirements. It is only 5% transparent based on the calculation. The Principal Facade shown above at right is in compliance with the Minimum Transparency requirements. It measures at 15% transparent.

1149.03.13 New Housing Standards

New Housing Developments, which are the residential development of 5 or more contiguous lots or of 8 or more lots located within 400' of each other shall adhere to the following standards:

A. Design Diversity

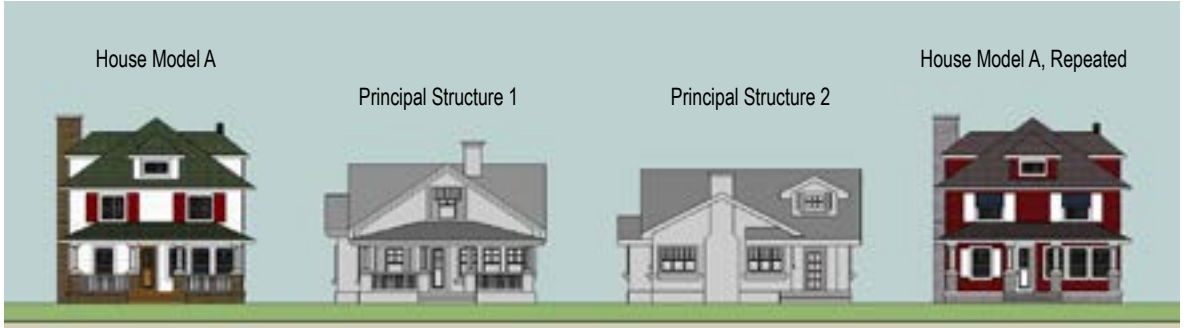
1. Principal structures of the same design or model, with the same front elevation, shall be separated by at least 2 principal structures or 150', whichever is less.

See Figure 49.10 - Design Diversity, Section 1149.03.13.A.2.

Tip

These standards only apply to larger scale new construction generally found within new subdivisions. The average homeowner will be unaffected by these New Housing Standards.

1149.03.13.A.2 Figure 49.10 - Design Diversity

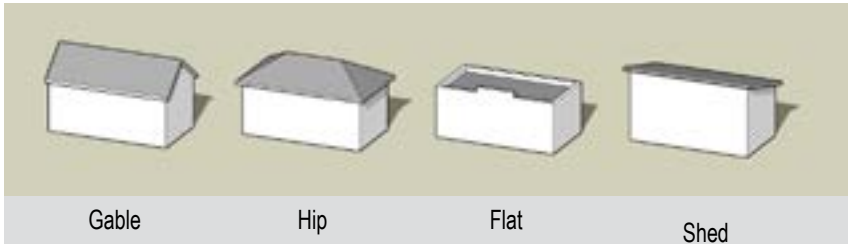


Two principal structures and 150' separate both House Model A's in the example above.

B. Roof Structures

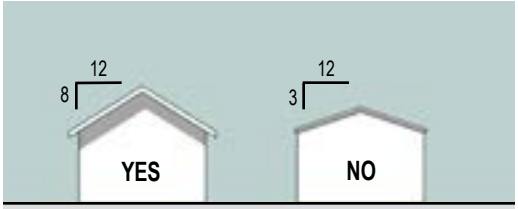
1. Roof structures are limited to gable, hip, flat, or shed. See Figure 49.11 - Roof Types, Section 1149.03.13.B.1.a.

1149.03.13.B.1.a Figure 49.11 - Roof Types



2. The primary roof structure of a principal structure shall be a minimum 5:12 pitch and a maximum 12:12 pitch. Secondary roof structures, such as dormers or porches, shall be exempt from this provision. See Figure 49.12 - Roof Pitch, Section 1149.03.13.B.2.a.

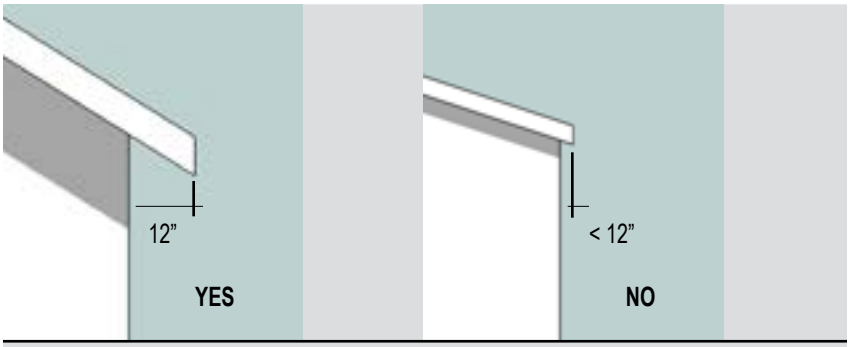
1149.03.13.B.2.a Figure 49.12 - Roof Pitch



The roof pitch on the left is within the acceptable range while the roof pitch on the right is too shallow.

3. All pitched primary roof structures shall have overhanging eaves along all edges. Roof overhangs shall be a minimum of 12". See Figure 49.13 - Eaves, Section 1149.03.13.B.3.a.

1149.03.13.B.3.a Figure 49.13 - Eaves



This overhang is acceptable at 12" This overhang is not acceptable at less than12"

C. Windows

1. The front elevation of any principal structure shall contain transparent windows consisting of at least 15% of the front elevation. The front elevation area shall not include roofs or roof trim (ie. - fascia boards), nor shall it include the door(s) of attached garages provided that the garage doors include windows in their design. See Figure 49.9 - Minimum Transparency, Section 1149.03.12.D.

2. Windows shall include exterior casing of a type that is consistent with the structure's architectural style.

3. All fenestration and door openings facing public streets, common drives, parks, courtyards, or plazas shall be square or vertically proportioned (i.e.—taller than wide).

See Figure 49.14 - Windows, Section 1149.03.13.C.4

1149.03.13.C.4 Figure 49.14 - Windows

Single Vertical Window with consistent casing | Double Vertical Windows with consistent casing | Double Square Windows with consistent casing | Triple Vertical Windows with consistent casing

D. Balconies and Porches

1. Balconies are permitted subject to the following conditions:

   a. Such elements may have roofs, but must be open, unconditioned parts of the structure.

   b. For principal structures located on corner lots, such elements may wrap around the side of the building facing the side street.

2. Porches are permitted subject to the following conditions:

   a. Front porches shall have a minimum depth of 6' and maintain at least 8' of vertical clearance.

   b. Front porches shall be architecturally integrated into the overall design and style of the principal structure. This shall be accomplished by applying the following standards:

      i. Roofing material shall match that of the principal structure's in color, dimension, and material;

      ii. Trim, framing, and fascia elements shall be consistent with the principal structure in dimension, material and color;

      iii. All supports, such as columns or posts, shall be a minimum 6" inches in diameter, shall have a discernible three-dimensioned cap and base and shall be consistent with the principal structure in color, materials, style, and proportion;

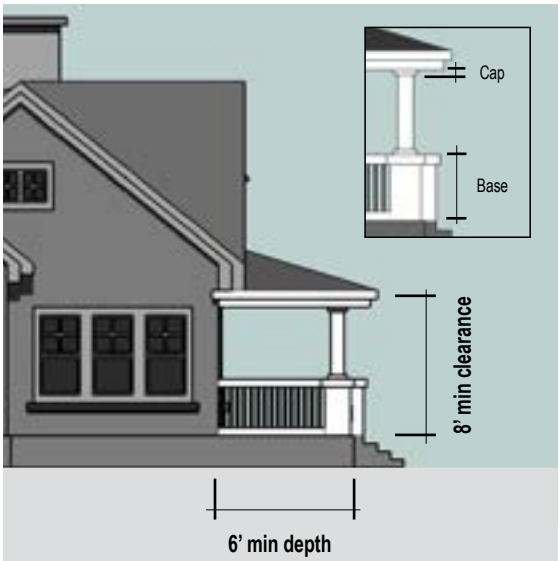
      iv. Spacing between supports, such as columns or posts, shall be square or vertical in proportion.

   c. Porches encroaching into a required yard must be open, unconditioned parts of the building and shall not be screened.

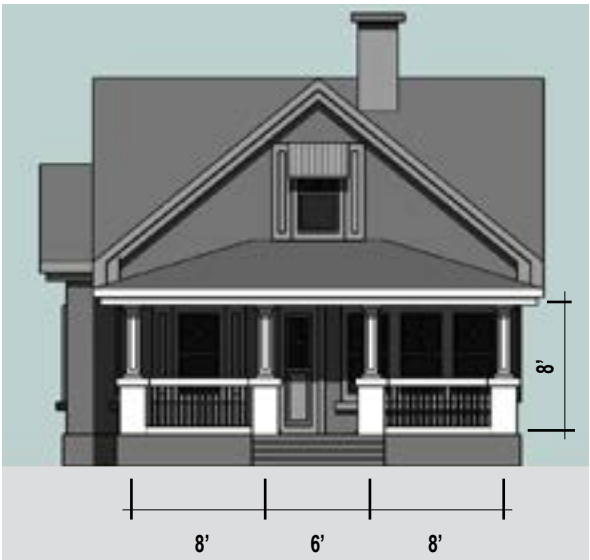
d. Front porches may have multi-story balconies above.

See Figure 49.15 - Porches, Section 1149.03.13.D.3

1149.03.13.D.3 Figure 49.15 - Porches



This front porch example successfully demonstrates what it means to be architecturally integrated into the overall design and style of the principal structure. Note the similarity of proportion, dimensions of components, and style.



The spacing between these columns is square or vertically proportioned as required. Also, note that all porch columns posses a discernible cap and base and are similar in style to the principal structure.

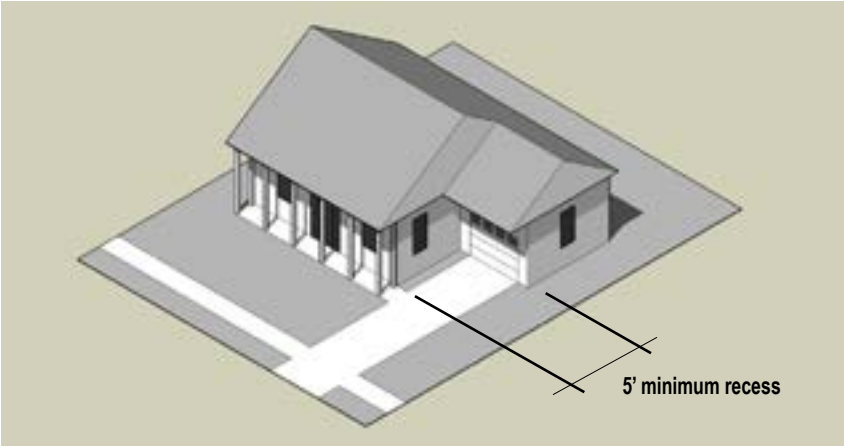
E. Garages, Attached

1. Attached garages shall be recessed 5' behind the foremost outside wall of the front facade (not including porch or projecting elements).

2. Attached garages shall not constitute more than 50% of the total width of the front elevation.

See Figure 49.16 - Attached Garages, Section 1149.03.13.E.3

1149.03.13.E.3 **FIGURE 49.16 - ATTACHED GARAGES**



The attached garage in this example is successfully recessed from the front of the house. Note that the measurement begins at the front façade of the home and not at the front of the porch.

F. The secondary facades of each building or structure shall be consistent with the principal facade subject to the following conditions:

1. The Secondary Facades of each building or structure shall be consistent with the Principal Facade in terms of architectural style, detailing and trim, exterior finish and colors used. For example, if the dominant exterior finish of the Principal Facade is brick with beige and white trim, the Secondary Facades of the building or structure shall include a similar brick finish, beige paint, and white trim. See FIGURE 49.1 - CONSISTENCY OF STYLE, Section 1149.01.5.E.

G. The front entry or doorway shall face the public Right-of-Way or Public Park or Plaza for which the Site has frontage. If a Principal Structure takes frontage upon a private street only, the private street shall be treated as a Public Right-of-Way for purposes of this Section.

In the case of Corner Lots, the public entrance or front entrance shall face either frontage. See also Figure 41.1 - Lots & Corner Lots - Setbacks, Frontage, Yards, and Lot Lines, Section 1141.01.3.

1149.03.14 **PEDESTRIAN PROTECTION**

A. Purpose & Intent

The purpose of requiring pedestrian protection through the use of arcades, awnings, canopies, balconies, marquees, and other similar structures is to ensure that the pedestrian is protected from rain, snow, wind, and sun. The following standards regarding such architectural elements are aimed at ensuring that a high quality pedestrian environment is fostered and maintained.

B. Applicability

Pedestrian Protection is required when both of the following conditions exist:

1. Pedestrian Protection is required per Table 49.2 - Permitted Exterior Finish Materials by Development Pattern District, Section 1149.03.7.C; and

2. The Principal Facade on which the Pedestrian Protection is required adjoins or is within 2' of a parallel pedestrian walkway.

C. Minimum Requirements

When required along a Principal Facade, the elements utilized in fulfillment of this Section shall extend along a minimum of 75% of the length of such Principal Facade. Pedestrian Protection shall be achieved through the use of Arcades, Awnings, Canopies, Marquees, Balconies, or other such elements that achieve an equal amount of pedestrian protection as approved by the Zoning Administrator.

See also Section 1149.03.15, Projections for these elements' allowable projection distances into required yards or into the public right-of-way.

D. Arcades

When utilized to satisfy the requirements of this Chapter, arcades shall be subject to the the following standards:

1. Arcades shall be a minimum of 6' in depth (to accommodate the pedestrian walkway), 8' in length, and shall maintain at least 9' of vertical clearance.

2. Arcades shall maintain a maximum of 16' of vertical clearance.

E. Awnings, Canopies, Marquees, etc.

When utilized to satisfy the requirements of this Chapter, awnings, canopies, marquees, or other similar architectural elements when located along a ground floor elevation shall be subject to the following standards:

1. Such elements shall maintain a minimum of 9' of vertical clearance and a maximum of 14' of vertical clearance.

2. Such elements shall offer protection from rain, snow, wind, and sun at a minimum depth of 4' in front of a Principal Facade.

3. Such elements shall not conceal or interrupt important architectural elements such as expression lines, columns, pilasters, piers, bulkheads, or quoins.

4. Such elements shall reflect the overall facade organization of a building and shall be located within the building elements that frame storefronts.

5. Such elements, on a multiple-storefront building, shall be consistent in character, scale, and location, but need not be identical.

F. Balconies

Where balconies or balconettes are utilized to satisfy the requirements of this Chapter, the following standards shall apply:

1. Such elements shall maintain a minimum of 9' of vertical clearance and a maximum of 14' of vertical clearance.

2. Such elements shall offer protection from rain, snow, wind, and sun at a minimum depth of 4' away from the front of a Principal Facade.

3. Such elements may have roofs, but must be open, unconditioned parts of the structure.

4. On building corners, such elements may wrap around the side of the building.

1149.03.15 Projections

A. General

Certain architectural elements are allowed to encroach forward of setbacks, extend into required yards, or extend into the public right-of-way. Those elements are considered projections. Table 49.3 - Projections - Residential, Section 1149.03.15.C assembles regulations regarding projections for residential usage and Table 49.4 - Projections - Non-Residential, Section 1149.03.15.D assembles regulations regarding projections for non-residential usage.

Regulations regarding specific projections appear within this Chapter.

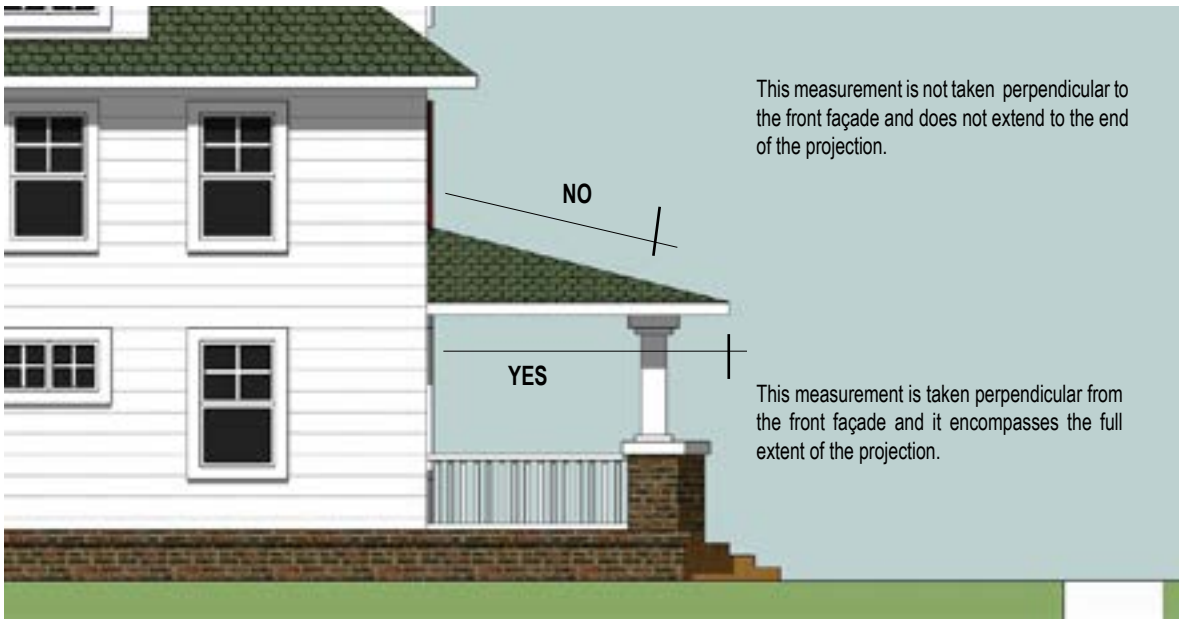
Projections listed within Table 49.3 - Projections - Residential, Section 1149.03.15.C shall encroach no closer than 3 feet to any interior side lot line, 10 feet to any front or rear lot line, and 6 feet to any street side lot line.

Projections listed within Table 49.4 - Projections - Non-Residential, Section 1149.03.15.D shall encroach no closer than the required minimum setback when the required yard adjoins a residential use with the exception of residential uses within NC and TC pattern districts.

B. Measurement

All projection distances are measured horizontally, perpendicular from the façade to the outermost portion of the projection. See Figure 49.17 - Measurement of Projections, Section 1149.03.15.B.1

1149.03.15.B.1 FIGURE 49.17 - MEASUREMENT OF PROJECTIONS



1149.03.15.C TABLE 49.3 - PROJECTIONS, RESIDENTIAL

This table assembles the permitted projections for residential structures with their corresponding-maximum projection distance into a required yard. Screening may be required with the utilization of certain projections. See also Chapter 1147, Bufferyards & Landscaping.

	Maximum Projection Distance into...			
Projection	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback
Awnings	8' maximum	3' maximum	3' maximum	8' maximum
Balconies	8' maximum	Not permitted	3' maximum	10' maximum
Bay Windows	4' maximum	2' maximum	2' maximum	6' maximum
Chimneys & Fireplaces	3' maximum	3' maximum	3' maximum	3' maximum
Eaves or Roof Overhangs	3' maximum	3' maximum	3' maximum	3' maximum
Porches	8' maximum	Not permitted	8' maximum	8' maximum
Stoops	6' maximum	Not permitted	4' maximum	6' maximum

1149.03.15.D Table 49.4 - Projections, Non-Residential

This table assembles the permitted projections for non-residential structures with their corresponding maximum projection distance into a required yard. Screening may be required with the utilization of certain projections. See also Chapter 1147, Bufferyards & Landscaping.

Projection	Maximum Projection Distance into... Front Yard Setback	Side Yard Setback	Encroach into ROW*
Arcades	12' maximum	10' maximum	Yes
Awnings	6' maximum	10' maximum	Yes
Balconies	10' maximum	10' maximum	Yes
Bay Windows	6' maximum	6' maximum	Yes
Canopies	10' maximum	10' maximum	Yes
Chimneys & Fireplaces	3' maximum	3' maximum	No
Eaves or Roof Overhangs	4' maximum	4' maximum	Yes
Marquees	12' maximum	Not permitted	Yes
Porches	12' maximum	12' maximum	No
Stoops	6' maximum	Not permitted	No

* Unless otherwise specified, all structures placed within the ROW must 1) obtain a Use-of-ROW permit from the City's Engineering Department, and 2) the permittee must indemnify, defend, and hold the City harmless from any claim made against the City relating to the encroachment

1149.03.16 Roofs

Variations in roof lines shall be used to add interest to and reduce the massing of buildings. Roof features shall be in scale and proportion with building mass and shall enhance the character of adjacent buildings and neighborhoods wherever possible. Roofing material must be constructed of durable high quality materials in order to enhance the appearance and attractiveness of the community. When required, Roofs shall be subject to the following conditions:

A. Flat roof structures shall have a continuous parapet wall on all facades of at least 12" in height. All roof mounted mechanical, electronic, and communication equipment shall be screened in accordance with Section 1149.01.6, Rooftop Screening.

B. Parapet walls, when used to fulfill the requirements of item A above, shall have at least 2 changes in height of a minimum of 2' along each Principal Facade.

C. Flat roof structures shall provide a continuous three dimensional Cap along the entire length of any required parapet wall.

D. Peaked roof structures shall provide overhanging eaves along all edges of at least 2' in depth with a minimum 8" facia. See Figure 49.13 - Eaves, Section 1149.03.13.B.3.a.

E. The primary roof structure of a peaked roof shall have a minimum roof pitch of 4:12 and a

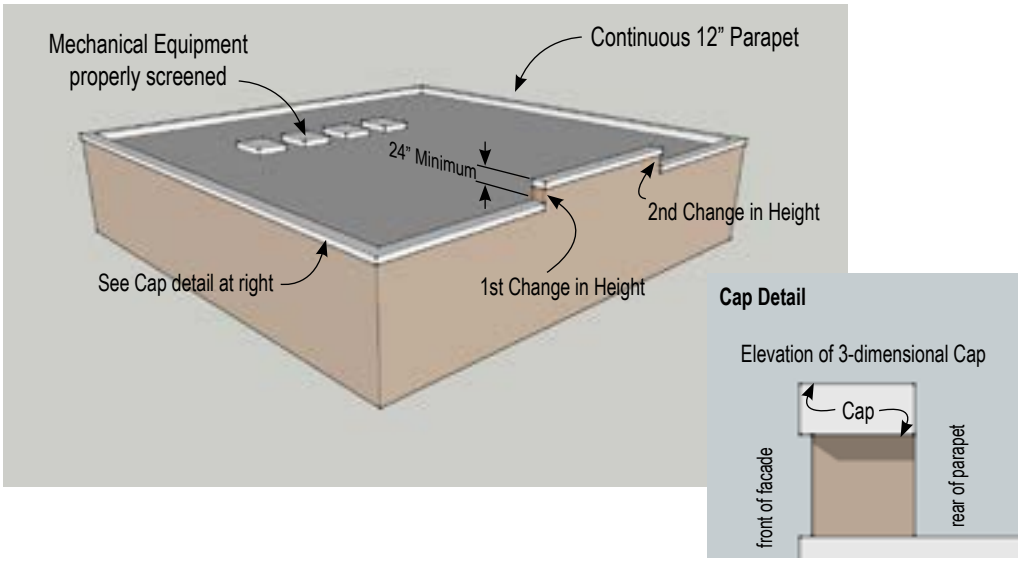
maximum roof pitch of 12:12. Secondary roof structures, such as dormers, turrets, or porches, shall be exempt from this provision. See Figure 49.12 - Roof Pitch, Section 1149.03.13.B.2.a, and Figure 49.19 - Primary & Secondary Roof Structures, Section 1149.03.16.I

F. Applied mansard roofs are prohibited.

G. Places of worship shall be exempt from the maximum roof pitch requirement.

See Figure 49.18 - Roof Standards, Section 1149.03.16.H

1149.03.16.H Figure 49.18 - Roof Standards



1149.03.16.I Figure 49.19 - Primary & Secondary Roof Structures

1149.03.17 Windows

When required, windows along Principal and Secondary Facades shall be subject to the following conditions:

A. Along the Ground Floor Elevation windows shall contain only transparent glass or glazing. The use of mirrored, frosted, or heavy tinted glass is specifically prohibited.

B. When utilized on residential structures, windows shall include exterior casing of a type that is consistent with the structure's architectural style.

C. All windows lights visible from the public Right-of-Way shall be square or vertically proportioned (i.e.—taller than wide). Exception: Structures constructed or designed in a distinct style that emphasizes horizontal elements such as, Prairie, Ranch, or Mid-Century Modern.

CHAPTER 1151
SIGNS

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1151.02.2 Exemptions

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1151.03.1 Sign Policy Required
1151.03.2 Elements of a Sign Policy

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1151.04.2 Permitted Districts
1151.04.3 Table 51.1 - Permitted Districts per Sign Types
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1151.04.5 Table 51.2 - Ground Sign Requirements - Number, Area and Height
1151.04.6 Building Signs
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1151.05 ELECTRONIC CHANGEABLE COPY
1151.05.1 Electronic Changeable Copy

1151.06 MEASUREMENT STANDARDS
1151.06.1 Measurement Standards

1151.07 GENERAL SIGN DESIGN STANDARDS
1151.07.1 Compliance with Building Code
1151.07.2 Sign Supports and Braces
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1151.07.4 Obstructions Prohibited
1151.07.5 Traffic Hazards
1151.07.6 Unsafe Signs
1151.07.7 Prohibited Locations
1151.07.8 Illuminated Signs
1151.07.9 Portable Signs
1151.07.10 Vehicular Signs
1151.07.11 Moving Signs
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1151.07.13 Windblown Signs
1151.07.14 Prohibited Elements
1151.07.15 Pole Signs
1151.07.16 Maintenance Required
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1151.08 NONCONFORMING SIGNS
1151.08.1 Nonconforming Signs
1151.08.2 Outdated Signs Prohibited
1151.08.3 Abandoned Signs Prohibited
1151.08.4 Removal of Signs

CHAPTER 1151 SIGNS

1151.01 GENERAL

1151.01.1 Purpose & Intent

The City of Kettering sign regulations, including provisions to control the type, design, size, location, motion, illumination, enforcement and maintenance thereof, are established in order to achieve, among others, the following purposes:

A. To provide for reasonable and appropriate methods for identifying establishments in office, business and industrial districts by relating the size, type, and design of signs to the size, type, and design of the office, business, and industrial establishments;

B. To maintain high quality districts of all land uses, and attractive public and private facilities of all types, by permitting only signs appropriate to their environs;

C. To protect and enhance the physical appearance of the City by:

1. Assuring the appropriate design, architectural scale, and placement of signs;

2. Assuring that signs are placed in an orderly and attractive manner on the building or site;

3. Assuring that the amount of information on the sign is legible and achieves the intended purpose.

D. To insure public safety along public and private streets within the City by maintaining a limited number of signs and assuring that all signs are in safe and appropriate locations;

E. To eliminate any conflict between traffic control signs and other signs, which would be hazardous to the safety of the motoring public or pedestrians;

F. To control the design and size of all signs so that their appearance will be aesthetically harmonious with an overall urban design for the area, in accordance with accepted community planning and design practices, and the City's Comprehensive Plan.

Tip

The 1st amendment of the United States Constitution protects freedom of speech. The Supreme Court has granted that some restrictions may exist upon speech provided that they deal only with time, place, and manner.

Time refers to when a sign may be displayed or for how long. Place refers to the sign's location, and manner deals with how a sign is constructed or the size of the sign.

1151.02 SIGN PERMIT REQUIRED

1151.02.1 Sign Permit Required

A. Except as provided in Section 1151.02.2, Exemptions, it shall be unlawful for any person to erect any sign or other advertising structure unless a Sign Permit has been issued by the Zoning Administrator.

B. The applicant for a Sign Permit shall be either the owner of the property on which the proposed sign will be erected, or the appointed agent of the owner of the property on which the proposed sign will be erected.

C. Sign Permits shall be processed, reviewed and issued in accordance with the processes

found in Section 1153.09, Administrative Decisions.

D. The changing or alteration of a sign face shall require a sign permit.

E. No permit is required for repair, repainting, or other maintenance that does not alter a sign, unless otherwise noted within this Chapter.

F. Nothing in this section shall exempt a sign from the necessity of building permit approval if an electrical or building permit is required by the Building Code.

1151.02.2 Exemptions

The following signs are exempt from the permit requirement contained within Section 1151.02.1, Sign Permit Required:

A. Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, or similar devices;

B. Signs that are constructed of paper, cloth, or similar expendable material, attached to the inside of a window, do not exceed 8 square feet in sign face area, and do not cover more than 25% of the area of the window pane;

C. Signs that are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, Montgomery County, or City of Kettering;

D. Hand-held signs not set on or affixed to the ground;

E. Temporary signs located within residential districts as listed within Table 51.4 - Temporary Sign Requirements, Section 1151.04.10.K.;

F. Sign faces that are not visible from a public right of way or any residential use or property;

G. Sign faces that are visible from the public right of way, but are not intended for public view and are not discernible in message due to the small size of the sign's text, copy, or graphics as viewed from the public Right of Way. Such signs shall not exceed 6 square feet in area and shall not exceed 6 feet in height.

1151.03 SIGN POLICY REQUIRED

1151.03.1 Sign Policy Required

All multiple tenant properties shall develop a sign policy subject to the approval of the Zoning Administrator. Sign policies shall be subject to the procedures established in Section 1153.09, Administrative Decisions.

1151.03.2 Elements of a Sign Policy

Sign policies serve to unify and coordinate multiple tenant signs within a property. Sign policies shall coordinate the following aspects of sign design for multiple tenant properties:

A. Permitted maximum height and width. Example - 24" max height and max width of 80% of tenant space frontage;

B. Permitted sign design and materials. Example - channel letters mounted on a raceway, cabinet, or box signs;

C. Permitted locations on the building;

D. Permitted sign face and sign structure colors;

E. Permitted illumination.

1151.04 SIGN TYPES

1151.04.1 Types of Signs Permitted

No signs, other than the following types, are permitted on private property within the City. The following types of signs are permitted only in accordance with regulations of this Chapter:

A. Ground Signs;

B. Building Signs;

C. Window Signs;

D. Flags;

E. Temporary Signs;

F. Signs expressly exempted by Section 1151.02.2, Exemptions of this Chapter.

1151.04.2 Permitted Districts

Signs shall be permitted by district or location of sign as listed within Table 51.1 - Permitted Districts per Sign Types, Section 1151.04.3.

1151.04.4 Ground Signs

A. Number Permitted

The number of ground signs permitted shall be as listed within Table 51.2 - Ground Sign Requirements - Number, Area and Height, Section 1151.04.5.

1151.04.3 TABLE 51.1 - PERMITTED DISTRICTS PER SIGN TYPES

Sign Location	Ground Sign (1)	Building Sign (1)	Window Sign (1)	Flag (1)	Temporary Sign
R-E(a), R-E(b), R-1, R-2	No	No	No	Yes	Yes
R-3, R-4	Yes	No	No	Yes	Yes
Civic Conditional Uses in R districts	Yes	Yes	Yes	Yes	Yes
Residential and Lodging Conditional Uses in R districts	Yes	No	No	Yes	Yes
Office	Yes	Yes	Yes	Yes	Yes
Business	Yes	Yes	Yes	Yes	Yes
Industrial	Yes	Yes	Yes	Yes	Yes
Community Center	Yes	Yes	Yes	Yes	Yes
Institutional	Yes	Yes	Yes	Yes	Yes

Table Codes:
Yes = Permitted
No = Not Permitted
(1) Only permitted if a Principal Use is present upon the same lot.

B. Setbacks

Ground signs shall be set back at least 10 feet from every right-of-way line, at least 20 feet from any side or rear lot line, and at least 75 feet from any property line abutting any residentially used property, excluding multi-unit dwellings located within TC and NC Pattern districts, and shall be located so as to conform to Section 1151.07.5, Traffic Hazards.

If a ground sign cannot be located between a building and the right-of-way line due to a required building setback, then either an additional 25% of wall sign area shall be allowed, or if such a building is a corner lot building then one additional wall sign shall be permitted.

C. Maximum Area and Height

The maximum area and height of ground signs shall be as listed within TABLE 51.2 - GROUND SIGN REQUIREMENTS - NUMBER, AREA AND HEIGHT, Section 1151.04.5.

D. Landscaping

1. The base of all ground signs shall be effectively landscaped in accordance with the following standards and maintained in good condition at all times.

2. All ground signs shall require at a minimum a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:

   a. The edge of the required landscaped area shall be thirty inches from the edge of the sign or any edge of the sign structure.

   b. The landscaped area shall include all points where sign structural supports attach to the ground.

   c. Where the required landscaped area adjoins a paved surface accessible to vehicular traffic, a raised concrete curb, suitable to prevent the encroachment of vehicles, shall be required. The minimum horizontal distance between the face of any required curb and any part of the sign shall be 30 inches.

   d. The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt, stone, or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.

E. Changeable Copy

1. Up to 50% of any sign face may be comprised of changeable copy. The maximum height at which changeable copy may be displayed shall be 6'. Illegal and Legal Nonconforming signs shall not be altered to display changeable copy. See also Section 1151.05, Electronic Changeable Copy.

1151.04.5 Table 51.2 - Ground Sign Requirements - Number, Area and Height

See next page

1151.04.6 Building Signs

A. Number Permitted

The number of building signs permitted shall be as listed within Table 51.3 - Building Sign Requirements - Number, Area, Section 1151.04.7

B. Maximum Projection

No building sign with its face placed parallel to the building facade on which it is located shall project more than 18 inches from the surface or wall to which it is attached. No building sign with the its face placed perpendicular to the building facade on which it is located, also known as a projecting sign, shall project more than 6' from the surface or wall to which it is attached. No building sign shall extend any closer than 12 inches to either the top or side edges of the surface or wall to which it is attached.

1151.04.5 TABLE 51.2 - GROUND SIGN REQUIREMENTS - NUMBER, AREA AND HEIGHT

District or Location of Sign	Number of Ground Signs Permitted	Maximum Sign Area Permitted	Maximum Sign Height Permitted
R-E(a), R-E(b), R-1, R-2	NA	NA	NA
R-3, R-4	1 per lot, minimum lot size of 1 acre	6 sq ft	4 ft
Civic Conditional Uses in R districts	1 per street frontage	1/4 sq ft per linear foot of street frontage, not to exceed 24 sq ft.	6 ft
Residential and Lodging Conditional Uses in R districts	1 per lot	2 sq ft for Residential Uses 6 sq ft for Lodging Uses	3 ft for Residential Uses 4 ft for Lodging Uses
Office	1 per lot	1/4 sq ft per linear foot of street frontage, not to exceed 24 sq ft.	6 ft
Business	1 per lot	1/4 sq ft per linear foot of street frontage, not to exceed 35 sq ft.	6 ft
Business, Multi-Tenant Sites over 5 acres or with more than 600' of street frontage on any one street.	1 per street frontage	1/6 sq ft per linear foot of street frontage, one sign not to exceed 100 sq ft., any additional signs not to exceed 24 sq ft.	One sign not to exceed 15 ft, any additional signs not to exceed 6 ft.
Business, Multi-Tenant Sites under 5 acres or with less than 600' of street frontage on any one street.	1 per lot	1/4 sq ft per linear foot of street frontage, not to exceed 50 sq ft.	6 ft
Industrial	1 per lot	1/4 sq ft per linear foot of street frontage, not to exceed 24 sq ft.	6 ft
Community Center	1 per lot	1/4 sq ft per linear foot of street frontage, not to exceed 24 sq ft.	6 ft
Institutional	1 per street frontage	1/4 sq ft per linear foot of street frontage, not to exceed 24 sq ft.	6 ft
Non-Residential Campus or Site of 30 acres or more and having at least 200,000 square feet of non-residential GFA	See Section 1151.04.13, Campus and Large Site Signage		

Table Codes:
NA = Not Applicable

1151.04.7 TABLE 51.3 - BUILDING SIGN REQUIREMENTS - NUMBER, AREA

District or Location of Sign	Number of Building Signs Permitted	Maximum Sign Area Permitted
R-E(a), R-E(b), R-1, R-2	NA	NA
R-3, R-4	1 per street frontage	1/2 sq ft per total number of dwelling units.
Civic Conditional Uses in R districts	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 50 sq ft.
Residential and Lodging Conditional Uses in R districts	Not permitted	Not Permitted
Office	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 125 sq ft.
Office, Multi-Tenant	1 per tenant space. However, 2 per endcap tenant if located on corner lot	Total combined sign area for all tenant signs shall not exceed 125 sq ft or 1/4 sq ft per linear foot of building frontage on which the signs will be located, whichever is less.
Business	1 per street frontage	1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 150 sq ft.
Business, Multi-Tenant	1 per tenant space. However, 2 per endcap tenant if located on corner lot	1 sq ft per linear foot of building unit frontage, not to exceed 150 sq ft per tenant.
Industrial	1 per street frontage	1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 150 sq ft.
Industrial, Multi-Tenant	1 per tenant space. However, 2 per endcap tenant if located on corner lot	1 sq ft per linear foot of building unit frontage, not to exceed 20 sq ft per tenant.
Community Center	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 50 sq ft.
Institutional	1 per street frontage	1/4 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 50 sq ft.
Non-Residential Campus or Site of 30 acres or more and having at least 200,000 square feet of non-residential GFA	See Section 1151.04.13, Campus and Large Site Signage	

Table Codes:
NA = Not Applicable

C. Maximum Area

The maximum area of building signs shall be as listed within Table 51.3 - Building Sign Requirements - Number, Area, Section 1151.04.7

D. Placement

No sign shall be nearer than 4 feet to any other sign, nor nearer than 6 feet to any other building or structure.

1151.04.8 Window Signs

A. No window sign shall exceed 25 square feet in sign face area.

B. No more than 50% of any window panel shall be covered by any combination of permanent or temporary window sign(s).

C. No window sign shall be located above the first floor of the building from which it is displayed.

1151.04.9 Flags

A. Permitted Locations

Flags shall only be flown from flag poles. Flags are limited to no more than two flags per flag pole. Flag poles are regulated as accessory structures. See Section 1139.02.6, Flag Poles and Section 1139.03.12, Flag Poles.

B. Maximum Area and Proportion

Flags shall be limited to 24 square feet in area and shall be flown in a horizontal orientation. The width (fly) of a flag shall be no more than 2.5 times the height (hoist).

C. Flag Area and Sign Area

Flags shall not count towards any sign area limitations or requirements found elsewhere within this Chapter.

1151.04.10 Temporary Signs

Temporary signs shall comply with all applicable provisions of Chapter 1151 regarding safety, maintenance and other prohibitions, and shall also comply with the additional conditions and requirements contained in this section.

A. Temporary signs shall not be illuminated.

B. Temporary signs shall not have any changeable copy.

C. Temporary signs shall be constructed using commonly found materials and accepted construction methods for such signage.

Examples of commonly found materials include cardboard, painted plywood, coroplast, rigid plastic sheet, metal sheet, vinyl or cotton canvas fabric, and static cling decals.
Examples of commonly accepted construction methods include metal frames, wire "H" frames, wood posts, and paint or static cling decals on glass windows.

D. Temporary signs shall be legible, neat, and professional in appearance.

E. No temporary signs shall be attached to light poles, luminaires, fixtures, mechanical equipment, fences, dumpsters, or landscaping. No temporary signs shall be attached to any permanent sign or sign base.

F. Within the R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts the only types of temporary signs that are permitted are ground signs, window signs, and wall banners. All other types are prohibited. The maximum area and height, the minimum setback from the Right-of-Way, and the permitted number of such signs shall be as listed within Table 51.4 - Temporary Sign Requirements, Section 1151.04.10.K

G. Within the O, B, I, CC, and IS districts the only types of temporary signs that are permitted are ground signs, window signs, and wall banners. All other types are prohibited. The maximum area and height, the minimum setback from the Right-of-Way, and the permitted number of such signs shall be as listed within Table 51.4 - Temporary Sign Requirements, Section 1151.04.10.K

H. Temporary ground signs shall be located in landscaped areas only, subject to the following conditions:

1. The landscaped area shall include all points where sign structural supports attach to the ground.

2. The edge of the required landscaped area shall be thirty inches from the edge of the sign or any edge of the sign structure.

3. The use of concrete, asphalt, stone, or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.

I. Temporary wall banner signs shall not extend more than 6 inches from any wall or structure upon which they are erected.

J. Walls signs and banners shall not be attached to any roof or roof element and must be a minimum of 2 feet below the top and a minimum of 2 feet from the side of the surface to which they are attached.

1151.04.10.K TABLE 51.4 - TEMPORARY SIGN REQUIREMENTS

Temporary Sign Type	Maximum Sign Area Permitted	Maximum Sign Height Permitted	Minimum Setback from Rights-of-Way	Number Permitted and Duration
Ground and Window Signs in R districts	12 sq ft total for all Ground Signs combined. No single Ground Sign shall be greater than 6 sq ft in area. 8 sq ft for Window Signs subject to 1151.04.8.B 16 sq ft for Wall Banner Signs	4 ft for Ground Signs See 1151.04.8.C for Window Signs See 1151.04.10.J for location restrictions	3 ft for Ground Signs 10 ft for Window Signs	No limitation on the total number of signs, provided that such signs are in compliance with the maximum sign area requirements within this Table. Such signs may be displayed for no longer than 30 consecutive days. Subsequent temporary signs are allowed to be displayed provided all such signs are removed for at least 14 days prior to beginning a new display period.
Ground, Window and Wall Banner Signs in Non Residential districts.	12 sq ft for Ground Signs 25 sq ft for Window Signs subject to 1151.04.8.A and B 32 sq ft for Wall Banner Signs	6 ft for Ground Signs See 1151.04.8.C for Window Signs Wall Banners must be at least 2 ft below the top of the wall to which they are attached and must be at least 2 ft from the edge of the wall to which they are attached.	15 ft for Ground Signs NA for Window Signs NA for Wall Banners	1 sign per street frontage. For such temporary signs a permit sticker shall be obtained from the Zoning Administrator identifying dates the sign is permitted to be displayed. Such signs may be displayed for no longer than 30 consecutive days. Permit stickers must be attached to the sign when the sign is installed. A separate permit is required for each sticker granted. No more than 4 stickers may be issued to any single tenant in the same calendar year. Single Tenant Building - 1 sign per street frontage Multi-Tenant Building - 1 sign per building unit, not to exceed 3 such signs on the property at one time

Table Codes:
NA = Not Applicable

1151.04.11 Vacancies and Sites Under Construction

Vacant lots, buildings, and building units, and Sites under construction with an active and valid permit for such construction are permitted signage subject to the following standards:

A. Vacant lots or vacant buildings, and such Sites under construction are permitted a single ground sign per street frontage subject to the following standards:

1. Within CC, O, B, I, and IS districts, and upon lots greater than 2 acres located within R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts, such a sign shall be limited to 16 square feet in sign area. Upon lots equal to or less than 2 acres in area located within R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts such a sign shall be limited to 6 square feet in area.

2. Such a sign shall be limited to 6 feet in height within CC, O, B, I, and IS districts, and upon lots greater than 2 acres located within R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts. Such a sign shall be limited to 4 feet in height upon lots equal to or less than 2 acres in area located within R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts.

B. Vacant building units and building units under construction are permitted window signage in accordance with the standards found in Section 1151.04.8, Window Signs. If no window is present to allow for such signage, then a single ground sign is permitted subject to the following standards:

1. Such a sign shall be limited to 6 square feet in sign area.

2. Such a sign and shall be limited to 4 feet in height.

C. Ground signs permitted within subsections A and B above shall be subject to the following standards:

1. Such signs shall be set back at least 10 feet from every right-of-way line, and at least 20 feet from any side or rear lot line.

2. Within CC, O, B, I, and IS districts, and upon lots greater than 2 acres located within R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts such signs shall be constructed using wooden posts painted white, and a rectangular or square plywood, metal, or plastic sign face(s).

3. Such signs shall be placed within a landscape area and shall be constructed and placed in such a manner that allows them to be easily removed from the site, similar to a temporary sign. Posts shall not be cemented into place.

D. Such signs shall not be illuminated.

E. Such signs shall not have any changeable copy.

F. Once an application for a use, conditional use, or development approval is approved, or once a lot, building, or building unit is occupied and no longer vacant such signs shall be removed from the vacant lot, building, building unit, or Site.

1151.04.12 Additional Signage

A. Sites which have a one-way pattern of circulation and take access from a non-residential street are permitted signage subject to the following standards:

1. Each access point shall be permitted a single sign located no further than 10' from the edge of pavement of such access point;

2. Within CC, O, B, I, and IS districts and for Civic conditional uses in all R districts, such a sign shall be limited to 2 square feet in sign area. Such signs located elsewhere shall be limited to 1 square feet in sign area.

3. Such signs shall be limited to 3' in height.

4. Such signs shall meet the landscaping standards for ground signs. See Section 1151.04.4, Ground Signs.

5. Such signs shall not have any changeable copy.

B. Residential properties currently listed for sale with the Dayton Area Board of Realtors Multiple Listing Service, shall be permitted 1 additional temporary sign which shall be exempt from the duration requirements found within Table 51.4 - Temporary Sign Requirements, Section 1151.04.10.K

C. Non-residential Sites which have at least 8 waiting spaces and a drive-thru window for transactions shall be permitted a single sign per drive-thru lane with each sign located adjoining such drive-thru lane. Such signs shall be viewable to the drive-thru lane and shall not face the public Right-of-Way. Such signs shall be limited to 24 square feet and 4' in height. Such signs shall be setback from the public Right-of-Way by at least 5' within TC and NC development pattern districts and at least 20' when located elsewhere.

1151.04.13 Campus and Large Site Signage

A Campus or individual parcel of at least 30 acres in lot area and having at least 200,000 square feet of non-residential gross floor area shall be permitted signage according to the standards found below and within Table 51.5 - Campus and Large Site Signage:

A. Building Signs displayed higher than a second story and which are adjacent to and face a residential property shall be illuminated according to the following:

1. If illuminated, such sign shall be equipped with an automatic shut off switch which will turn off the sign from 10pm each evening to 7 am each morning. Additionally, such signage shall also be equipped with dimmers to control the brightness of illumination to ensure that residential properties are protected from nuisance glare or brightness.

B. Ground signs are permitted per access drive and type according to the following:

1. Such developments shall designate a maximum of one access drive as a Primary Access. All other access drives shall either be designated as Major or Minor access drives.

Tip

Primary Access Drives would be considered the main entrance to a Campus.

Major Access Drives serve a larger scale principal building within the Campus and Minor Access Drives serve accessory building or functions.

1151.04.14 TABLE 51.5 - CAMPUS AND LARGE SITE SIGNAGE

Sign Type and Location of Sign	Conditions for Additional Signs	Number of Signs Permitted	Maximum Sign Area Permitted	Required Display Height	Required Design
Building Signs Building located upon Campus or Site of 30 acres or more and having at least 200,000 square feet of non-residential GFA for all buildings (not including parking structures).	No Conditions	1 per street frontage	1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 125 sq ft.	Such signs shall be displayed no higher than the second story or 25 ft, whichever is less	Such signs shall be comprised of individual letters mounted to the facade
Additional Building Sign provided condition can be satisfied	Building is greater than 50 ft in height and consists of 3 or more stories	1 per street frontage (this is in addition to the signs permitted above)	1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 125 sq ft.	Such signs shall be displayed no higher than the third story or 40 ft, whichever is less	Such signs shall be comprised of individual letters mounted to the facade. NO internal illumination
Additional Building Sign provided condition can be satisfied	Building is greater than 75 ft in height and consists of 5 or more stories	1 per street frontage (this is in addition to the signs permitted above)	1/2 sq ft per linear foot of building frontage on which the sign will be located, not to exceed 75 sq ft.	Such signs shall be displayed no lower than the third story or 40 ft, whichever is greater	Such signs shall be comprised of individual letters mounted to the facade. NO internal illumination
Additional Building Sign provided condition can be satisfied	Building is greater than 75 ft in height and consists of 5 or more stories	1 per street frontage (this is in addition to the signs permitted above)	Maximum letter/copy height of 18". Maximum length shall not exceed 60% of the length of the wall on which it is displayed.	Such signs shall be displayed no lower than the third story or 40 ft, whichever is greater	Such signs shall be comprised of individual letters mounted to the facade. NO internal illumination
Ground Signs Primary Access Drive	NA	Maximum of 3 signs. A single sign on each side of the access and a possible third sign is permitted provided it is located within a landscaped median within the access drive.	1 sign not to exceed 120 sq ft, all others not to exceed 60 sq ft.	1 sign not to exceed 8 ft in height, all others not to exceed 6 ft in height.	All ground signs shall match materials and design of principal structure.
Major Access Drive	NA	1 per major access	Not to exceed 80 sq ft.	8 ft maximum height	
Minor Access Drive	NA	1 per minor access	Not to exceed 24 sq ft.	6 ft maximum height	
Ground Sign	NA	1 per lot	Not to exceed 35 sq ft.	6 ft maximum height	

Table Codes:
NA = Not Applicable

1151.05 ELECTRONIC CHANGEABLE COPY

1151.05.1 Electronic Changeable Copy

Electronic Changeable Copy is permitted upon Ground Signs per Section 1151.04.4.E, subject to the following conditions:

A. Permitted Locations

1. Such sign copy is permitted for Hospitals, Educational Institutions, Places of Worship, and Governmental Facilities; and

2. Such sign copy is permitted within the O-Office district and the B-Business district; and

3. Such sign copy is permitted in the Community Center district provided that it conforms with a sign policy consistent with the adopted development plan for the district; and

4. Signs that display such sign copy shall be located on lots with a minimum of 300' of frontage along an arterial or thoroughfare street.

B. Setback Requirements

1. Signs that display such sign copy, when located in Residential districts, shall maintain a minimum setback of 25' from the public right-of-way, and a minimum setback of 20' from any lot line.

2. Signs that display such sign copy, when located in O-Office, B-Business, and IS-Institutional districts shall maintain a minimum setback of 15' from the public right-of-way, and a minimum setback of 20' from any lot line.

3. Signs that display such sign copy when located in the Community Center district shall be located so as to conform with a sign policy consistent with the adopted development plan for the district.

C. Orientation

Such sign faces shall be perpendicular to the nearest public right-of-way, or as close to perpendicular as is practicable.

D. Dimensions

1. The minimum height of each character on such a sign face shall be 6".

E. Message Duration and Transition

1. Such sign faces shall display the entire message at one time without displaying characters that are scrolling, moving, or exhibit the illusion of movement. The transition between messages shall be instantaneous.

2. Such sign faces shall have the message appear for no less than 30 continuous seconds.

F. Color

Light emitted from such sign faces shall be limited to a single illuminated copy color and a single, non-illuminated background color.

G. Brightness

1. Such sign faces or copy shall be equipped with an automatic dimmer that adjusts luminance based on ambient light levels and conditions.

2. Such sign faces or copy shall not exceed a luminance of 5,000 nits during daytime operation.

3. Such sign faces or copy shall not exceed a luminance of 125 nits during nightime operation.

1151.06 MEASUREMENT STANDARDS

1151.06.1 Measurement Standards

A. The area of a sign shall be measured as follows:

1. The area of the surface, or surfaces of any opaque or translucent panels used or intended for displaying a message;

2. For a sign comprised of individual letters, figures, or elements on a wall or similar surface, or an irregularly shaped freestanding sign, the area of a sign shall encompass a regular, or a combination of not more than 6 rectangles that form, or approximate, the perimeter of all the elements in the display. When separate elements are organized to form a single sign but the elements are separated by open space, the area shall be calculated by determining the geometric form or combination of forms that comprise all the display area including the space between elements; and

3. The area of the surface of any opaque panel used or intended for displaying a permanent message that is affixed to windows or doors.

B. The supporting structure or bracing of a sign shall not be counted as a part of sign area, unless such structure or bracing is made a part of the sign's message by including a symbol, logo, or other three–dimensional figure, in which case a combination of regular geometric shapes that can encompass the area of said symbol or figure shall be included as part of the total sign area calculations.

C. Where a sign has two display faces that measure 24" or less back to back, only the area of one face of the sign shall be considered for purposes of measuring total sign area.

D. Where a sign has two or more sign faces that are either more than 24" back to back, or that form another geometric shape, such as a globe, pyramid, cube, or cylinder, the area of all portions of the sign face that can be viewed by the public shall be considered for purposes of measuring sign area.

E. The height of a sign shall be measured as follows:

1. The height of a freestanding sign shall be determined by measuring the vertical distance between the top part of a sign or its structure, whichever is highest, to the elevation of the ground directly beneath the sign.

   In cases where signs are to be located on man–made berms, hills, or other similar ground formations, with sides steeper than one foot of rise to four feet of horizontal run, the Zoning Administrator shall utilize the elevation of the street curb nearest to the location of the sign for determining sign height. In the case of a private or public street without curbing the edge of pavement nearest to the sign location shall be utilized to determine sign height.

2. Any material whose major function is providing structural support for a sign shall be considered part of the sign for purposes of determining sign height.

1151.07 GENERAL SIGN DESIGN STANDARDS

1151.07.1 Compliance with Building Code

A. All signs shall comply with the appropriate detailed provisions of the Building Code relating to design, structural members, and connections.

B. Signs shall comply with the provisions of the applicable Electrical Code and the additional design standards set forth in this Section.

1151.07.2 Sign Supports and Braces

A. All sign supports shall be an integral part of the sign design.

B. There shall be a cap on all free–standing sign columns or posts to provide visual interest and shed water.

C. No temporary signs shall be attached to a ground or pole mounted sign.

1151.07.3 Sign Anchoring

A. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action.

B. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

1151.07.4 Obstructions Prohibited

A. No sign or other advertising structure shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window or fire escape, or block any light or ventilation openings.

B. No sign of any kind shall be located or attached so as to obstruct emergency facilities or equipment.

C. No sign, otherwise permitted in this Chapter, supported by or suspended from a building shall hang less than eight feet above a pedestrian path, or less than fifteen feet above a vehicular path.

1151.07.5 Traffic Hazards

No sign or other advertising structure shall:

A. Obstruct free and clear vision within sight triangles at any street or vehicular drive intersection defined by a line drawn connecting points lying on each curb line 35' feet from the point of intersection of the curb lines;

B. Interfere with the function of or obstruct the view of any authorized traffic sign, signal, or device;

C. No signs shall be permitted or allowed in any public right of way, except as may be erected by municipal or state government.

1151.07.6 Unsafe Signs

A. No sign or other advertising structure shall constitute a hazard to safety or health by reason of inadequate or inappropriate design, construction, repair, or maintenance.

B. No signs shall be located nearer than 8 feet vertically, or 4 feet horizontally from any overhead electric wires or conductors or public utility guy wires.

1151.07.7 Prohibited Locations

Unless specified elsewhere in this Zoning Code, the following prohibitions exist on the location of permitted signs.

A. No sign shall be mounted on the roof of a building or which is mounted to and wholly dependent upon a building for support and that projects above the parapet of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

B. No sign shall project above a parapet wall.

C. No sign shall be placed or project above the angle of a mansard roof.

D. Other than traffic control signs, no sign shall be attached to or supported by a tree, bus shelter, utility pole, bench, trash receptacle, or newspaper vending machine.

1151.07.8 Illuminated Signs

A. No sign or other advertising structure shall be illuminated or emit light so as to cause objectionable brightness or glare into or onto any residential premises or any public right-of-way.

B. Light sources shall not be of such brightness as to constitute a hazard to pedestrians or motorists and shall be shielded so as not to cast an illumination of more than 1 foot candles on contiguous properties and not more than 0.1 foot candles on residential properties.

C. No colored lights shall be used in a location or manner as to be confused with traffic control devices or vehicular traffic.

D. The light source for all freestanding and wall mounted signs for conditional uses located within R-districts shall be automatically turned off from 10:00 p.m. each evening until 7:00 am the following day. Exception: Hospitals, Governmental Uses, and other Emergency Service Providers shall be exempt.

1151.07.9 Portable Signs

Portable signs, as defined in Section 1159.03, Sign Definitions shall be prohibited within the City of Kettering.

1151.07.10 Vehicular Signs

Vehicular signs are prohibited.

1151.07.11 Moving Signs

No sign or other advertising structure shall have visible moving, revolving, or rotating parts, or visible mechanical movement of any kind.

1151.07.12 Flashing Signs

No sign or other advertising structure shall have any lights or illumination that flash, move, rotate, scintillate, blink, flicker, or cause the illusion of movement, vary in intensity or color, or use intermittent electrical pulses.

1151.07.13 Windblown Signs

No sign shall contain or consist of windblown devices, such as banners, pennants, ribbons, streamers, balloons and other inflatable devices, air activated graphics, spinners or similar objects, or flags except as permitted in Section 1151.04.9, Flags

1151.07.14 Prohibited Elements

No sign or other advertising structure, or any part, shall display fluorescent colors.

1151.07.15 Pole Signs

Pole signs shall not be permitted in any zoning district.

1151.07.16 Maintenance Required

A. All signs shall be maintained so as not to show evidence of deterioration, including peeling, rust, dirt, fading, damage, discoloration, or holes.

B. All signs shall be maintained in a presentable condition at all times, including the replacement of a defective or broken part, cleaning, painting, and other acts required for the maintenance of said sign.

C. Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the

property on which the nonconforming sign is located from compliance with the provisions of these regulations regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not alter the sign in any way.

1151.07.17 Raceways, Supporting Structure

Raceways and other such sign supporting structures shall be painted or otherwise color treated to match the building fascia, wall, or surface to which they are mounted.

1151.08 NONCONFORMING SIGNS

1151.08.1 Nonconforming Signs

A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with all of the provisions of this chapter, and all other applicable City laws and ordinances or be removed if any of the following conditions are present:

A. The nonconforming sign or a part of the nonconforming sign is altered, modified, relocated, replaced, or changed in any manner whatsoever, exclusive of a permitted sign face replacement of a similar material and construction;

B. The nonconforming sign is damaged or deteriorated and requires any process of reconstruction, repair, maintenance, or restoration, and the cost of said reconstruction, repair, maintenance, or restoration exceeds fifty percent of the sign's replacement cost;

C. The nonconforming sign is part of a use that is discontinued for a period of at least 180 days;

D. The nonconforming sign is for a property or premises that undergoes a change of use group.

1151.08.2 Outdated Signs Prohibited

No sign or other advertising structure shall advertise a business that is no longer in existence or a product that is no longer sold at the business, as such signs are misleading to the public, create undue visual clutter, and pose a hazard to traffic control and safety.

Therefore, for any sign or other advertising structure that is part of an establishment that discontinues its operation, the face of the sign shall be replaced with a blank face within 30 days or the sign or other advertising structure shall be completely removed. Compliance with this requirement by installing a blank sign face does not exempt the sign from the requirements of Section 1151.08.3, Abandoned Signs Prohibited and Section 1151.08.1, Nonconforming Signs.

1151.08.3 Abandoned Signs Prohibited

Signs that are abandoned, or that are accessory to an abandoned use of property, are prohibited and shall be removed. A use shall be determined abandoned if it has voluntarily ceased its opera-

tions for a period of at least 180 days.

1151.08.4 Removal of Signs

A. The Zoning Administrator is authorized to order the removal, repair, or maintenance of any sign that constitutes a nuisance, or for which the required permit has not been obtained, or that is violative of any provision in Section 1151.07.6, Unsafe Signs of this chapter.

B. Whenever the removal, repair, or maintenance of any permanent sign has been ordered by the Zoning Administrator, the owner or person in possession of such sign shall comply with such order within 14 days after notice is served upon him. Whenever the removal, repair, or maintenance of a temporary or portable sign has been ordered by the Zoning Administrator, the owner or person in possession of such sign shall comply with the order within 48 hours after service of notice. In the event of noncompliance, the Zoning Administrator may seek an order of removal from a court of competent jurisdiction, or may pursue criminal action against the owner and/or person in possession in accordance with the appropriate provisions of this Zoning Code relating to Code violations. If, following an inspection, the Zoning Administrator determines that any sign constitutes an immediate danger to the public safety, the Zoning Administrator may effect the immediate removal of said sign without regard to the time intervals for compliance cited above, at the sign owner's expense. Removal of a sign shall include the sign face, enclosing frame, all sign supporting members and base, unless otherwise specified in the order to remove.

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CHAPTER 1153 PROCEDURES & ENFORCEMENT

1153.01 PURPOSE AND INTENT

The purpose of this chapter is to consolidate the procedures for filing and processing applications for zoning approval. The format is designed to allow users to efficiently determine the various steps involved in obtaining zoning approval — from the initiation and filing of an application, the administrative completeness review, the review for compliance with substantive standards, on through to the public hearing process, if needed.

The provisions of this chapter are designed to implement the requirements of the Zoning Code.

This Chapter also specifies the requirements for amendments, variances, appeals, and interpretations of this Zoning Code.

1153.02 ZONING APPROVALS

1153.02.1 General Descriptions

There are five types of zoning approvals. The five types of zoning approvals are listed along with a general description of each type in the following table:

A. Use Approvals	Use approvals are the most basic of zoning approvals. A use approval is necessary to verify if a proposed use is permitted. Use approval is necessary in order to secure a Zoning Certificate.
B. Development Approvals	This type of approval allows for the construction or alteration of structures or for the disturbance of land. Development approval is necessary in order to secure a Zoning Permit.
C. Temporary Approvals	This type of approval allows for the temporary use of a property or structure. Temporary approval is necessary in order to secure a Temporary Zoning Permit.
D. Conditional Use Approvals	Conditional Use approvals allow for the use of property once a certain set of conditions have been met. These uses span a large range of uses with similarly ranging impacts that must be carefully measured and calibrated through the use of design and contextually sensitive site planning. Conditional approvals require a public hearing.

1153.02.2 Approvals Required

A. No development, development activity, or use of property is permitted unless all zoning approvals applicable to the proposed development are issued in accordance with this chapter. Zoning approvals are required for all development, unless otherwise excepted, to ensure compliance with the various adopted codes, standards, and laws, and to ensure consistency with the comprehensive plan and policies of the City.

B. Zoning approval is required prior to the issuance of any zoning permit or certificate.

1153.02.3 Table 53.1 - Zoning Approvals - Summary Table

The following table offers a summary of the requirements for obtaining zoning approvals. The various types of zoning approvals are listed with their corresponding approval process, public hearing requirements, zoning permit and certificate requirements, and the responsible decision maker. Additional requirements and processes are found within this Chapter.

Approval Type	Approval Process	Public Hearing Required	Decision Maker	Permit Required	Certificate Required	For additional requirements please refer to the proper section noted below:
1. Use	A	No	ZA	No	Yes	See 1153.05 Use Approvals
2. Development	A	No	ZA	Yes	No	See 1153.06 Development Approvals
3. Temporary	A	No	ZA	Yes	No	See 1153.07 Temporary Approvals
4. Conditional Use	H	Yes	PC	No	Yes	See 1153.08 Conditional Use Approvals

Table Codes:

A = Administrative
H = Hearing
ZA = Zoning Administrator
PC = Planning Commission

Yes = Required
No = Not Required

1153.02.4 General Procedure for Applications

The specific procedures followed in reviewing various applications for zoning approval differ. Reference shall be made to the appropriate section in this chapter which addresses the procedures and requirements of a particular application. Generally, the procedures for all applications have five common elements:

1) Submittal of a complete application, including required fee payments and appropriate information and studies;

2) Review of the submittal by appropriate staff, agencies, and boards;

3) A decision to approve, approve with conditions, or deny together with the description of the actions authorized and the time period for exercising rights;

4) If necessary, amending or appealing the decision; and

5) Recording the decision.

1153.02.5 Description of Procedural Elements For Approvals

This section describes procedural elements common to all applications. Also found within this section are descriptions for processing certain types of applications. Each section relating to procedure provides the following information:

A. Preapplication Procedures: This describes the procedure for discussions with appropriate staff as to requirements for application submittal and compliance with the Zoning Code.

B. Application: This describes how the application for approval is filed.

C. Completeness Review: This describes the process for determining whether sufficient information has been submitted in order to process an application, which includes the required fee payment and appropriate information. A determination that an application is complete or incomplete does not constitute a determination as to whether the application complies with the standards for approval of the application.

D. Decision: This describes the procedures for review of the submittal by appropriate staff, agencies, and boards, and for reaching a determination as to whether the application for development approval is approved, denied, or approved with conditions.

E. Approval Criteria: This lists the criteria for approval of the particular application. These criteria supplement and do not displace any other criteria required by this chapter for approval of the application.

F. Subsequent Applications: This provides time periods for processing of renewal applications.

G. Scope of Approval: This indicates the rights that an applicant obtains from approval or conditional approval of an application, what actions the development approval authorizes, and the time period for exercising rights under the order or development approval.

1153.03 ZONING PERMITS & CERTIFICATES REQUIRED

1153.03.1 Zoning Permit Required

A. No development, development activity, or temporary use of property is permitted unless a Zoning Permit has been issued by the Zoning Administrator.

B. The applicant for a Zoning Permit shall be either the owner or the appointed agent of the owner.

C. A valid Zoning Permit shall certify that the proposed use and development are in compliance with all applicable provisions of the City of Kettering Zoning Code.

D. Zoning Permits shall be issued in accordance with the processes found in Section 1153.09, Administrative Decisions.

1153.03.2 Zoning Certificate Required

A. No use or occupancy of property is permitted unless a Zoning Certificate has been issued by the Zoning Administrator.

B. The applicant for a Zoning Certificate shall be either the owner or the appointed agent of the owner.

C. Zoning Certificates shall be issued in accordance with the processes found in Section 1153.09, Administrative Decisions.

1153.04 NOTIFICATION

1153.04.1 Generally

The notice requirements for each type of application are prescribed in this Chapter. The notice requirements for certain types of public hearings are established in Table 53.2 - Notifications, Section 1153.04.3.

1153.04.2 Contents of Notice

The notice shall state the time, date, and place of hearing, and a description of the property subject to the application that includes, at a minimum:

A. The street address or, if the street address is unavailable, the legal description by metes and bounds, or plat and lot number;

B. The current zoning classification, if any;

C. The category of development approval requested and a brief description of the proposed development, revised zoning classification (if any), and uses requested; and

D. The parcel number.

1153.04.3 TABLE 53.2 - NOTIFICATIONS

A. Type of Notice	B. Conditional Use Approvals	C. Amendments to Zoning Text and Comprehensive Plan	D. Amendments to Zoning or Pattern District Maps	E. Variances	F. Appeals from Administrative Decisions	G. Appeals from Board of Zoning Appeals, Planning Commission
Publication: Publication in an official newspaper of general circulation must occur at least 7 days prior to the date of the hearing.	■	■	■	■	■	■
Mail: At least 10 days prior to the hearing date, written notice of the public hearing shall be sent.	■ [a]		■ [a]	■ [a]	■ [a]	■ [a]
Internet: A copy of the notice on the City's website must be posted at least 7 days prior to the date of the hearing and until the proceeding has been completed.	■	■	■	■	■	■

a Notice shall be sent to all owners of separate ownership parcels of land (i.e., parcels owned by persons or entities who or which do not own any other parcel within the notification radius) within 200 feet of the perimeter boundary of the land under consideration. The owners of land shall be as indicated by the county auditor's tax records.

If there are not 25 separate ownership parcels within that 200 foot radius, the distance shall be extended in increments of 50 feet until the total number of separate ownership parcels meets 25.

Failure to give this notice by mail shall not invalidate any department actions nor any public hearing or subsequent decision.

■ The type of notice prescribed in Column A is required for the category of zoning action prescribed in Columns B through G. A blank space means that the notice is not required.

1153.04.4 Action to be Consistent With Notice

The Board of Zoning Appeals or the Planning Commission may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval (if applicable) of the application, or denial of the application.

1153.04.5 Minor Amendments Not Requiring Renotification

This section governs to the extent consistent with provisions relating to minor amendments for a specific type of application. The reviewing body may allow minor amendments to the application without resubmittal of the entire application. For purposes of this section, "minor amendments" are amendments that do not:

A. Increase the number of dwelling units, floor area, height, impervious surface development, or any additional land-use disturbance;

B. Introduce different land uses than that requested in the application;

C. Request larger land area than indicated in the original application;

D. Request greater variance than that requested in the application;

E. Allow any diminution in buffer or transition areas, reduction in landscaping, reduction of required yards, or any change in the design characteristics or materials used in construction of the structures; or

F. Reduce or eliminate conditions attached to development order unless a new notice is provided.

1153.05 USE APPROVALS

Use approval is a process of evaluating proposed uses within the City of Kettering for compliance with the City of Kettering Zoning Code. Use approvals shall be conducted according to the following standards:

A. Use approval is required in order to make use of or occupy property within the City of Kettering.

B. All persons seeking Use approval shall make application to the Zoning Administrator for a Zoning Certificate.

C. The application must be completed in full and shall include all of the necessary information needed to review the proposed use for compliance with the Zoning Code. A completeness review shall be conducted in accordance with the procedures found in Section 1153.10, Completeness Review.

D. The application shall be processed and reviewed for compliance with the Zoning Code according to the procedures found in Section 1153.09, Administrative Decisions.

1153.06 DEVELOPMENT APPROVALS

Development approval is a process of evaluating proposed development within the City of Kettering for compliance with the City of Kettering Zoning Code. Development approvals shall be conducted according to the following standards:

A. Development approval is required for the development of property within the City of Kettering.

B. All persons seeking Development approval shall make application to the Zoning Administrator for a Zoning Permit.

C. The application must be completed in full and shall include all of the necessary information needed to review the proposed development for compliance with the Zoning Code. A completeness review shall be conducted in accordance with the procedures found in Section 1153.10, Completeness Review.

D. The application shall be processed and reviewed for compliance with the Zoning Code according to the procedures found in Section 1153.09, Administrative Decisions.

1153.07 TEMPORARY APPROVALS

Temporary approval is a process of evaluating proposed temporary uses and structures within the City of Kettering for compliance with the City of Kettering Zoning Code. Temporary approvals shall be conducted according to the following standards:

A. Temporary approval is required for the temporary use of structures and property within the City of Kettering.

B. All persons seeking Temporary approval shall make application to the Zoning Administrator for a Zoning Permit.

C. The application must be completed in full and shall include all of the necessary information needed to review the proposed temporary use or structure for compliance with the Zoning Code. A completeness review shall be conducted in accordance with the procedures found in Section 1153.10, Completeness Review.

D. The application shall be processed and reviewed for compliance with the Zoning Code according to the procedures found in Section 1153.09, Administrative Decisions.

1153.08 CONDITIONAL USE APPROVALS

1153.08.1 Purpose and Findings

This section provides for certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right but which may, under appropriate standards and factors set forth in the Zoning Code, be approved. These uses

shall be permitted through the issuance of a Conditional Use Approval adopted by the planning commission after ensuring that the use is appropriate and can be accommodated on the specific property; that it can be constructed and operated in a manner that is compatible with the surrounding land uses and overall character of the community; and that the public interest, health, safety, and general welfare will be promoted.

No inherent right exists to receive a Conditional Use Approval. Mere compliance with the general applicable requirements however may not be sufficient, and additional measures and conditions may be necessary to mitigate the impact of the proposed development.

1153.08.2 Applicability

The provisions of this section apply to any application for Conditional Use Approval. Only those uses that are enumerated as conditional uses in a zoning district, as set forth Table 35.2 Permitted Principal Uses, Section 1135.02.3, shall be authorized by the planning commission.

1153.08.3 Preapplication

Before any Conditional Use Approval application is filed with the Zoning Administrator, the applicant shall attend a preapplication meeting with the Zoning Administrator. The purpose of the preapplication meeting is to discuss, in general, the procedures and substantive requirements for the application.

1153.08.4 Application

An owner of real property, or that owner's authorized agent, may apply for a Conditional Use Approval for that property by filing an application with the Zoning Administrator.

1153.08.5 Completeness Review

The application must be completed in full and shall include all of the necessary information needed to review the proposed conditional use for compliance with the Zoning Code. A completeness review shall be conducted in accordance with the procedures found in Section 1153.10, Completeness Review.

1153.08.6 Decision

When the Zoning Administrator has certified that the application is complete, it shall be deemed received and shall be referred to the planning commission for its review and decision. The planning commission, upon proper notice, shall hold at least one public hearing on the application. The planning commission may concurrently process and review a Conditional Use Approval and a zoning map or text amendment.

1153.08.7 CONDITIONS

In approving any Conditional Use, the planning commission may:

A. Impose such reasonable standards, conditions, or requirements, in addition to any standard specified in the Zoning Code, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to:

1. Financing and availability of adequate public facilities or services;
2. Dedication of land;
3. Reservation of land;
4. Creation of easements;
5. Increased setbacks;
6. Yard requirements;
7. Increased screening or landscaping requirements;
8. Area requirements;
9. Development phasing;
10. Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics; and
11. Provision of sustainable features, solar or other renewable energy sources, and rain water capture, storage, and treatment;

B. Require that a performance guarantee—acceptable in form, content, and amount to the City of Kettering be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified;

C. Require that a development agreement be entered into by the applicant.

Tip

The Planning Commission can make certain standards more restrictive but they can't waive any requirements.

1153.08.8 APPROVAL CRITERIA

A conditional use is permitted only if the applicant demonstrates that:

A. The proposed conditional use shall comply with all applicable regulations of the Zoning Code;

B. The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located and shall have no more adverse effects on health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than would any other use permitted by right within the same district. In making such a determination, consideration shall be given

to:

1. The location, architectural design, type, and height of buildings or structures;

2. The type and extent of landscaping and screening on the site; and

3. Whether the proposed use is consistent with any policy of the comprehensive plan that encourages mixed uses and/or densities.

C. Adequate utilities shall be provided;

D. Adequate measures shall be taken to provide ingress and egress so designed as to prevent traffic hazards and to prevent traffic congestion on the public roads;

E. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas;

F. The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood;

G. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;

H. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

I. The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

1153.08.9 Subsequent Applications

The Planning Commission shall not be required to hear and act upon any application for a Conditional Use Approval that has been the subject of an application within the previous twelve 12 month period, unless the application has been modified at the request of the Planning Commission, or unless there has been a substantial change in area conditions.

1153.08.10 Amendments

Amendments to a Conditional Use Approval shall be processed according to Section 1153.11, Amendments to Conditional Use Approvals.

1153.08.11 Nonconforming Conditional Uses

For an existing and currently valid conditional use that is no longer allowed as a conditional use in the zoning district in which it is located, the Planning Commission, upon receipt of an application, may review and approve an amendment to said conditional use approval, provided that such amendment does not allow the use to be enlarged, expanded, increased in intensity, relocated, or

continued beyond any limitation specified in the existing conditional use approval or established in Chapter 1155, Nonconformities, of the Zoning Code.

1153.08.12 Scope of Approval

Once a Conditional Use Approval is granted, such use may be enlarged, extended, increased in intensity, or relocated only in accordance with this section. The provisions of Chapter 1155, Nonconformities, of the Zoning Code, relative to expansion of nonconforming uses, do not supersede this requirement unless the conditional use for which the development approval was initially granted is no longer a use permitted as of right or as a conditional use in the zoning district in which it is located.

1153.08.13 Permits, Certificates Required

Once a Conditional Use Approval is granted, the applicant shall apply for and secure the proper permit or certificate according to the procedures found in this Chapter. Unless otherwise approved by the Planning Commission, the work authorized by such permit shall be completed within 365 days of such Conditional Use Approval, or such approval shall expire.

1153.08.14 Traffic Management Plan

Certain Conditional Uses require the submittal of a Traffic Management Plan. A suitable Traffic Management Plan serves to provide neighboring properties as well as properties in the surrounding area with protection from unreasonable traffic hazards, volumes, and congestion and issues related to parking. Traffic Management Plans shall address the following items and their impacts upon neighboring properties as well as properties in the surrounding area:

A. Vehicular circulation routes through the adjacent road network;

B. Vehicular ingress and egress;

C. Pedestrian access and circulation;

D. Access to mass transit;

E. Parking;

F. On-Street Parking, capacity and proximity;

G. Temporary parking and no parking zones;

H. Traffic flow of adjacent road network and their lane widths;

I. Hours of peak operation.

1153.09 ADMINISTRATIVE DECISIONS

1153.09.1 Purpose and Findings

The purpose of this section is to prescribe procedures for approvals that do not require a public hearing. A public hearing is not required for zoning approvals set forth in this section for one or more of the following reasons:

A. If required, public hearings have already been conducted relating to the zoning approval application;

B. The proposed use fully complies with a previous zoning approval (Current Code only as revised);

C. The proposed use is permitted as of right in the applicable zoning district (e.g., development approval or certificate of occupancy); or

D. The proposed use is subject to expedited review in order to avoid an unconstitutional prior restraint on speech or because of federal law.

1153.09.2 Application

The applicant shall file a complete application for either a Zoning Permit or Zoning Certificate with the Zoning Administrator, depending on the type of approval sought. An application is available from the planning department.

1153.09.3 Completeness Review

The Zoning Administrator shall conduct a completeness review as set forth in Section 1153.10, Completeness Review.

1153.09.4 Decision

The Zoning Administrator shall review the application for conformance with the Zoning Code. Upon determination of a complete application, the Zoning Administrator shall approve, approve with conditions, or deny the application for a zoning certificate.

Applications that are denied shall have the reasons for denial, in writing, attached to the application.

1153.09.5 Approval Criteria

The Zoning Certificate or Zoning Permit shall be issued by the Zoning Administrator only if the application complies with all applicable provisions of the Zoning Code and any Conditional Use Approval or written order of the Board of Zoning Appeals, Planning Commission, or City Council.

1153.09.6 Amendments

Any revision to an application for a Zoning Certificate or Zoning Permit shall be processed in the same manner as the original application.

1153.09.7 Duration of Approval

A Zoning Permit shall be valid for a period of 180 days. The applicant and the City of Kettering may mutually agree to a one time extension due to weather, availability of materials, disaster, or other extenuating circumstance. The Zoning Administrator may grant such an extension only for a reasonable time period to complete the work authorized by the Zoning Permit.

1153.09.8 Issuance of Certificates

A. Upon completion of the development activity authorized by a Zoning Permit, the applicant shall apply for a Zoning Certificate.

B. No Zoning Certificate shall be issued until the premises in question have been inspected and found by the Zoning Administrator to comply with the requirements of this Zoning Code, except that, at the discretion of the Zoning Administrator, such zoning certificate may be issued prior to total compliance if weather or lack of availability of materials or labor or other similar circumstances make such compliance infeasible, and assurance of total compliance is made by the applicant in writing and approved by the Zoning Administrator.

1153.10 COMPLETENESS REVIEW

This section applies to any application, unless otherwise provided in the regulations for the specific application.

1153.10.1 Preapplication Conference

Before any application is filed with the Zoning Administrator, any applicant for a development approval that would require a public hearing shall attend a preapplication meeting with the Zoning Administrator. The purpose of the preapplication meeting is to discuss, in general, the procedures and substantive requirements for the application.

1153.10.2 Application Materials

No application is complete unless all of the information required upon the application is included and all filing fees have been paid. An application that includes such information is deemed complete. Current application materials shall be made available in the planning department.

1153.10.3 Review Procedures

These procedures shall be used to review any application for completeness unless a different procedure is established elsewhere in this chapter.

1153.10.4 Jurisdiction

Unless the provisions pertaining to a particular application prescribe otherwise, all applications shall be reviewed by the Zoning Administrator for completeness.

1153.10.5 Determination of Completeness

Once the Zoning Administrator has reviewed such application for completeness in order to determine whether the application has been properly submitted and the applicant has corrected all deficiencies in the application, the Zoning Administrator shall determine that an application is complete. The determination that an application is complete is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether an application complies with the provisions of the Zoning Code.

1153.10.6 Review by Zoning Administrator

A. Unless a different procedure is described in this chapter, this section applies to the review of an application for completeness.

B. The Zoning Administrator shall determine whether the application is complete and shall inform the applicant as to the determination. Upon receipt of any resubmittal of the application the Zoning Administrator shall again determine the completeness of the application.

C. If the application is determined to be incomplete, the Zoning Administrator's determination shall specify those parts of the application that are incomplete and shall indicate the manner in which they can be made complete, including a list and description of the specific information needed to complete the application. The applicant shall submit materials to the Zoning Administrator in response to the list and description.

1153.10.7 Limitation on Further Information Requests

After the Zoning Administrator or governing body accepts an application as complete, the Zoning Administrator or governing body, in the course of processing the application, may require the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application, if such would be required by the Zoning Administrator or other governing body to render a final determination. The burden to provide the supplemental information shall lie with the applicant.

1153.11 AMENDMENTS TO CONDITIONAL USE APPROVALS

Amendments to an approved Conditional Use shall be submitted and reviewed in accordance with their respective sections in regards to applicability, preapplication, making application, and completeness. However, once an application is deemed complete, the following procedures shall be in effect.

A. The Zoning Administrator shall determine if the proposed amendment includes a major change, a minor change, or no significant changes as defined in 1153.11.B.

1. If the Zoning Administrator determines that the proposed amendment includes no significant changes and is consistent with the original approval, the Zoning Administrator may approve the amendment.

2. If the Zoning Administrator determines that the proposed amendment includes a minor change, the Zoning Administrator shall forward the application to the Planning Commission.

   a. The Planning Commission may approve the amendment at a regular meeting with no public hearing required.

3. If the Zoning Administrator determines that the proposed amendment includes a major change, the Zoning Administrator shall forward the application to the Planning Commission.

   a. The Planning Commission, upon proper notice, shall hold at least one public hearing on the application.

B. Changes to an approved Conditional Use are defined as follows:

1. Major changes shall be defined as any of the following:

   a. Greater than 10% increase in the total impervious surface area or floor area as previously approved for the entire development;

   b. An increase in the number of approved residential units;

   c. Changes in the perimeter boundaries of the land included in the total proposed development that require subdivision approval;

   d. A change greater than 10% in the amount of land in the total proposed development designated for a specific use of the land;

   e. Changes that reduce the distance between any internal paved surface or building and adjacent residential zoned land by more than 25%;

   f. An increase of more than 5' in the height of any building or structure;

   g. Redesign of any building or structure to an extent that, as determined by the Zoning Administrator, significantly alters or interferes with or departs from the central architectural design or theme of the approved plan;

h. Other changes that the Zoning Administrator determines to be so significant that, if such changes were made, the site would not be developed in reasonable conformance with the approved plan or use.

2. Minor changes shall be defined as any of the following:

a. Greater than 5% but not more than 10% increase or decrease in the total impervious surface area or floor area as previously approved for the entire proposed development;

b. A change greater than 5% but not more than 10% in the amount of land in the total proposed development designated for a specific use of land;

c. Changes that reduce the distance between a paved surface or building and adjacent residentially zoned land by more than 10% but not more than 25%;

d. Redesign of any building or structure to an extent that, as determined by the Zoning Administrator, alters or interferes with or departs from the central architectural design or theme of the approved plan or use;

e. Other changes that the Zoning Administrator determines to be significant that, if such changes were made, the site would not be developed in reasonable conformance with the approved plan or use;

3. Any changes other than those listed above shall be considered to have no significant changes.

Cumulative modifications constituting any of the above thresholds shall invoke the corresponding requirements of this section including previous modifications.

1153.12 ZONING AND PATTERN DISTRICT MAP AND TEXT AMENDMENTS

1153.12.1 Purpose and Findings

This section provides uniform procedures for the amendment of the Zoning Code, the Official Zoning Map, or the Official Development Pattern Map by City Council whenever the public necessity, convenience, general health, safety, and welfare, or good planning practice so requires.

1153.12.2 Applicability

The provisions of this section apply to any application to:

A. Revise the text of the Zoning Code;

B. Reclassify a tract, parcel, or land area from one zoning district to another;

C. Reclassify a tract, parcel, or land area from one development pattern to another.

1153.12.3 Application

A. All applications, resolutions, board or commission actions, or requests for changes in the zoning district classification or development pattern classification of property or for changes in the text of the Zoning Code shall be filed with the Zoning Administrator.

B. Text amendments may be proposed by any person.

C. A proposed amendment to the Official Zoning Map or the Official Development Pattern Map may be initiated by:

1. The adoption of a resolution by City Council and subsequent referral of the proposed amendment to the Planning Commission;

2. The adoption of a motion by the Planning Commission;

3. The adoption of a motion by the Board of Zoning Appeals;

4. The filing of a formal request by the Planning Director;

5. An application properly signed and filed by the owner or, with the owner's specific written consent, a contract purchaser or owner's agent of a property included within the boundaries of a proposed rezoning, unless otherwise provided by the Zoning Code. The applicant may file an application for subdivision plat approval concurrent with an application for district or pattern amendment.

1153.12.4 Completeness Review

The Zoning Administrator shall conduct a completeness review as set forth in Section 1153.10, Completeness Review.

1153.12.5 Decision

Upon certification by the Zoning Administrator that the application is complete and required fees have been paid, the application shall be deemed complete and referred to the planning commission for its review and recommendation.

1153.12.6 Role of Planning Commission

The planning commission shall hold at least one public hearing on such application, and as a result shall transmit its final recommendation to the City Council for action. All applications for a zoning map, pattern map, or zoning text amendment that have been considered by the planning commission shall be presented by the applicant to the City Council within 6 months from the date of the planning commission's final consideration. The applicant and the City of Kettering may mutually agree to extend this 6 month period.

A. All recommendations by the Planning Commission for amendments to the Official Zoning Map or Official Development Pattern Map shall be consistent with the following:

1. Prior to making a recommendation to the City Council on a proposed map amendment, the Planning Commission shall make a finding to determine if the following conditions exist. No map amendment shall be recommended for approval prior to a specific and documented finding of at least one of the following:

   a. The proposed amendment is consistent with the City of Kettering's Comprehensive Plan and with the intent of this Zoning Code, or such consistency is being sought concurrently.

   b. There has been a change in demand for land that alters the information upon which the Official Zoning Map is based, as a result of:

      i. A change in population, consumer preference, economic indicator, or other socio-economic trends;

      ii. A significant change in area or neighborhood conditions, building conditions, or traffic volumes; or

      iii. A major change, such as the construction of a major road, the installation of a utility line, or other similar factor that significantly alters the area.

   c. A study commissioned or conducted by City Staff indicates that there has been an increase in the demand for land in the requested zoning classification, and as a result the supply of land within the City of Kettering mapped as such on the Official Zoning Map or Official Development Pattern Map, is inadequate to meet the demands for such development.

   d. The proposed use cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities, or other similar development constraints, or the market to be served by the proposed use cannot be efficiently served by the geographic location of the existing zoning districts.

   e. There is an error in the Zoning Code text or Official Zoning Map or Official Development Pattern Map as enacted.

2. No rezoning of land from a residential zoning district classification (R-E(a), R-E(b), R-1, R-2, R-3, R-4) to any non-residential classification (O, B, I, CC) shall be recommended by the Planning Commission unless:

   a. Such proposed rezoning site is at least one (1) acre in size, or a complete block face; or

   b. Such proposed rezoning site is contiguous to land in the proposed zoning district classification.

3. No reclassification of land from a VH, V, N, or E pattern district to a TC, NC, SC, SS, S, SB, I, or LI shall be recommended by the Planning Commission unless such proposed reclassification site is contiguous to land in the proposed district classification.

B. In addition to the findings required to be made by Subsection (A) above, The Planning Commission shall consider each of the following matters based on the evidence presented to it.

1. The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals, and policies;

2. The suitability of the property in question for the uses permitted under the proposed zoning or for the development requirements under the proposed development pattern;

3. The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use;

4. The effect of the proposed amendment on surrounding uses;

5. The effect of the proposed amendment on the economic viability of existing developed and vacant land within the City.

The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely for the interest of the applicant.

C. The Planning Commission may recommend that the application be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the request be denied. These recommendations shall then be forwarded to City Council.

1153.12.7 Role of City Council

After receipt of the final report of the planning commission, the City Council may approve, deny, amend, or modify the zoning or pattern map or zoning text amendment. The City Council may refer any such amendments or modifications to the Planning Commission for further review.

If the proposed amendment is inconsistent with the comprehensive plan, or any other approved plan, an application for an amendment to the comprehensive plan, or approved plan shall be submitted by the applicant. Amendments to the Official Zoning Map or the Official Development Pattern Map and the comprehensive plan, or any other approved plan may be considered concurrently.

1153.12.8 Approval Criteria

In its review of an application for an amendment, the City Council shall consider the report and recommendation of the Planning Commission and the criteria set forth in Sections 1153.12.9, Consistency through 1153.12.15, Other Factors of this Chapter. No single factor is controlling; instead, each must be weighed in relation to the other standards.

1153.12.9 Consistency

The rezoning or reclassification shall be consistent with the adopted comprehensive plan and any other approved plan.

1153.12.10 Adverse Impacts on Neighboring Lands

The City Council shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City of Kettering finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.

1153.12.11 Suitability as Presently Zoned

The City Council shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the comprehensive plan, specification, or Zoning Code.

1153.12.12 Health, Safety, and Welfare

The amendatory ordinance must bear a substantial relationship to the public health, safety, morals, or general welfare, or protect and preserve historical and cultural places and areas. The amendatory ordinance may be justified, however, if a substantial public need or purpose exists, and this is so even if the private owner of the tract will also benefit.

1153.12.13 Public Policy

Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.

1153.12.14 Size of Tract

The City Council shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single lot when there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an amendatory ordinance.

1153.12.15 Other Factors

The City Council may consider any other factors that it deems relevant to a rezoning application.

1153.12.16 Subsequent Applications

Applicability: The provisions of Sections 1153.12.17 and 1153.12.18, subsection do not apply to any application for a rezoning that is initiated by the City of Kettering.

1153.12.17 Withdrawal After Planning Commission Hearing

No rezoning application shall be received or filed with the Planning Commission if, during the previous 6 months, an application was received or filed and withdrawn after a full, fair, complete, and final hearing occurred on the rezoning before the Planning Commission. However, if the applicant certifies with a sworn affidavit that the evidence is new, relevant, and substantial, and could not have been secured at the time set for the original hearing, the Planning Commission may hear and consider the application.

1153.12.18 Denial and Reapplication

No application for rezoning shall be received or filed with the Planning Commission within one year after the City Council has denied an application for rezoning of the same property.

1153.12.19 Amendments

Any subsequent rezoning requires a new application and shall be processed as such.

Tip

An amendment that isn't consistent with the comprehensive plan must be accompanied by a complementary proposal to amend the comprehensive plan to make it consistent.

1153.12.20 Scope of Approval

An amendment to the Zoning Code or a rezoning does not authorize the development of land. An amendment authorizes the applicant to apply for development approval consisting of a development approval, in the case of uses permitted as of right; a conditional use approval, in the case of uses designated as conditional uses within the applicable zoning district; or to proceed with subdivision plat approval. An amendment does not supersede any requirement or subdivision plat approval by the Zoning Code.

1153.12.21 Interim Status

When the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning classifications and indicating their boundaries. The Zoning Administrator shall refer to the attested ordinance as a record of the current zoning status until such time as the zoning map can be changed.

1153.12.22 Correction of Typographical Errors and Mechanical Defects in Zoning Text

The correction of typographical errors in the zoning text shall not be deemed to constitute amendments that require completion of the procedure set forth above in this Section 1153.12, Zoning Map and Text Amendments.

1153.13 VARIANCES

1153.13.1 Authority

The Board of Zoning Appeals shall review each request for a variance to determine if such request complies with the purpose and intent of this Zoning Code and the applicant can demonstrate that the strict application and literal enforcement of this Code will result in practical difficulty.

1153.13.2 Application

The applicant shall file a complete application with the Clerk of Council. An application is available from the planning department.

1153.13.3 Completeness Review

The Clerk of Council shall conduct a completeness review as set forth in Section 1153.10, Completeness Review.

1153.13.4 Decision

When the Clerk of Council has certified that the application is complete, it shall be deemed received and shall be referred to the Board of Zoning Appeals for its review and decision. The Board of Zoning Appeals, after public notice in accordance with this Chapter, shall hold at least one public hearing on the application.

1153.13.5 Approval

Following the public hearing, the Board of Zoning Appeals shall approve the variance request, deny the variance request, recommend that the applicant modify and resubmit the request, or approve the request with conditions.

1153.13.6 Approval Criteria

The Board shall review the application and the evidence presented and shall make written findings of fact for each of the following factors in this Section. If a preponderance of the findings demonstrate that a practical difficulty exists, then the Board may grant a variance to the Zoning Code. However, variances shall not be granted that would permit the establishment of any use that is not otherwise permitted in the district in which the real property is located.

A. The following factors shall be considered and weighed by the Board in determining practical difficulty:

1. Whether special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable generally to other lands or structures in the same Zoning District; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness of the lot, steepness of the lot, or adjacency to non-

TIP

The crux of any request for a variance is the existence of physical features that are unique to a particular parcel or lot that preclude an owner from using their property in a manner similar to other properties in the same zoning district.

The idea is that the lot existed with specific physical conditions prior to the imposition of the zoning requirements. The provisions of the zoning code may be appropriate for most lots within the district but limit the development of the affected lot to the point of practical difficulty. These physical conditions are present in such a location or in such quantity that the property cannot be developed in compliance with district standards.

The property owner is entitled to reasonable use of their property. The City is entitled to protection of valued features such as, required yards and open space, and to development that complies with local ordinances. The variance may be the means to balance these potentially conflicting entitlements.

However, many variance requests are not the result of such purposes. Often, the property owner wishes to achieve a particular design and is unable to do so because of some physical aspect of the property. Alternate designs are possible but do not meet the property owner's preferences or may not yield the best economic return. It is inappropriate to grant such variances.

conforming and inharmonious uses, structures, or conditions;

2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

3. Whether the variance is substantial or is the minimum necessary to make possible the reasonable use of the land or structures;

4. Whether the essential character of the neighborhood would be substantially transformed or whether adjoining properties would suffer substantial detriment as a result of the variance;

5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;

6. Whether the property owner purchased the property with knowledge of the zoning restrictions;

7. Whether special conditions or circumstances exist as a result of actions of the owner;

8. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

9. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and

10. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

1153.13.7 Conditions and Limitations

The Board of Zoning Appeals may further prescribe any conditions, stipulations, safeguards, and limitations on the duration of the variance so authorized as the Board determines and prescribes. Any permit issued by the Zoning Administrator as a result of a variance approval shall list such conditions, stipulations, safeguards, and duration limit.

The Board may not extend the scope or extend the duration of a variance previously issued upon its order. Any additional action so desired may be effected only upon application to the Zoning Administrator for approval of a new variance in accordance with the provisions of this Zoning Code.

1153.13.8 Subsequent Applications

The Board of Zoning Appeals shall not be required to hear and act upon any application for a variance that has been the subject of an application within the previous twelve 12 month period, unless the application has been modified at the request of the Board of Appeals, or unless there has been a substantial change in area conditions.

1153.13.9 Scope of Approval

Once approval for a variance is granted by the Board, the applicant shall commence the installation, construction, or alteration of the structure or item that is the subject of the application within 6 months of the approval date, and the applicant shall complete the installation, construction, or alteration of the structure or item that is the subject of the application within 12 months of the approval date.

Failure on the part of the applicant to complete the installation, alteration, or construction within the allotted time shall terminate all rights under such approval. However, the Board may, for good cause shown, extend from time to time the time limit but in no case more than a date 18 months from the date of the original issuance of the variance, unless construction is actively underway and substantial progress is evident. If any action is taken that is contrary to the terms of the variance or contrary to conditions accompanying the variance, or if the conditions stipulated are not properly maintained, the Board may revoke such variance. A variance granted pursuant to this chapter shall "run with the land" and be valid for successors in interest unless otherwise specified by the Board.

1153.14 APPEALS OF ZONING ADMINISTRATOR DECISION

1153.14.1 Applicability

Notwithstanding other specific appeal procedures in the Zoning Code, the Board of Zoning Appeals shall hear and decide upon appeals where it is alleged there is an error in any written order, requirement, decision, interpretation, judgment, or determination made by the Zoning Administrator in the enforcement of this Zoning Code. Appeals to the Board of Zoning Appeals may be taken by any aggrieved party by any such action of the Zoning Administrator.

1153.14.2 Filing of Intent to Appeal and the Written Appeal

An aggrieved party by such action by the Zoning Administrator may appeal such action by filing a written intent to appeal within 5 days of the written decision of the Zoning Administrator. A complete written appeal shall then be filed by the Appellant within 15 days of the written decision of the Zoning Administrator or the appeal shall become void. The intent to appeal and the written appeal shall be filed with the Clerk of Council. An application is available from the Planning & Development Department.

The written appeal shall:

A. Cite specific provisions of this Zoning Code that are alleged to have been interpreted in error or the specific action being appealed and the grounds on which the appeal is being made;

B. Include any required application fee in an amount set by the City of Kettering;

C. Include such other information as the City of Kettering or any of its Boards, Commissions, Departments, or Officers may reasonably require; and

D. A statement as to why the appellant has standing as an aggrieved party to pursue the appeal.

1153.14.3 Decision

The Clerk of Council shall transmit to the Board of Zoning Appeals all materials received relating to the Zoning Administrator's decision upon which the appeal is based. The Board of Zoning Appeals shall hear the appeal within 45 days of the filing of the written appeal unless the Board of Zoning Appeals extends this time at the request of one of the parties or upon its own motion.

1153.14.4 Subsequent Applications

The Board of Zoning Appeals shall not be required to hear any case that has been the subject of an appeal during the previous 12 months, unless substantial new evidence, critical to the case, becomes available.

1153.14.5 Stay of Proceedings

An appeal shall stay any further administrative action in regard to the action being appealed, except that when the appeal is of the issuance of a notice of violation pursuant to Section 1153.17, Notice of Violations, involving illegal construction, such construction shall cease until a decision on the appeal is rendered by the Board of Zoning Appeals.

1153.15 APPEALS OF BOARD OF ZONING APPEALS AND PLANNING COMMISSION DECISIONS

1153.15.1 Applicability

Notwithstanding other specific appeal procedures in the Zoning Code, the City Council shall hear and decide upon appeals where it is alleged there is an error in any written decision made by the Board of Zoning Appeals or Planning Commission in the enforcement of this Zoning Code. Appeals to the City Council may be taken by any aggrieved party, the City of Kettering City Manager, or the City Manager's designee.

1153.15.2 Filing of Intent to Appeal and the Written Appeal

An aggrieved party, the City of Kettering City Manager, or the City Manager's desgnee may appeal such action by filing a written intent to appeal within 5 days of the written decision of the Board of Zoning Appeals or the Planning Commission. A complete written appeal shall then be filed by the Appellant within 15 days of the written decision of the Board of Zoning Appeals or the Planning Commission or the appeal shall become void. The intent to appeal and the written appeal shall be filed with the Clerk of Council. An application is available from the Planning & Development Department.

The written appeal shall:

A. Cite specific provisions of this Zoning Code that are alleged to have been interpreted in error or the specific action being appealed and the grounds on which the appeal is being made;

B. Include any required application fee in an amount set by the City of Kettering;

C. Include such other information as the City of Kettering or any of its Boards, Commissions, Departments, or Officers may reasonably require; and

D. A statement as to why the appellant has standing as an aggrieved party to pursue the appeal.

1153.15.3 Decision

The Clerk of Council shall transmit to the City Council all materials received relating to the Board of Zoning Appeal's or the Planning Commission's decision upon which the appeal is based. The City Council shall hear the appeal within 45 days of the filing of the written appeal unless the City Council extends this time at the request of one of the parties or upon its own motion. City Council, by an affirmative vote of a majority of members present, shall decide the matter and its decision shall be final.

1153.15.4 Subsequent Applications

The City Council shall not be required to hear any case that has been the subject of an appeal during the previous 12 months, unless substantial new evidence, critical to the case, becomes available.

1153.15.5 Stay of Proceedings

An appeal shall stay any further administrative action in regard to the action being appealed, except that when the appeal is of the issuance of a notice of violation pursuant to Section 1153.17, Notice of Violations, involving illegal construction, such construction shall cease until a decision on the appeal is rendered by the City Council.

1153.15.6 Subpoenas

City Council may issue a subpoena to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records in conjunction with an appeal brought under this Section 1153.15. Subpoenas will only be issued upon the written request of a party to the appeal. Upon written motion and for good cause shown, City Council may quash any subpoena issued by City Council at any time prior to the hearing. Requests for subpoenas must be received by City Council not later than ten days before the date of the hearing. City Council will serve subpoenas by certified mail, return receipt requested at the requesting party's cost. However, the party requesting the subpoena may arrange for personal service of the subpoena, at the requesting party's cost, in accordance with the Ohio Rules of Civil Procedure.

1153.16 RIGHT OF ENTRY AND INSPECTION OF PROPERTY

1153.16.1 Authority

An inspector designated by the Zoning Administrator is authorized to make inspections of property and structures located within the City of Kettering in order to safeguard the public health, safety, and welfare, and may enter, examine, and survey at any reasonable hour such properties for purposes of enforcing the provisions of this Zoning Code.

1153.16.2 Permission

Prior to seeking entry to a property or structure for purposes of making inspections necessary to enforce the provisions of this Zoning Code, the inspector or agent of the inspector shall attempt to obtain the owner's or occupant's permission to inspect. If such permission is denied or is unable to be obtained, the enforcement officer shall request assistance from the Law Department in securing a valid search warrant prior to inspection.

1153.17 NOTICE OF VIOLATIONS

1153.17.1 Contents

Whenever the Zoning Administrator, inspector, or agent of the City of Kettering determines that there has been a violation of any provision of this Zoning Code notice of such violation shall be given to the person responsible and order compliance with this Zoning Code as provided in this Section. Such notice and order shall:

A. Be in writing;

B. Include a list of violations, refer to the section or sections of this chapter violated and order remedial action that, if taken, will effect compliance with the provisions of this chapter;

C. Specify a reasonable time for performance;

D. Advise the owner, operator, or occupant of the procedure for appeal.

1153.17.2 Service

Service of notice of violation shall:

Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy of the notice of violation is sent by registered or certified mail to the owner's last known mailing address, residence, or place of business. If a registered or certified mail envelope is returned with an endorsement showing that service was refused, the notice may be served by ordinary mail to the owner's last known mailing address, residence, or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing. If the registered or certified mail envelope is returned with an endorsement showing that service was unclaimed, the notice

may be served by ordinary mail to the owner's last known mailing address, residence, or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.

A. The notice and order may, in the alternative, be served by leaving it at the owner's last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents of the notice of violation.

B. If service is not accomplished by any of the above means, then a notification of the existence of the notice and order may be published at least once in a local newspaper of general circulation.

1153.18 PENALTIES

A. No person shall fail or refuse to comply with any provision of this Zoning Code or any order issued by the Zoning Administrator or Zoning Inspector. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

B. No person shall construct, modify, alter, use, or occupy any structure or property in violation of the Kettering Zoning Code. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

C. No person shall violate any condition imposed pursuant to a development order or a zoning approval.

D. Penalties:

1. Whoever violates this section is guilty of a minor misdemeanor.

2. If within one year of the date of the offense the offender pleads guilty to, or is found guilty of a subsequent violation of the Zoning Code, the offender is guilty of a misdemeanor of the third degree.

E. The City of Kettering, the City Manager on behalf of the City of Kettering, or any officer designated by the City Manager on behalf of the City of Kettering may, in addition to the criminal remedies provided in this Zoning Code, pursue any other available remedy.

1153.19 DUTY TO TIMELY REMEDIATE & ENFORCEMENT COSTS

A. A person served with a notice of violation pursuant to Section 1153.17, Notice of Violations shall:

1. Remediate the violations listed in the notice of violation within the time specified in the notice, or any extension of time granted in writing by the Zoning Administrator, or the Board of Zoning Appeals; and

2. Schedule and pass a final inspection with the Zoning Administrator verifying compliance with the notice of violation.

The final inspection required by of this section is in addition to any other inspections required by law for work performed in remediating the violations listed in the notice of violation.

B. Except as provided in this Section, and in addition to other requirements or penalties imposed by law, a person who fails to comply with subsection A.1 and A.2 of this Section shall pay all administrative and other costs incurred by the City in remediating, or causing the remediation of, the violations listed in the notice of violation served upon the person. These costs include, but are not limited to, the following:

1. A fee for each reinspection in accordance with the adopted fee schedule;

2. Boarding and securing costs;

3. Repair, removal, or demolition costs; and

4. Any other costs reasonably related to remediating, or causing the remediation of, the condition created by any unremediated violation.

C. Upon written application, the Zoning Administrator may suspend, reduce, or waive costs charged pursuant to this section that impose an undue financial hardship; result from non-compliance caused by climatic conditions; or for other good cause shown to the reasonable satisfaction of the Zoning Administrator. Any such suspension, reduction, or waiver is subject to reasonable conditions imposed by the Zoning Administrator. Failure to fully meet such conditions shall result in all such charges being reimposed.

D. The City shall bill any person responsible for costs imposed by this section and may collect or assess all such costs in any manner authorized by law.

E. Any person aggrieved by a decision made by the Zoning Administrator pursuant to this section may appeal that decision to the Board of Zoning Appeals.

1153.20 REVOCATION OR DENIAL OF A ZONING APPROVAL, PERMIT, OR CERTIFICATE

1153.20.1 Initiation of Revocation

The Zoning Administrator shall investigate alleged violations and violations of an imposed condition or conditions. The Zoning Administrator shall determine whether or not to revoke a zoning approval. A revocation may result in either a termination or suspension of a zoning approval. If the Zoning Administrator determines that a revocation of a zoning approval is appropriate, a recommendation, including the reason or reasons for the determination, shall be made to the Board of Zoning Appeals who shall conduct a public hearing on the matter.

1153.20.2 Grounds for Revocation or Denial

The following are grounds for revocation or denial of a zoning approval:

A. The intentional provision of materially misleading information by the applicant (the provision of information is considered "intentional" where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence);

B. The failure to comply with any condition of a zoning approval, order, or other applicable law, rule, or regulation;

C. The subject site or use is otherwise not in compliance with any other provision(s) of this Zoning Code;

D. The subject site or use is otherwise not in compliance due to incomplete work or projects, or is not in compliance due to unperformed or slow to perform work as part of an open permit.

1153.20.3 Notice and Public Hearing for Revocation

Notice of the revocation hearing shall be served on the zoning approval holder in accordance with Section 1153.17.2, Service, at least 14 days prior to the hearing. Said notice shall contain the Zoning Administrator's recommendation as well as the date and location of the hearing before the Board of Zoning Appeals.

1153.20.4 Decision and Notice

The Board of Zoning Appeals shall prepare an order approving, approving with conditions, or denying the Zoning Administrator's recommendations. The order shall contain findings that address the basis for the decision. The order shall state the code, condition, or conditions that have been violated. In the case of a suspension of the use, the order shall state the length of time in which such violation can be cured. In the case of a termination, the order shall state the reason such violation cannot be cured.

1153.20.5 Appeals

An aggrieved party, the City of Kettering City Manager, or the City Manager's designee, may appeal the Board of Zoning Appeal's decision in accordance with Section 1153.15, Appeals of Board of Zoning Appeals and Planning Commission Decisions.

1153.20.6 Right Cumulative

The right to revoke a zoning approval, as provided in this section, is cumulative to any other remedy allowed by law.

1153.21 REASONABLE ACCOMMODATION

1153.21.1 Purpose

It is the policy of the City of Kettering to provide people with disabilities reasonable accommodation in order to ensure equal access to housing. The purpose of these provisions is to provide a process for making requests for reasonable accommodation.

1153.21.2 Application

In order to make specific housing available to an individual with a disability, any person may request a reasonable accommodation. The applicant shall file a complete application with the Zoning Administrator. An application is available from the Planning Department.

1153.21.3 Decision

The Zoning Administrator shall review the application for conformance with the Zoning Code. If necessary to reach a decision on the request for reasonable accommodation, the designee may request further information from the applicant, specifying in detail what information is required. Upon determination of a complete application, the Zoning Administrator shall approve, approve with conditions, or deny the application for a reasonable accommodation. Applications that are denied shall have the reasons for denial, in writing, attached to the application.

1153.21.4 Approval Criteria

The Zoning Administrator shall consider the following criteria when deciding whether a requested accommodation is reasonable:

1. Whether the subject housing is to be used by an individual protected under The Fair Housing Amendments Act of 1988;

2. Whether the request for accommodation is necessary to make the subject housing available to an individual protected under The Fair Housing Amendments Act of 1988;

3. Whether the requested accommodation would impose an undue financial or administrative burden on the City of Kettering;

4. Whether the requested accommodation would require a fundamental alteration in the nature of a provision, policy, practice, procedure, or purpose of the Zoning Code;

5. Whether the requested accommodation is the minimum necessary to make the subject housing available to an individual protected under The Fair Housing Amendments Act of 1988;

6. Whether the applicant's predicament feasibly can be obviated through some method other than an accommodation.

1153.21.5 Duration of Approval

A. A modification approved under this Section is considered a personal accommodation for the individual applicant and does not run with the land.

B. The Zoning Administrator may require the removal of the improvements when the need for which the accommodation was granted no longer exists.

C. An approved request for reasonable accommodation is subject to Section 1153.20, Revocation or Denial of a Zoning Approval, Permit, or Certificate.

1153.21.6 Appeals

An aggrieved party, the City of Kettering City Manager, or the City Manager's designee, may appeal the Zoning Administrator's decision in accordance with Section 1153.15, Appeals of Board of Zoning Appeals and Planning Commission Decisions.

CHAPTER 1155
NONCONFORMITIES

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CHAPTER 1155 NONCONFORMITIES

1155.01 PURPOSE & INTENT

Within the City of Kettering there exist uses, sites, structures, lots, and signs that were lawfully established before this Code was adopted or amended, that now do not conform to the requirements of this Code. These situations are collectively referred to as nonconformities. The purpose of this Chapter is to regulate, limit, and eliminate the continued existence of nonconformities in the interest of the promotion of the public health, safety, and general welfare.

1155.02 GENERAL

1155.02.1 Applicability

This chapter applies to any nonconformity. There are five categories of nonconformities as defined in Table 55.1 - Nonconformities, Section 1155.02.2

1155.02.2 Table 55.1 - Nonconformities

This table assembles the five categories of nonconformities with their corresponding definition.

Nonconformity	Definition
Nonconforming Use	A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located.
Nonconforming Site	A development site that was lawfully established but that no longer complies with the standards of the zoning or development pattern district in which the property is located.
Nonconforming Structure	A structure, other than a sign, that was lawfully established but that no longer complies with all the regulations applicable to the zoning or development pattern district in which the structure is located.
Nonconforming Lot	Any recorded lot that was lawfully created but that no longer complies with the regulations of the Zoning Code.
Nonconforming Sign	Any sign that was lawfully established but that no longer complies with the standards of the Zoning Code.

1155.02.3 Continuation

Any nonconforming use, site, structure, lot, or sign lawfully existing prior to May 26th, 2015 or subsequent amendment may be continued except as provided within this Chapter and so long as

it remains otherwise lawful. For purposes of this Zoning Code, rental payments, lease payments, tax payments, the payment of utilities or phone service, or the temporary use of a structure or parcel shall not be considered as a continued use.

1155.02.4 Conditions

No nonconformity shall be enlarged, expanded, extended, modified, or altered unless such action is in full compliance with all requirements of this Zoning Code. However, nothing in this section shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who could declare such structure to require repair or restoration in accordance with applicable codes or regulations regulating the safe condition of structures in the City of Kettering.

1155.02.5 Relocation

No nonconformity shall be moved in all or part for any distance, to any other location on the same or on any other lot unless the entire structure and use shall then conform to the regulations of the district in which it is located after being moved.

1155.02.6 Accessories

No use or structure that is accessory to a nonconforming principal use or structure shall continue after such nonconforming principal use or structure ceases or terminates under the provisions of this Zoning Code unless it shall conform to all regulations of this Zoning Code.

1155.02.7 Burden of Proof

In all proceedings, the person who claims the benefit of a nonconformity shall have the burden to prove that they were lawfully existing on the effective date of this Zoning Code.

1155.02.8 Vested Rights

When a building permit or zoning permit was issued prior to the effective date of this Zoning Code or any amendment that would make the use or improvement authorized by such permit nonconforming, such use or improvement may be completed fully. However, once completed, such use or improvement shall be considered nonconforming.

1155.03 NONCONFORMING USES

1155.03.1 Applicability

This section applies to the continuation, enlargement, or extension of a nonconforming use.

1155.03.2 Continuance

A nonconforming use may be continued unless it terminates as defined in Section 1155.03.5, Termination. The right to continue the nonconforming use continues even though there is a change of ownership or change of occupant or change of management where there is no change in the operation of the nonconformity.

1155.03.3 Enlargement

A conforming structure in which a nonconforming use is operated shall not be enlarged or extended except as required by law or ordinance. Such use may be extended throughout the structure, provided that no structural alterations or additions to the structure take place except for those made in conformance with the Zoning Code.

1155.03.4 Conditions

The right of nonconforming uses to continue is subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgment of the Board of Zoning Appeals, be reasonably required to promote the public health, safety, and welfare of the neighborhood in which the nonconformity exists through improvement of property values, avoidance of blighting influences, reduction of traffic, lowering of noise, improvement of the maintenance to the site or structure, or enhancement of services necessary by the occupants of nearby properties.

1155.03.5 Termination

A nonconforming use shall terminate if it is abandoned for a period of 6 months or more or in the event that any building or structure that is devoted in all or part to a nonconforming use is destroyed by any means to an extent more than 50% of the county's appraised value for the subject property prior to the time of damage of such structure, exclusive of foundations. In the event the nonconforming use is terminated by means of destruction of the structure as described in this Section, the owner may either demolish the remainder of the structure and clear the lot or remodel the structure for a use that does conform to the Zoning Code.

1155.04 NONCONFORMING SITES

Nonconforming Site

A nonconformity involving any aspect of the Site, not including use, structures, signs, or the minimum lot area or lot frontage

A. A nonconforming site shall lose the right to continue and shall be brought into full compliance if any of the following conditions are present:

1. The number of dwelling units is expanded by 25% or more;
2. The site is modified or altered by 10% or more in improved surface area;
3. The gross floor area is expanded by 10% or more;
4. The number of parking spaces or the parking lot is expanded by 10% or more;

5. The site is destroyed or damaged by 30% or more in area;

6. The use is changed;

7. The site is abandoned for 24 months or more; or

8. A structure is relocated to the subject Site.

In the event that the principal use of the property is abandoned the bufferyards required shall be those that were required for the most recent permitted principal use of the property.

B. A nonconforming site shall lose the right to continue and at a minimum shall be brought into compliance on an incremental basis if any of the following conditions are present:

1. The site is modified or altered by 5% or more but less than 10% in improved surface area;

2. The number of dwelling units is expanded by 10% or more but less than 25%;

3. The gross floor area is expanded by 5% or more but less than 10%;

4. The number of parking spaces is expanded by 5% or more but less than 10%; or

5. The site is destroyed or damaged by 10% or more but less than 30% in area.

The yard (front, rear, side, or street side yard) that is the most nonconforming shall be brought into compliance. If the yards are equal in regards to their degree of nonconformity, then the following aspects listed in order of their rank shall determine which yard must be addressed and brought into compliance:

1. A yard adjoining a residential use;

2. A yard most visible from the most traveled right-of-way;

3. A yard that adjoins a primary customer entrance;

4. A yard that adjoins parking.

C. Cumulative modifications, expansions, and alterations constituting any of the above thresholds shall invoke the requirements of this Chapter.

D. Exemption: A site that is nonconforming in regards to the location of an off-street parking area per Table 45.3 - Off-Street Parking Locations, Section 1145.05.2, shall be allowed to retain the location of such nonconforming off-street parking area provided that at least one of the following conditions is present:

1. The location of the existing principal structure, or structures, prevent the relocation of the required parking area to a complaint location upon the site.

2. The location of a compliant access point, or points, prevent the relocation of the required parking area to a compliant location upon the site.

3. The relocation of the of the nonconforming required parking area to a compliant location causes a practical difficulty in accordance with the standards found within Section 1153.13.6.A, as determined by the Zoning Administer.

E. Landscaping

The removal of plant material or the modification of landscaping shall terminate the right to continue a nonconforming aspect of a Site in regards to Chapter 1147, Landscaping and Bufferyards unless such plant material or landscaping is replaced or restored within 30 days upon notification by the City of Kettering. The Zoning Administrator may extend this time period up to an additional 90 days due to weather considerations. A replacement plan shall be submitted to the Zoning Administrator for consideration of approval prior to such replacement or restoration.

The loss of the right to continue shall be confined to the affected Site area, required landscaping type and/or bufferyard. However, any modification constituting removal or modification of more than 50% of the existing plant material on a Site shall terminate the right to continue for the entire Site and the Site shall be brought into full compliance with Chapter 1147, Landscaping and Bufferyards.

1155.05 NONCONFORMING STRUCTURES

A. A nonconforming structure in regards to height or setbacks shall lose the right to continue and shall be brought into full compliance if any of the following conditions are present:

1. The gross floor area is expanded by 10% or more;

2. The structure is destroyed or damaged by 30% or more in area;

3. The structure is abandoned for 24 months or more; or

4. The structure's footprint is modified by 10% or more.

B. A nonconforming structure in regards to architecture shall lose the right to continue and shall be brought into compliance as specified below if any of the following conditions are present:

1. The Principal Facade is modified by 10% or more measured in length or wall area, in which case the Principal Facade shall be brought into full compliance with Chapter 1149;

2. A Secondary Facade is modified by 25% or more measured in length or wall area, in which case such Secondary Facade shall be brought into full compliance with Chapter 1149; or

3. The facades of the building are modified by 50% or more measured in length or wall area, in which case all facades shall be brought into full compliance with Chapter 1149.

C. Cumulative modifications, expansions, and alterations constituting any of the above thresholds shall invoke the requirements of this Chapter.

1155.05.1 Extension

Single and two-unit residential structures that are nonconforming with respect to required yards, areas, height, lot area, or lot coverage may be structurally altered or enlarged, providing the portion of the structure that is altered or enlarged conforms with the provisions of this Zoning Code.

1155.05.2 Termination of Nonconforming Structures - Obsolescence

The right to continue any nonconforming structure shall terminate whenever the nonconforming structure becomes obsolete or substandard under the Ohio Building Code, Chapter 1104 Flood Damage Prevention of the City of Kettering codified ordinances, or Chapter 1701 Storm Water Runoff of the City of Kettering codified ordinances, and the cost of placing such structure in lawful compliance exceeds 50 percent of the county's improved value of such structure on the date that the City of Kettering determines that such structure is obsolete or substandard. Cumulative modifications, expansions, and alterations constituting the above thresholds shall invoke the requirements of this provision.

1155.05.3 Determination of Replacement Cost Not to Include Land

In determining the replacement cost of any nonconforming structure, the cost of land or any factors other than the nonconforming structure itself shall not be included.

1155.06 NONCONFORMING LOTS

Platted lots, in existence prior to May 26th, 2015, shall be deemed legal lots of record and shall be considered buildable subject to the condition that all setbacks and applicable standards can be satisfied for the use and district for said lot.

1155.07 NONCONFORMING SIGNS

See Section 1151.08, Nonconforming Signs.

1155.08 TERMINATION OF NONCONFORMITY

The violation of this chapter shall immediately terminate a nonconformity.

CHAPTER 1157

LEGAL STATUS

1157.01 LEGAL STATUS
1157.01.1 Severability
1157.01.2 Conflict with other Provisions
1157.01.3 Effective Date

CHAPTER 1157 LEGAL STATUS

1157.01 LEGAL STATUS

1157.01.1 Severability

It is the legislative intent that, in adopting this Code, all of its provisions shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the City of Kettering. It is the further legislative intent of the City Council that this Code shall stand, notwithstanding the invalidity of any part, and that, should any provision of this Code be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.

1157.01.2 Conflict with other Provisions

When provisions of this Code impose higher standards than are required in any other provision or regulation, provisions of this Code shall govern. When the provisions of any other provision or regulation impose higher standards than are required by the provisions of this Code, the provisions of that statute, ordinance, or regulation shall govern.

1157.01.3 Effective Date

The City of Kettering Zoning Code shall become effective on May 26th, 2015 and as subsequently amended.

CHAPTER 1159

RULES OF INTERPRETATION & DEFINITIONS

1159.01 RULES OF INTERPRETATION

1159.02 DEFINITIONS

A
Abandon, Abandoned, Abandonment
Abut or Abutting
Acre
Access
Access Drive
- Primary Access Drive
- Major Access Drive
- Minor Access Drive

Active Outdoor Recreation Area
Active Transportation
Addition
Adequate Public Facility
Adjacent
Adjoin
Adult Arcade
Adult Bookstore, Adult Novelty Store, or Adult Video Store
Adult Cabaret
Adult Model Studio
Adult Motel
Adult Motion Picture Theater
Adult Theater
Adverse Effect
Aggrieved
Alcohol, Liquor, Tobacco Sales
Alley
Alternative Medicine Office and Clinic
Alter, Alteration
Ambient Noise Level
Amortization, Amortized
Amphitheater
Amusements, Game Rooms
Ancillary Equipment
Antenna
Arbor
Arena
Art Gallery
Arterial Street
Arts Center
ATM
Auditorium
Automobile Repair
- Minor Repair
- Major Repair
- Body Work

Automobile Service Station
Average Horizontal Maintained Illumination
Average Vehicle Trip Ends

B
Balcony
Bar, Lounge, Tavern, Nightclub
Basement
Bed and Breakfast
Big Box Store
Block
Boutique Retail
Bufferyard
Building
Building Footprint
Building Height
Building Services
Business Services, Mailing, Reproduction

C
Caliper
Campus
Care Facility
Carport
Cellar
Cemetery
Charge
City Council
Cleaning Services
Clearing
Clinic
Colony
Collector Street
Commercial Bakery
Commercial Collector
Commercial Schools
Commercial Studios
Commercial Vehicle
Communications Tower
Community Recreation Center
Comprehensive Plan
Concert Hall
Conference, Meeting and Banquet Center
Contractor's Office
Contractor's Shop
Contractor's Storage Yard
Convenience Stores
Convention Center
Corporate Guesthouse
Corporate Retreat Center
Correctional Facilities
Cross Access Easement
Cul-de-sac
Customer Entrance

Cutoff
D Day
Day Care, Adult
Day Care, Child
Day Care Center
Daytime
Decibel
Deciduous
Deck
Density
Detached
Developer
Development
Diameter at Breast Height
Disability
Drive-Thru Stores
Driveway
Dwelling
Dwelling Unit
Single Unit Detached
Single Unit Attached
Two Unit Attached
Duplex
Multi-Unit
E Educational Institution
Electric Substation
Emergency Vehicle
Enclosed, Roofed Accessory Structure
Energy Conversion
Energy Conversion, Geothermal
Energy Conversion, Solar
Accessory Energy Conversion, Solar
Energy Conversion, Wind
Accessory Energy Conversion, Wind
Escort
Escort Agency
Essential Services
Establishment
Evergreen
Equipment Rental Sales and Service
F Facade
Facade, Principal
Facade, Secondary
Fall Zone
Fence
Flag
Flat Lens
Foot-candle
Full Cutoff
Funeral Home
G Gaming
Garage
Garage, Private Residential
Gate
Glare
Golf Course
Governmental Facility
Grade
Ground Floor Elevation
H Hardscape
Hedge
Home Furnishing Store
Home Occupation
Hospital
Hotel
Household Pets
Human Scale
I Impervious Surface
Impervious Surface Coverage
Incidental
Indoor Recreation
Industrial Crafts
K Kennel
Kiosk
L Laboratory
Landominium
Landscape, Landscaping
Library
Light Output
Live / Work
Lot
Lot Area
Lot Depth
Lot Frontage
Lot Width
Lot, Corner
Lot, Double Frontage
Lot, Flag
Lot, Interior
Lot of Record, Nonconforming
Lot Lines
Front Lot Line
Side Lot Line
Rear Lot Line
Lot-Line House
Lumen
Luminaire
M Manufacturing

Match
Medical Office and Clinic
Membership Club, Association
Microbrewery
Mortuary
Motel
Movie Theatre
Movie Theatre, Drive-in
Mulching
Museum
N Natural Area
New Housing Development
Nighttime
Nonconformity
- Nonconforming Lot
- Nonconforming Sign
- Nonconforming Site
- Nonconforming Structure
- Nonconforming Use

Non-Retail Laundries & Dry Cleaning Plants
Noise
Noise Source Property
Nude, Nudity, or a State of Nudity
Nurse Grass
O Office
Open Space
Ornamental Pond
P Parcel
Park
Parking
- Aisle
- Covered Parking
- Dead-End Parking
- Off-Site Parking
- Off-Street Parking
- On-Street Parking
- Parking Lot
- Parking Lot Area
- Parking Space
- Parking Structure
- Shared Parking
- Slip-Street Parking

Passenger Vehicle
Patio
Pawn Shop
Pedestrian
Performance Theatre
Person
Personal Service
Place of Worship
Political Subdivision
Pool Barrier
Porch
Portable/Blow-Up/Wading or Kiddie Pools
Printing, Publishing, Lithography, & Binding
Process Manufacturing
Process Plant
Product Assembly
Professional Service
Projection
Public Service Yard
Public Transit Station
Pump Station
R Receiving Property
Recreational Vehicle
Recycling Facility
Research & Development
Residential Collector
Residential Communications Equipment
Residential Street
Restaurant
- Cafeteria, Buffet, Dining Room
- Fast-Food Restaurant
- Drive-in Restaurant
- Tasting Rooms

Restrictive Deed Covenant
Retaining Wall
Requeen
Right-Of-Way
S Salvage
Satellite Earth Station Antenna
Self & Mini Storage
Semi-Nude or Semi-Nudity
Sense of Place
Setback
Sewer, Liquid, & Solid Waste Facility
Sexual Encounter Establishment
Sexually Oriented Business
Shed, Storage Structure
Shrub
Sightline
Sign
Site
Slip Street
Small Animal
Social Services
Sound Level (Noise Level)
Sound Level Meter (SLM)

Source of Noise
Spa
Specialized Facility
Specified Anatomical Areas
Specified Sexual Activities
Stable
Stabling
Storage Yards, Building Materials
Storage Yards, Outdoor Merchandise
Story
Street
Structural Alteration
Structure
Structure, Accessory
Structure, Conditional Accessory
Structure, Principal
Subdivision
Surface Parking Lot
Swimming Pool
Swimming Pool, Private
Swimming Pool, Public
T Tattoo Parlor
Technical Repair
Telecommunications Box
Telecommunications Port
Temporary Portable Storage Containers
Temporary Unpaved Overflow Parking
Termination
Thoroughfare
Thoroughfare Plan
Tower
Townhouse
Trailer
Tread
Tree
Tree Crown
Truck Depot, Motorpool
U Uplight
Use
Use, Accessory
Use, Conditional
Use, Mixed
Use, Principal
Use, Temporary
Utility
V Variance
Vehicle
Vehicle, Motor
Vehicle Fueling, Recharging
Vehicle Storage, Indoor
Vehicle Storage, Outdoor
Vehicular Use Area
Viewshed
W Waiting Space
Warehousing & Distribution
Water Tower
Weapon Sales
Wholesale Sales & Supply Houses
Wireless Distributed Antennae System
Woodland
Work / Live
Y Yard, Front
Yard, Rear
Yard, Required
Yard, Side
Z Zoning Administrator

1159.03 SIGN DEFINITIONS
A Alter, Alteration
B Banner
Building Unit or Unit of a Building
C Canopy Sign
Changeable Copy
D Daytime
E Electronic Changeable Copy
Erect
F Flag
Frontage or Lot Frontage
Building Frontage
Building Unit Frontage or Unit Frontage
G Ground Sign
I Illuminated Sign
N Nighttime
Nit
Nonconforming Sign
O Other Advertising Structure
P Permittee
Person
Pole Sign
Portable Sign
Projecting Sign
S Sign
Sign Face, Facing, Surface, Surface Area, or Sign Face Area
T Temporary Sign
V Vehicular Sign
W Wall Sign
Wall Banner Sign

Windblown Devices
Window Panel
Window Sign

CHAPTER 1159 RULES OF INTERPRETATION & DEFINITIONS

1159.01 RULES OF INTERPRETATION

A. For purposes of this Zoning Code, the following terms, phrases, words, and their derivations shall have the meanings as set forth herein. When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include the singular number, words in the singular number include the plural number, words in the feminine include the masculine, and words in the masculine include the feminine. The words “shall”, “must”, and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning. References to “Chapter(s)”, “Section(s)”, or “Subsection(s)” are, unless otherwise specified, references to Chapters, Sections, or Subsections in this Zoning Code. Defined terms remain defined terms whether or not capitalized.

B. The text of this Section shall control captions, titles, and maps.

C. Within the Zoning Code, sections prefaced “purpose”, “purpose and findings”, and “purpose and intent” are included. Each purpose statement is intended as an official statement of legislative finding or purpose. These statements are legislatively adopted, together with the formal text of the Zoning Code. They are intended as a guide to the administration and interpretation of the Zoning Code and shall be treated in the same manner as other aspects of legislative history.

D. In their interpretation and application, the provisions of the Zoning Code are considered minimal in nature. Whenever the provisions, standards, or requirements of any other applicable chapter of the Zoning Code are higher or more restrictive, the latter shall control.

E. In computing any period of time prescribed or allowed, the day of the notice or final application, after which the designated period of time begins to run, is not to be included. Further, the last day is to be included unless it is not a working day, in which event the period runs until the next working day, unless otherwise specified.

F. The City of Kettering shall be known and may be cited as “City of Kettering”, or “Kettering”, or “City”.

1159.02 DEFINITIONS

Words with specific defined meanings are as follows:

Abandon, Abandoned, Abandonment
To cease in operation or use for a period of time. Unless otherwise specified within this Code, such period of time shall be 6 months or more. For purposes of this Zoning Code, rental payments, lease payments, tax payments, the payment of utilities or phone service, or the temporary use of a structure or parcel shall not be considered as a continued use.

Abut or Abutting
Having property lines in common.

Access
A way or means of entry or exit.

Access Drive
A driveway for non-residential and multi-dwelling uses.

Primary Access Drive
An access drive that provides direct access to the principal entry of a development or campus.

Major Access Drive
An access drive that provides direct access to large scale subordinate principal buildings or uses within a campus. Major Access Drives may serve more than one principal building or use.

Minor Access Drive
An access drive that provides access to small scale accessory buildings or functions or provides secondary access to principal buildings or uses. Any access that serves a development or campus and is not considered Primary or Major shall be considered a Minor Access Drive.

Acre
A measure of land area equal to 43,560 square feet.

Active Outdoor Recreation Area
A man-made or physically altered area where leisure activities, usually performed with others, often requiring equipment or facilities take place. Examples include, but are not limited to swimming pools, tennis or other court games, baseball or other field games, and playgrounds.

Active Transportation
The transport of person(s) or goods powered by human muscle power. Also, relating to or designed for the transportation of person(s) or goods powered by human muscle power.

Additions
A completely new structure or new component to an existing structure.

Adequate Public Facility:
A public facility or system of facilities that has sufficient available capacity to service the physical area and designated intensity and use of development at adopted specified levels of service. See Concurrency.

Adjacent
To be entirely or partially within 200 feet of a specified item or use.

Adjoin
To physically touch or border upon; or to share a common property line.

Adult Arcade
Means any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore, Adult Novelty Store, or Adult Video Store
A commercial establishment that has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any or more of the following:

1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, compact discs in any format (e.g., cd-rom, cd-r, cd-rw), digital video discs in any format (e.g., dvd), or other visual representations in any tangible medium, that are characterized by their emphasis upon the exhibition or display of Specified Sexual Activities or Specified Anatomical Areas.

2) instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing Specified Sexual Activities or Specified Anatomical Areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials that depict or describe Specified Sexual Activities or Specified Anatomical Areas.

Adult novelty store shall not include any establishment that, as a substantial portion of its business, offers for sale or rental to persons employed in the medical, legal or educational professions anatomical models, including representations of human genital organs or female breasts, or other models, displays, and exhibits produced and marketed primarily for the use in the practice of medicine or law or for use by an educational institution.

Adult Cabaret
A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

1) persons who appear semi-nude; or

2) live performances that are characterized by the exposure of Specified Sexual Activities or Specified Anatomical Areas; or

3) films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the exhibition or display of Specified Sexual Activities or Specified Anatomical Areas

Adult Model Studio
Any establishment open to the public where a person who appears “nude” or “semi-nude” or who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by other persons who pay money or any form of consideration. Adult model studio shall also include any establishment that offers for sale or for viewing any apparel or other items that are displayed by models who appear in person in a state of “nudity” or “semi-nudity”. Adult model studio shall not include:

1) A proprietary school that has a valid certificate of registration issued by the State of Ohio,

junior college or university supported entirely or in part by public taxation;

2) A private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

3) A structure that has no sign visible from the exterior of the structure and no other advertising that indicates a model is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or semi-nude model is on the premises at any one time.

Adult Motel
A hotel, motel, or similar commercial establishment, which:

1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the exhibition or display of Specified Sexual Activities or Specified Anatomical Areas and that advertises the availability of same by a sign(s) visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, ads in newspapers, magazines, leaflets or pamphlets, or ads on radio or television; or

2) offers a sleeping room for rent for a period of time that is less than 10 hours; or

3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater
A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, digital video discs, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater
A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear "nude" or "semi-nude," or live performances that are characterized by the exposure of Specified Sexual Activities or Specified Anatomical Areas.

Adverse effect
A negative change in the quality of the historical, architectural, archaeological, or cultural significance of a resource, or in the characteristics that qualify the resource as historically, architecturally, archaeologically, or culturally important.

Aggrieved
A person whose immediate and pecuniary interest has suffered direct and unique harm due to the decision being appealed in contrast to the community at large.

Alcohol, Liquor, Tobacco Sales
A retailer whose business exclusively or primarily involves the sale of beer, wine, liquor, or other alcoholic beverages, tobacco, tobacco containing products, or other related tobacco products including, but not limited to, rolling papers and machines, bongs, hookahs, pipes, water pipes, roach

clips, and lighters, for off premise consumption.

Alley
An unnamed public or private right-of-way primarily designed to serve as secondary access to the rear or side of those properties whose principal frontage is on some other street.

Alternative Medicine Office and Clinic
A facility operated by one or more licensed practitioners of therapeutic or preventive health care practices, such as homeopathy, naturopathy, chiropractic, and herbal medicine for the examination and treatment of persons solely on an outpatient basis.

Alter, Alteration
As applied to a building or structure, a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. Also, as applied in general, to make different in some particular, such as size, style, or course; to modify.

Ambient Noise Level
The background sound pressure level at a given location, specified as a reference level to study a new intrusive sound source.

Amortization, Amortized
The required removal of a nonconformity after a stated period of time without compensation.

Amphitheater
An open-air venue typically used for theatrical or concert performances and typically feature a more traditionally theatrical style stage with the audience only on one side, usually at an arc of less than a semicircle.

Amusements, Game Rooms
An establishment providing entertainment or games of skill to the general public that is wholly enclosed in a building, including but not limited to a billiard parlor or video game arcade. This does not include a Gaming establishment.

Ancillary Equipment
Equipment associated with a Communication Tower or Antenna, including, but not limited to, equipment cabinets or boxes, enclosures, generators, cables, conduit, wires, attaching devices, outbuildings, and all other such accessories and mechanical devices.

Antenna
Any apparatus designed for the transmitting and/or receiving of electromagnetic waves for telephonic, radio, or television communications. This includes, but is not limited to, omnidirectional (whip) antennas, sectorized (panel) antennas, multibay or single bay (frequency modulation and television), yaggie, and parabolic (dish) antennas.

Arbor
A structure characterized by a lattice work enclosure, on top or sides, which may be attached to or be detached from a principal structure.

Arena
An enclosed area, often circular or oval-shaped, designed to showcase theater, musical perfor-

mances, sporting events, or other entertainments. It is typically composed of a large open space surrounded on most or all sides by tiered seating for spectators.

Art Gallery
A room or structure in which original works of art or limited editions of original art are bought sold, loaned, appraised, or exhibited to the general public. This clarification does not include libraries or museums.

Arterial Street
Any officially designated street with signals at important intersections and stop signs on the side streets, and that collects and distributes traffic to and from other streets. Major or minor arterial streets are designated on the Official Thoroughfare Plan of the City of Kettering.

Arts Center
An art center is distinct from an art gallery or museum. An arts center is a functional community center intended to encourage arts practice and to provide facilities such as theatre space, gallery space, venues for musical performance, workshop areas, educational facilities, and/or technical equipment.

ATM
An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

Auditorium
A building designed to accommodate public meetings or performances and enable an audience to hear and watch such performances.

Automobile Repair
Automobile repair is of three types, namely:

Minor Repair
The installation of minor parts, replacement of parts, reconditioning of engines and motor service to passenger vehicles and commercial vehicles not exceeding 1-1/2 tons capacity.

Major Repair
The general servicing of passenger vehicles and commercial vehicles (excluding items listed under Minor Repair, incidental body, frame, fender or painting work, and rebuilding of engines.

Body Work
The exterior repair of vehicles; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; and vehicle steam cleaning.

Automobile Service Station
Any building, or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

Average Horizontal Maintained Illumination
The measure of the average foot-candle count across a horizontal plane measured at grade of a specified area. The maximum grid spacing for such a count shall be 10'-0". The maximum light

loss factor utilized for such calculations shall not be below 0.70.

Average Vehicle Trip Ends
The average number of single or one-direction vehicle movements, into or out of a site per day.

Balcony
An open air platform, enclosed by a parapet or railing, projecting from the upper portion of a wall of a building supported solely by a single principal structure.

Bar, Lounge, Tavern, Nightclub
An establishment primarily devoted to the selling, serving, or dispensing of alcoholic beverages to be consumed on the premises and in which the service of food is only incidental to the consumption of such beverages.

Basement
That portion of a building that is all or partly underground but having at least 1/2 of its height below the average level of the adjoining ground. The height of a basement is measured between the surface of the basement floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

Bed and Breakfast
A residence occupied by an owner-operator providing overnight accommodations and a morning meal for compensation.

Big Box Store
A singular retail or wholesale user who occupies no less than 100,000 square feet of sales area, typically requires high parking to building area ratios, conducts most of its operations indoors, and has a regional sales market. Regional retail/wholesale sales can include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

Block
A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any barrier to the continuity to development.

Boutique Retail
Retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to, apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, and antique stores.

Bufferyard
A unit of land, together with a specified type and amount of planting materials and any structures that may be required to eliminate or to minimize conflicts between land uses.

Building
Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of a person, animals, or property.

Building Footprint
The outline of or the area encompassed by a building's exterior walls at the ground level.

Building Height
The vertical distance from the average ground elevation at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, shed, or gambrel roofs.

Building Services
The provision of assistance, as opposed to products, to manage and maintain property and buildings.

Business Services, Mailing, Reproduction
The provision of assistance, as opposed to products, to business, industry, government, and other enterprises to manage business activities. Examples of such uses include, but are not limited to, copy centers, phone answering services, private mailing services, and postal boxes.

Caliper
The diameter of a tree trunk, measured 6 inches up the trunk from ground level.

Campus
A site made up of one or more lots, parcels or tracts of land all under common ownership or control containing the grounds and buildings of a single institution with multiple principal and accessory structures.

Care Facility
Institutional housing configured as multiple living quarters with a common kitchen, dining, and/or recreation facilities, for individuals who, by reason of illness, physical impairment, or mental impairment, require skilled health care and/or personal assistance for daily activities. This definition does not include Personal Services, Hospitals, homes for foster children, drug or alcohol treatment facilities; or facilities that administer treatment as their primary function to in-patients, out-patients, or on a day care basis.

Carport
A roofed structure enclosed by no more than 3 walls and attached to the Principal Structure for the purpose of providing shelter for one or more passenger vehicles.

Cellar
A basement used only for mechanical equipment accessory to the principal structure and not for habitable use. A cellar shall not be counted as a story in the computation of the intensity of land use development.

Cemetery
A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of such uses. Mortuaries, maintenance, and necessary sales facilities shall be included when operated within the boundary of such cemetery.

Charge
A person committed to the care of another.

City Council
The legislative body of the City of Kettering, Ohio.

Cleaning Services
The provision of assistance, as opposed to products, to clean and organize property and buildings.

Clearing
The grubbing, scalping, removal, and disposal of vegetation and debris from a site, and the conditions resulting from these actions.

Clinic
A place for the care, diagnosis, or treatment of persons who are ailing, sick, injured, infirm, or in the need of medical attention, but are not provided room, board, or kept overnight on the premises.

Colony
A group of bees consisting of worker bees, a queen bee, and, in the summer, drone bees.

Collector Street
Any officially designated street that collects traffic from residential streets or commercial or industrial properties and that connects with arterial streets or thoroughfares. Collector streets are designated on the Official Thoroughfare Plan of the City of Kettering.

Commercial Bakery
A facility for preparing, cooking, baking, and selling of products intended for off-premise distribution.

Commercial Collector
A collector street that adjoins a commercial or industrial property.

Commercial Schools
Educational institutions that are run by private, profit-seeking companies or organizations.

Commercial Studios
An educational facility that provides instruction for the various arts and talents (e.g. dance, painting, sculpting, singing, musical performance, gymnastics).

Commercial Vehicle
Any motor vehicle licensed as a commercial vehicle.

Communications Tower
A tower on which there are antenna, electronic facilities, or devices for receiving or transmitting communication signals.

Community Recreation Center
A publicly owned or operated recreation facility. Such uses may include, but are not limited to, indoor swimming pools, gyms and training rooms, ice rinks, water parks, basketball, racquetball, tennis and other courts, soccer, football, and other playfields, and meeting and educational rooms.

Comprehensive Plan
The official Comprehensive Plan of the City of Kettering, establishing goals, policies, and guidelines intended to direct the present and future physical, social, economic, aesthetic, and related factors of both public and private development within the community.

Concert Hall
A cultural building that serves as a performance venue chiefly for classical music, but may also accommodate other musical performances.

Conference, Meeting and Banquet Center
A meeting facility primarily providing a location for activities such as weddings, conferences, commemorative events, and receptions, which may also include on-site food and beverage preparation and service for on-premise consumption,

Contractor's Office
A building or building unit used for conducting business and administrative affairs related to a contractor's operations that does not use any exterior storage area or parking of any trailers, machinery, equipment, or vehicles larger than 7' wide, 7' high, or 18' long.

Contractor's Shop
An enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but does not use any exterior storage area.

A Contractor's Shop may also be comprised of a Contractor's Office.

Contractor's Storage Yard
An outdoor space used primarily for the storage of trailers, equipment, vehicles, machinery, building materials, construction materials, landscape materials, or components by the owner or occupant of the premises in the conduct of any building trade, building craft, or landscaping.

A Contractor's Storage Yard may also be comprised of a Contractor's Office and/or a Contractor's Shop.

Convenience Stores
A retail establishment offering for sale a limited line of groceries, beverages, food, and other household items intended for the convenience of the customer.

Convention Center
A commercial facility designed to accommodate 500 or more persons and used to accommodate assemblies or meetings, conventions, conferences, exhibitions, recreation activities, entertainment functions, food and beverage preparation, and service for on-premise consumption.

Corporate Guesthouse
A building owned by a corporation that provides living quarters for guests and is never rented or offered for compensation.

Corporate Retreat Center
A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and may provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meals or overnight accommodations. Kitchen and dining facilities shall be located in a single centrally located building or buildings.

Correctional Facilities
A publicly or privately owned facility for the detention, confinement, treatment, or rehabilitation of

persons arrested or convicted for the violation of law. Such facilities include, but are not limited to, an adult detention center, juvenile delinquency center, jail, and prison.

Cross Access Easement
A recorded agreement between adjoining property owners that grants reciprocal rights of access to one another's property, commonly for the purpose of ingress and egress of pedestrian and vehicular traffic over a driveway or parking lot.

Crown
The live branches, twigs, and foliage of a tree.

Crown Closure
The percentage of a given lot or lots covered by tree crowns.

Cul-De-Sac
The turnaround at the end of a dead-end street; or a street with only a single means of ingress and egress and having a turnaround.

Customer Entrance
A customer entrance is any building entrance that is designed for use by the public, clients, or customers.

Cutoff
The point at which all light rays emitted by a light source or luminaire are completely eliminated.

Day
A period of time equal to 24 hours, reckoned from midnight to midnight. For the purposes of this Zoning Code, days shall be measured in calendar days and not business days.

Day Care, Adult
The provision of daytime training, supervision, recreation, and often medical services for adults, that requires a license or certification by a public agency for the provision of such services.

Day Care, Child
The provision of daytime training, supervision, recreation, and often medical services for children, that requires a license or certification by a public agency for the provision of such services.

Day Care Center
Any place where child day care or adult day care is provided.

Daytime
Daytime for this Zoning Ordinance shall be between the hours of 7:00 a.m. and 10:00 p.m.

Decibel
The decibel (dBA) is a unit for expressing the relative intensity of sounds on a logarithmic scale.

Deciduous
Plant material that normally sheds its foliage at the end of the growing season.

Deck
An outdoor, unenclosed, and uncovered platform made from wood or a composite material, either

freestanding or attached to a building, that is built above the ground, and intended for recreational use.

Density
The measure of residential land use intensity that is expressed as a number of dwelling units permitted per acre.

Detached
Not connected to any other structure in any manner by walls, roof, or other structural supports; free standing.

Developer
Any person or entity who commences proceedings under this ordinance to bring about development or redevelopment on land.

Development
Development is the improvement, alteration, or subdivision of land for uses authorized under this Zoning Code.

Diameter at Breast Height
The outside bark diameter at 4.5 feet above grade as measured on the uphill side of the tree.

Disability
A medical, physical, or mental condition that limits a major life activity.

Drive-Thru Stores
An establishment designed or operated to serve or dispense products to customers who remain seated in a passenger vehicle rather than receiving products and services within a building. Such establishments may be in conjunction with, or exclusive of, any other form of service.

Driveway
A roadway, not dedicated to public ownership, to provide access for vehicles to parking, a garage, a dwelling, or other structure.

Dwelling
A structure or portion of a structure that is used exclusively for human habitation.

Dwelling Unit
One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the unit for the exclusive use of the occupants. Dwelling Units shall not include tents, cabins, trailers, coaches, or anything not permanently attached to the ground with a permanent foundation.

Single Unit Detached
A building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. A dwelling unit of this type does not have any roof, wall, or floor in common with any other dwelling unit.

Single Unit Attached
A single dwelling unit attached to another single dwelling unit in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is

separated from any other unit by one or more vertical common fire-resistant walls with each dwelling unit located on a separate lot.

Two Unit Attached
A building on a single lot containing two dwelling units totally separated from each other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. See Duplex.

Duplex
A building on a single lot containing two dwelling units totally separated from each other by an unpierced wall extending from ground to roof. See Two Unit Attached.

Multi-Unit
A building containing three or more dwelling units, including units that are located one over the other.

Educational Institution
A public, parochial, or private institution that provides educational instruction to students. This definition does not include Commercial Schools and Studios.

Electric Substation
An assemblage of equipment and appurtenant facilities designed for voltage transformation and distribution.

Emergency Vehicle
Publicly owned vehicles such as an ambulance, police car, or fire fighting apparatus used to respond to emergency situations.

Enclosed, Roofed Accessory Structure
A detached, roofed, and enclosed accessory structure greater than 100 square feet in gross floor area.

Energy Conversion
The production of energy utilizing any installation such as a windmill, hydroelectric unit, or solar collecting or concentrating array, that is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass.

Geothermal Energy Conversion
A power generating facility or device that relies upon the thermal energy generated and stored in the Earth as an energy source and is capable of generating, distributing, and possibly storing the Earth's thermal energy for primarily off-site use.

Solar Energy Conversion
A power generating facility comprised of solar collectors, or other devices that rely upon sunlight as an energy source and is capable of collecting, distributing, and possibly storing the sun's radiant energy for primarily off-site use.

Accessory Solar Energy Conversion
The accessory use of a power generating device comprised of solar collectors, or other devices that rely upon sunlight as an energy source and is capable of collecting, distribut-

ing, and possibly storing the sun's radiant energy for primarily on-site use.

Wind Energy Conversion
A power generating facility comprised of windmills, turbines, or other devices that rely upon the kinetic energy of wind as an energy source and is capable of generating, distributing, and possibly storing the wind's kinetic energy for primarily off-site use.

Accessory Wind Energy Conversion
The accessory use of a power generating device comprised of a windmill, turbine, or other device that relies upon the kinetic energy of wind as an energy source and is capable of generating, distributing, and possibly storing the wind's kinetic energy for primarily on-site use.

Escort
A person who, for any form of consideration, and for another person, agrees or offers: (1) to privately model in a state of "nudity" or "semi-nudity"; or (2) to privately perform a striptease.

Escort Agency
A person or business association that for any form of consideration furnishes, offers to furnish, or advertises to furnish, escorts.

Essential Services
The equipment, structures and activities necessary to furnish an adequate level of public service for the provision of police, fire, and emergency services; the distribution of electricity, gas, and steam; and, the distribution and collection of water and sewerage.

Establishment
The place where a business or Use is carried on.

Evergreen
Having living foliage that persists and remains green throughout the year. Cactus plants are not included within this definition.

Equipment Rental Sales and Service
Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment. Included in this use is the servicing of such equipment.

Facade
The external portion of a building or structure as viewed from a specific vantage point. Examples of specific vantage points include, but are not limited to, north, south,east, west, or front, side, or rear.

Facade, Principal
Except as otherwise specified within this Zoning Code, A Principal Facde is any Facade that is located less than 500' from an adjoining Right of Way and is:

1) Facing a public or private street, excluding alleys; or

2) That provides a public entrance to a structure located within the TC, NC, or SC development pattern districts

Facade, Secondary
Any Facade that is not a principal facade.

Fall Zone
The area on the ground within a prescribed radius from the base of a tower within which there is a potential hazard from falling debris (such as ice) or collapsing material. The radius of a fall zone for any tower shall be equal to 1.1 times the total height of the tower and any appurtenances.

Fence
A structure serving as an enclosure, a barrier, a boundary, or a screen, usually constructed of posts joined together by boards, rails, or wire.

Flag
A piece of cloth or similar material, anchored along one side, displayed from a single pole, either freestanding or attached to a building.

Flat Lens
The translucent lens of a luminaire that is completely flush with the bottom surface of the ceiling or canopy to which it is mounted.

Foot-candle
A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. Abbreviation: fc.

Full Cutoff
A luminaire with no light emitted above horizontal, no light dispersion or direct glare to shine above horizontal.

Funeral Home
Establishment engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals.

Gaming
To deal, operate, carry on, conduct, maintain, or expose for play any game, sports book, parimutuel, or any other form of wagering. Also, any banking or percentage game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, property, checks, credit, or any representative of value including, but not limited to, bingo, faro, poker, keno, panguingui, baccarat, monte, black jack, fan-tan, twenty-one, seven-and-a-half, big injun, klondike, chuck-a-luck, wheel of fortune, chemin de fer, pai gow, beat the banker, and other similar games of chance for the return of money, cash, prizes, or anything that could be redeemed for money, cash, or prizes. This does not include games played in private homes or residences for prizes or games operated by charitable or educational organizations that have been approved by the state of Ohio.

Garage
A building or structure, whole or in part, used or designed to be used for the parking and storage of vehicles.

Garage, Private Residential
A building or structure, whole or in part, used or designed to be used for the parking and storage of vehicles for a private residence.

Gate
A barrier structure that is part of a wall or fence, usually on hinges, that can be swung or drawn to control access or passage thru such wall or fence.

Glare
The sensation produced by luminance within the visual field that is greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course
An area of land used and designed for playing golf, consisting of at least nine holes and improved with tees, greens, fairways, and hazards. A golf course may provide additional services customarily furnished such as putting and driving ranges, shelters, restrooms, and related retail sales that may include a restaurant and lounge.

Governmental Facility
A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

Grade
The elevation or top of the ground.

Gross Floor Area
The sum of the gross horizontal areas of the floor or floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings or units, but excluding any space where the floor to ceiling height is less than 6 feet.

Ground Floor Elevation
The building elevation located along the ground floor extending from grade to the eaves of the roof, the top of a parapet wall or to 15'-0" above grade, whichever is lowest.

Hardscape
The built environment where the upper soil profile is no longer exposed to the air but is covered with durable materials. Examples - paved areas like streets, sidewalks, structures, walls, or patios.

Hedge
A boundary formed by a row of shrubs or small trees planted close together that are intended to delineate property, hide or obscure an object or objects from view, or to provide privacy.

Home Furnishing Store
A retail establishment that primarily sells goods for furnishing or improving residential units. These establishments may include but are not limited to furniture stores, home electronics stores, appliance stores, and similar establishments.

Home Occupation
Any lawful activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

Hospital
An institution, licensed by the Ohio Department of Health, providing primary health services and

medical or surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training and educational facilities.

Hotel
An establishment providing sleeping accommodations and customary lodging services on a transient basis for a nightly fee with access to units primarily from interior lobbies, courts, or halls. This definition does not include motels, camps, or correctional facilities.

Household Pets
Any dog, cat or other specie of animal, fish, fowl, amphibian, or reptile which species is commonly deemed in this City to be tame and domesticated, or that is commonly accepted in this City as a pet kept inside a residence. A household pet is not kept for food production or agricultural value.

Human Scale
Development or architectural features that correspond to the size of the human body.

Impervious Surface
Any material that reduces or prevents absorption of storm water into land. Examples of Impervious Surface may include but is not limited to roads, parking lots, buildings, pools, patios, sheds, driveways, sidewalks, and pavement.

Impervious Surface Coverage
The area of impervious surface within a lot, parcel, or yard area divided by the total area of the lot, parcel, or yard area. Public sidewalks, public stream, and public drainage channels shall not be counted towards impervious surface coverage.

Incidental
Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

Indoor Recreation
A recreational land use conducted almost wholly within an indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized sports or activities, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball, sports training, hobby activities, and other recreational games. Such a facility may also provide other regular organized events, health and fitness activities, swimming, snack bars and refreshments, retail sales of related sports, health, fitness or hobby items, and other support facilities.

Industrial Crafts
A facility primarily engaged in the transformation of materials such as metal, wood, stone, or plastics into three dimensional objects, that may be intended as parts, hardware, tools, or finished objects. This definition does not encompass the assembly of such parts or objects into finished goods such as engines, assemblies, or equipment.

Kennel
An establishment in which more than 5 household pets over 4 months in age, in any combination of the following types, are housed, groomed, bred, boarded, trained, or sold:

1) Dogs

2) Cats

3) Rabbits

4) Other Household Pets.

Kiosk
A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted, or a freestanding building less than 500 sq feet in building footprint that typically has one or more open sides from which commercial activities are conducted.

Landominium
A residential community in which residents individually own the dwelling units as well as the land on which they are built. Such a community is comprised of single or two unit dwellings surrounded by or abutting commonly held or owned property. Maintenance and development of the commonly held property and any improvements on such property are governed by a board or association of owners. In contrast, in a condominium residents own only the individual units of a building while the land on which the units are built is owned by the association. Landominiums shall be subject to the setbacks required by the zoning district in which they are located. Additionally, such setbacks shall apply on a general basis to the entire or overall landominium development parcel and not upon each individual lot. Further, for purposes of setbacks, individual ownership boundaries within a landominium shall be ignored; only the outermost boundaries of the landominium development shall be recognized.

Landscape, Landscaping
The alteration and arrangement of lawns, trees, plants, and the decorative features of land on a tract of land.

Laboratory, Specialized Facility
A facility for scientific research in technology intensive fields, scientific investigation, testing of materials or products, or experimentation. Small scale Process Plants are also included within this definition.

Library
A public facility primarily for the use, but not sale, of literary, musical, artistic, or reference materials.

Light Output
The amount of light produced from a light source or sources.

Live / Work
A residential dwelling used for both dwelling purposes and a secondary non-residential use that is accessible from the living area and is principally used by one or more of the residents. See Work/Live

Lot
A lot is a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit. A lease lot shall not be considered a Lot for purposes of this Zoning Code.

Lot area
The lot area is the total land area, measured in square feet or acres, contained within the lot lines.

Lot depth
The lot depth is the mean horizontal distance between the front and the rear lot lines.

Lot frontage
The lot frontage is the distance between the side lot lines, measured by a line drawn parallel with the front lot line at the point of required minimum front yard depth, or "setback". Corner lots have two lot frontages: the lot frontage for a corner lot is the distance between lot lines, measured by a line or lines drawn parallel with the street frontages at the point of the required yard depth or "setback".

Lot width
The lot width is measured in the same way as lot frontage.

Lot, corner
A corner lot is a lot or parcel of land adjoining two or more streets at their intersection, or adjoining two parts of the same street forming an interior angle of less than 135 degrees.

Lot, double frontage
A double frontage lot is a lot having frontage on two (2) streets that do not have an intersection contiguous to the lot.

Lot, flag
A flag lot is a lot not fronting on or adjoining a public road and where access to a public road is by a long, narrow private driveway.

Lot, interior
An interior lot is a lot other than a corner lot.

Lot of record, nonconforming
A nonconforming lot of record is any lot of record legally established prior to the effective date of this ordinance or subsequent amendment to it that would not be permitted by, or is not in full compliance with, the regulations of this ordinance.

Lot lines
The property lines bounding a lot.

Front lot line
The line separating the lot from a street. In the case of a corner lot, the narrowest side fronting on a street shall be considered to be the front of the lot, unless otherwise noted within this Code.

Side Lot Line
Any lot line other than a front or rear lot line. A side lot line separating a lot from a street shall be a street side lot line. A side lot line separating a lot from another lot or lots shall be an interior side lot line.

Rear Lot Line
The lot line opposite and most distant from the front lot line.

Lot-Line House
A single unit, fully detached residence located on an individual lot that is constructed contiguously to one side lot line.

Lumen
The unit of luminous flux, equal to the luminous flux emitted in a unit solid angle by a point source of one candle intensity. This unit of measure is used to describe the quantity of light emitted from a source of light. Abbreviation: lm

Luminaire
A device to produce, control, and distribute light. For example, wall sconces, street and roadway lighting, pathway lights, and decorative landscape lights. Outdoor luminaires are typically mounted to walls, poles, posts, bollards, or the ground.

Match
To have the same or similar appearance, to resemble or harmonize with, to be a close counterpart, to correspond in aesthetic qualities to another.

Manufacturing
The large scale use of machines, tools, and labor to produce finished goods for use or sale or to transform raw materials into finished goods . Such finished goods may be used for manufacturing other, more complex products, such as aircraft, motor vehicles, household appliances, or sold to wholesalers. Examples of manufacturing uses include but are not limited to: large-scale, lumber, milling, and planing facilities, aggregate, concrete, and asphalt plants, and vehicle parts production.

Medical Office and Clinic
A facility operated by one or more physicians, dentists, or other professionally licensed practitioners for the examination and treatment of:

A) Persons solely on an outpatient basis; and/or

B) Persons on an inpatient basis provided such persons are unable to dress, feed, bathe, or otherwise care for themselves due to physical deficiency and provided that the total cumulative number of inpatient days for each person is less than 270.

Membership Club, Association
Permanent, headquarters-type, and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for business associations; civic, social, and fraternal organizations; country clubs, tennis clubs, swim clubs, labor unions and similar organizations; political organizations; professional membership organizations; other membership organizations.

Microbrewery
An establishment engaged in the onsite production of beverages or food for human consumption. Such an establishment is comprised principally of a small-scale process plant and is supported with an accompanying tasting room or restaurant and possibly a retail sales component. The tasting room/restaurant primarily offers products produced on the premises. If a retail sales

component is present, such component shall primarily offer products bearing the mark of the establishment.

Mortuary
See also Funeral Home.

Motel
An establishment providing sleeping accommodations and customary lodging services on a transient basis for a nightly fee with access to units primarily from exterior courts or walkways. This definition does not include hotels, camps, or correctional facilities.

Movie Theatre
A specialized theater for showing movies or motion pictures.

Movie Theatre, Drive-in
An outdoor movie theatre where patrons view movies or motion pictures from their passenger vehicle.

Mulching
The application of dead plant or tree materials to the soil surface to conserve moisture, hold soil in place and to aid in the establishment of plant cover.

Museum
A building having public significance by reason of its architecture or former use of occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge.

Natural Area
Areas intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education. See also Park.

New Housing Development
The residential development of 3 or more contiguous lots or of 5 or more lots located within 400' of each other.

Nighttime
The period of time between the hours of 10:00 p.m. and 7:00 a.m Eastern Standard Time.

Nonconformity
Any nonconforming use, structure, site, lot, or sign.

Nonconforming Lot
Any recorded lot that was lawfully created but that no longer complies with the regulations of the Zoning Code.

Nonconforming sign
See Section 1159.03, Sign Definitions

Nonconforming site
A development site that was lawfully established but that no longer complies with the standards of the zoning or development pattern district in which the property is located.

Nonconforming structure
A structure, other than a sign, that was lawfully established but that no longer complies with all the regulations applicable to the zoning or development pattern district in which the structure is located.

Nonconforming use
A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located.

Non-Retail Laundries & Dry Cleaning Plants
A facility primarily used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions, and by providing such services to primarily retailers, industry, commercial establishments, institutions or businesses.

Noise
Any sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying.

Noise Source Property
Property from which noise or sound originates

Nude, Nudity, or a State of Nudity
The showing, representation, or depiction of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or of the female breast with less than a fully opaque covering of any part of the nipple, or of the covered male genitals in a discernibly turgid state.

Nurse Grass
Any annual grass seed that is fast growing and helps produce an immediate lawn area sufficient to prevent erosion, and is free of noxious weeds and weed seeds.

Office
A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity.

Open space
Land within or related to a development, not individually owned by occupants of the development or dedicated for public use, that is designed and intended for the common use or enjoyment of the occupants of the development.

Ornamental Pond
A man-made pool, pond, lake, stream, or open tank, not wholly enclosed inside of a building, where swimming is not intended and does not occur.

Parcel
A lot or tract of land.

Park
Any public or private land designed and intended primarily for outdoor recreational, educational, cultural, or aesthetic use. See also Natural Area.

Parking
1) The act or practice of temporarily leaving an operable and licensed vehicle or maneuvering an operable and licensed vehicle into a parking space. 2) An area in which to park operable and licensed vehicles.

Aisle
An area within a Parking Lot providing ingress and egress to parking spaces.

Covered Parking
A roofed structure enclosed by no more than 3 walls and detached from the Principal Structure for the purpose of providing shelter for one or more motor vehicles.

Dead-End Parking
The end of an Aisle within a parking lot that affords no exit or circulation.

Off-site Parking
Off-Street Parking not located on the same lot as the principal use(s) that it serves.

Off-street Parking
A parking lot located entirely upon the same lot of principal use(s) that it serves.

On-street Parking
Legal parking spaces located within the right-of-way.

Parking Lot
An area other than a street or public right-of-way used for parking and available whether for a fee, free, or as an accommodation for clients, customers, employees, and/or residents.

Parking Lot Area
The surface area of a Parking Lot. This includes parking spaces, aisles, access drives, loading areas, and vehicle storage areas.

Parking Space
A designated, delineated, and permanently surfaced area for the temporary parking of a vehicle.

Parking Structure
A structure designed to accommodate vehicle parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking, and underground or under-building parking.

Shared Parking
Joint use parking for more than one use

Slip-Street Parking
Angled and/or parallel parking spaces that are served by a single aisle that adjoins and is

parallel to the street upon which the lot has frontage. Such aisle may serve multiple properties.

Passenger Vehicle
Any motor vehicle designed and used for carrying not more than 9 persons.

Patio
An outdoor, unenclosed, and uncovered level, landscaped, and/or surfaced area, usually made of concrete, brick, or other masonry material that is at or within 6" of the finished grade and not covered by a permanent roof and intended for recreational use.

Pawn Shop
Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. Also included within this definition are Payday Loans, Check Cashing, and Auto Title Loan establishments.

Pedestrian
A person traveling on foot or utilizing a mobility aid. Also, relating to or designed for people who are walking or using a mobility aid.

Performance Theatre
A building primarily used for the live performance of theatrical, dramatic, dance, musical, or other works of the performing arts.

Person
A person is any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Ohio, the federal government, or any combination of the preceding.

Personal Service
Excluding offices of physicians and dentists, establishments engaged in providing services involving the care of a person or involving the care of personal goods or apparel. Such establishments include: laundries; clothing rental establishments; nail care establishments; barber shops; hair removal establishments; hair care and styling establishments; electrolysis establishments; health clubs; establishments providing facials or body treatments or make-up application; steam baths; body massage establishments; beauty shops; shoe, leather and handbag repair establishments; dry cleaners; tailors; toning or tanning establishments; and hair or body salons.

Place of Worship
A building in which persons regularly assemble for religious worship and that is maintained and controlled by a recognized and legally established sect organized to sustain public worship.

Political Subdivision
A unit of government within a State, including a county, municipality, city, town, township, parish, village, local public authority, school district, special district, or council of governments.

Pool Barrier
A fence, a wall, a building wall, or any combination of the three that completely surrounds the swimming pool and obstructs access to the swimming pool..

Porch
A roofed open area, which may be screened using common woven fiberglass or aluminum insect screening, attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated, air conditioned or if glazed. Porches shall not be screened using temporary materials, such as but not limited to fabric sheets, tarps, visqueen, or sheathing.

Portable/Blow-Up/Wading or Kiddie Pools
Any outdoor structure, chamber, or tank containing a body of water for recreational wading, cooling off and amusing toddlers and children. Such pools are not equipped with a water recirculating system or involve structural materials or elements.

Printing, Publishing, Lithography, & Binding
An industrial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods such as off-set printing, lithography, web offset, flexographic, and screen process printing and also may include the process of physically assembling a book or publication from a number of folded or unfolded sheets of paper or other material.

Process Manufacturing
A branch of manufacturing that subjects materials to a special process or treatment in order to change their physical state or chemical composition. This type of manufacturing is typically associated with formulas and recipes and once the output is produced by the process, it typically cannot be distilled back to its basic components. Examples of process manufacturing uses may include but are not limited to food and beverage production, chemical production, pharmaceutical production, and the production of paints.

Process Plant
A facility that primarily engages in process manufacturing.

Product Assembly
A facility that primarily engages in the fitting together of parts to make a finished good. Such finished goods may be used for manufacturing other, more complex products, such as aircraft, motor vehicles, household appliances, or sold to wholesalers.

Professional Service
Services provided by and offices of architects, engineers, accountants, insurance agencies, attorneys, urban and city planners, real estate brokers and agents, advertising agencies, management offices; plus the offices of physicians, surgeons, and dentists.

Projection
An architectural element that is allowed to project into a required setback, required yard area, or encroach into the public Right-of-Way.

Public Service Yard
A publicly owned facility that is primarily used for the storage and maintenance of vehicles, equipment, and materials that are used for the maintenance or improvement of publicly owned property or the public right-of-way.

Public Transit Station
Any structure or facility that is primarily used, as part of a transit system, for the purpose of loading,

unloading, or transferring passengers, or accomodating the movement of passengers from one mode of transportation to another. The station site may include station platforms, park and ride lots, bus stops, and similar facilities.

Pump Station
A facility designed to pump raw sewage that is fed from underground gravity pipelines to higher elevations.

Receiving Property
Property on which noise or sound, generated elsewhere, is heard or measured.

Recreational Vehicle
Any vehicle or vehicular type portable structure without permanent foundation that can be towed, hauled, or driven, and is primarily designed as temporary living accommodation for recreational, camping, and travel use including, but not limited to camping trailers, converted vans, self-propelled motor homes, tent trailers, travel trailers or truck campers. Also, boats and other floating vehicles, ATVs, dune and beach buggies, golf carts, go carts, and snowmobiles and other tracked vehicles, shall be considered recreational vehicles within this Zoning Code.

Recycling Facility
A facility that is not a salvage yard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed, and treated for end-use markets, such as paper mills, aluminum smelters, or plasitc remanufacturing plants.

Research & Development
An establishment that conducts applied and developmental research, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, or laboratories conducting educational or medical research or large-scale testing.

Residential Collector
A collector street that adjoins residential property.

Residential Communications Equipment
Satellite earth station dish antenna 39" in diameter or less, amateur radio antenna, television antenna, and other structures designed for transmitting or receiving television, radio, data, communication, or other signals or services for private residential use.

Residential Street
Any street that is not designated as a collector, arterial, or thoroughfare on the Official Thoroughfare Plan of the City of Kettering, and that provides access to residential properties.

Restaurant
An establishment that is maintained, advertised or held out to the public as a place where prepared food is served. Tasting Rooms shall also be classified as restaurants. Restaurants are of five types:

1) **Cafeteria, Buffet, Dining Room**
   A restaurant where food is served in nondisposable containers for a consideration, to be consumed inside the structure.

2) **Fast-Food Restaurant**
A restaurant whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.

3) **Drive-in Restaurant**
Any structure that is laid out, equipped, maintained, advertised, or held out to the public as a place where food or beverages are served for a consideration to customers in passenger vehicles.

4) **Carryout Restaurant**
A restaurant whose principal business is the sale of food directly to the customer in a ready-to-consume state for consumption off premises.

5) **Tasting Room**
An establishment whose principal business is the sale of beer or distilled spirits for onsite consumption which are prepared by and carry the brand or mark of said establishment.

Restrictive Deed Covenant
A provision in a deed limiting or prohibiting certain uses of the subject property, i.e., no fence over 4 feet in height may be built on the property.

Retaining Wall
A structure constructed to hold back or support an earthen bank.

Requeen
To replace an old queen of a colony.

Right-Of-Way
A strip of land taken or dedicated for use as a public way. A right-of-way may be occupied by a road, pedestrian walkway, utility line, railroad line, canal, or easement. The right-of-way width shall be as designated by the Official Thoroughfare Plan.

Salvage
A facility or area for storing, keeping, selling, dismantling, shredding, compressing, reclaiming, or salvaging scrap or discarded material, vehicles, equipment, or machinery.

Satellite Earth Station Antenna
A signal receiving device (antenna, dish antenna, or dish-type antenna), intended or used to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources. Such antennas 39" in diameter or less are considered Residential Communications Equipment.

Self & Mini Storage
A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for the temporary storage of property.

Semi-Nude or Semi-Nudity
The showing of the female breast below a horizontal line across the top of the areola, or the showing of the male or female buttocks or pubic area. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast,

exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

Sense of Place
The characteristics of a location that make it recognizable as different from its surroundings and that provides a feeling of belonging to or being identified with that particular place.

Setback
The distance between a property line and a building. Also, establishes the minimum and maximum required yard and governs the placement of structures and uses on the lot(s).

Sewer, Liquid & Solid Waste Facility
A system or facility for treating, neutralizing, stabilizing, or disposing of sewage

Sexual Encounter Establishment
A business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of Specified Sexual Activities. The definition of sexual encounter establishment or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Sexually Oriented Business
Means any of the following:

1) Adult Arcade;

2) Adult Bookstore;

3) Adult Novelty Store;

4) Adult Video Store;

5) Adult Cabaret;

6) Adult Model Studio;

7) Adult Motel;

8) Adult Motion Picture Theater;

9) Adult Theater;

10) Escort Agency;

11) Sexual Encounter Establishment.

Shed, Storage Structure
A fully enclosed accessory structure less than or equal to 100 square feet in gross floor area and typically without a continuous footing or continuous foundation.

Shrub
A woody plant that usually remains or is cut low and produces shoots or trunks from the base; it is not usually tree-like nor single-stemmed.

Sightline
An uninterrupted line of vision of adequate location and size to allow for a vehicle to join or enter a road safely.

Sign
See Section 1159.03, Sign Definitions.

Site
Any lot or parcel of land or combination of contiguous lots or parcels of land.

Slip Street
A one-way secondary road that runs parallel and adjoins a higher speed primary road to provide parking and access to sites along such roads.

Small Animal
Any domesticated animal that is of a size to be housed in a residential structure.

Social Services
A service operated by a nonprofit agency or organization to advance the welfare of citizens in need and that provides advice or assistance on matters including career guidance, chemical or alcohol abuse, and health concerns but not including in-patient, overnight, or custodial care facilities that provide living quarters for recipients of the service or staff. A social service may include supporting office uses, supporting vocational or trade training, supporting personal services, or a small-scale food and goods distribution service.

Sound Level (Noise Level)
The weighted sound pressure level obtained by the use of a sound level meter having a standard frequency filter for the attenuating part of a sound spectrum.

Sound Level Meter (SLM)
An instrument used for the measurement of noise and sound levels in a specified manner.

Source of Noise
The activity, person, use, or equipment producing a noise.

Spa
A steam bath or heated bathing room used for the purpose of bathing, relaxation, or reducing utilizing steam or hot air as a cleaning, relaxing, or reducing agent.

Specified Anatomical Areas
Specified Anatomical Areas shall mean any of the following:

1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast(s) below a point immediately above the top of the areola; or

2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities
Specified Sexual Activities shall mean any of the following:

1) Human genitals in a state of sexual stimulation or arousal; or

2) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; or

3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts; or

4) Excretory functions as part of or in connection with any activity set forth in 1), 2), or 3) above.

Stable
Any building incidental to an existing residential principal use that shelters a horse or pony used exclusively by the occupants of the premises.

Stabling
The sheltering of a horse or pony within a Stable.

Stadium
A large open space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.

Storage Yards, Building Materials
An outside storage facility for materials used in the construction of buildings. Examples of such materials include lumber, siding, shingles, steel, and block. Outside storage may be protected by a structure that includes a roof, but no side walls.

Storage Yards, Outdoor Merchandise
An outside storage facility for materials offered for sale to consumers. Examples of such materials include lumber, siding, shingles, block, and plant materials. Outside storage may be protected by a structure that includes a roof, but no side walls.

Story
That portion of a building above grade included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

Street
A vehicular way that is an existing state, county or municipal roadway; or is shown upon a plat approved pursuant to law; or is approved by other official action; or is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning commission with the power to review plats; and includes the land between the street lines, whether improved or unimproved.

Alleys shall not be considered streets for purposes of this zoning code.

Street Frontage
That side of a lot adjoining a street.

Structural Alteration
Any change in the structural members of a building.

Structure
Anything permanently constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Structure, Accessory
Any structure detached from the principal structure on the same lot and serving a purpose incidental and subordinate to the principal structure or use.

Structure, Conditional Accessory
Any structure detached from the principal structure on the same lot and serving a purpose incidental and subordinate to the principal structure or use that is permitted by a conditional use permit.

Structure, Principal
A structure or building in which is conducted the principal use of the lot on which it is located.

Subdivision
1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be excepted; or

2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any allocation of land as open spaces for the common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

Surface Parking Lot
An off-street parking lot that serves as the principal use of a lot.

Swimming Pool
A pool, pond, lake, open tank, or any structure, whether public or private, not located within a completely enclosed building, and intended for swimming or recreational bathing; and could be equipped with a water recirculating system or involve structural materials. This includes in-ground, above-ground, and on-ground swimming pools. Spas, hot tubs, and similar structures (see definition), ornamental ponds or water features developed as landscape design features where swimming is not intended and does not occur (see definitions), shall be excluded from this definition. Portable/Blow-up/Wading/Kiddie Pools (see definition) may be excluded.

Swimming Pool, Private
Any outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three living units and used exclusively by the residents and their nonpaying guests. This definition includes temporary, portable, blow-up and/or wading pools, unless specifically excluded as a “Portable/Blow-up/Wading/Kiddie Pool”, as defined within this Code.

Swimming Pool, Public
Any indoor or outdoor structure, chamber, or tank containing a body of water, that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not fee is charged for use, but does not mean any private residential swimming pool.

Tattoo Parlor
An establishment whose primary business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;

2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Technical Repair
The provision of repair services of a technical nature to individuals and households, rather than businesses, but excluding vehicle, construction equipment, industrial equipment, and heavy equipment repair. Typical uses include appliance repair shops, computer repair shops, watch or jewelry repair shops, or the repair of musical instruments.

Telecommunications Box
An enclosure that allows access to telecommunications wiring or equipment. Included specifically within this definition are Cross Connect Boxes, Telecom Cabinets, Pedestals, Cross Boxes, B-Boxes, Access Points, Video Ready Access Devices (VRAD), and Serving Area Interface Cabinets.

Telecommunications Port
A satellite earth station with multiple antennas (i.e., an antenna farm).

Temporary Portable Storage Containers
A transportable, fully-enclosed, box-like container that is designed and intended for temporary storage of personal property, household items, wares, and building materials or merchandise, typically rented to owners or occupants of property for their temporary use, and delivered and removed by truck. Such containers are uniquely designed for their ease of loading to and from the delivery vehicle.

Temporary Unpaved Overflow Parking
A parking area that is unpaved and used on a temporary basis to accommodate parking for temporary events or temporary uses.

Termination
Termination is the relinquishment of property, or cessation of the use of a property, by the owner or occupant.

Thoroughfare
A street used primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route. Thoroughfares are designated on the Official Thoroughfare Plan of the City of Kettering.

Thoroughfare Plan
The Official Thoroughfare Plan of the City of Kettering, establishing the location and official right-of-way widths of principal highways and streets in the City of Kettering.

Tower
A structure or pole used for placing objects, equipment or devices upward. Or, when referring to a building, an architectural feature that is taller in proportion in relation to its lateral dimensions

Tower Height
The height above grade of a pole or tower structure measured to it's highest point, including antennae or turbines.

Townhouse
See Single Unit Attached.

Traffic
Vehicles and pedestrians, either singly or together using any street or right-of-way for travel.

Trailer
A vehicle on wheels, runners, or tracks to be towed or hauled and used for carrying materials, goods, other vehicles, cargo, or other objects; or for use as a temporary office for construction.

Tread
The part of a stair that is stepped on. Tread depth is measured from the outer edge of the step to the vertical riser between steps.

Tree
Any self-supporting woody plant that usually produces one main trunk, and a more or less distinct and elevated head with many branches.

Tree Crown
The upper mass or head of a tree.

Truck Depot, Motorpool
A private, limited access, surface parking lot used for the storage and servicing of licensed and operable vehicles registered to a single individual, business, agency, or organization for the transportation of the individual, business, agency, or organization.

Turbine
The moving parts of the Wind Energy Conversion device that when spun or otherwise moved by the force of the wind generate electrical energy. These moving parts are typically comprised of rotating blades, a generator, and tail.

Uplight
Light that is emitted, dispersed, glared, or shined above the horizontal.

Use
The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Use, Accessory
Any use of land or of a building or portion of land or building serving a purpose incidental and subordinate to the principal use of the land or building and located on the same lot with such principle use.

Use, Conditional
Principal uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right but may, under appropriate standards and factors set forth in the Zoning Code, be approved.

Use, Mixed
More than one Principal Use on a given lot.

Use, Principal
The primary or predominant use of any land or improvement on it.

Use, Temporary
A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Utility
A utility is:

1) any agency that, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; or

2) a closely regulated enterprise with an exclusive franchise for providing public service.

Variance
A method by which a property owner seeks permission to vary from an area requirement of the Zoning Code where, due to special conditions, a literal enforcement of the requirement will result in practical difficulty.

Vehicle
Anything on wheels, runners, tracks, designed to float on water, or designed to fly in the air.

Vehicle, Motor
Any vehicle propelled or drawn by power other than muscular power

Vehicle Fueling, Recharging
The dispensing and/or selling of motor fuels (including alternative fuels such as natural gas or hydrogen) and the provision of centralized charging stations to replenish electric vehicle batteries.

Vehicle Storage, Indoor
The storage of vehicles within a fully enclosed structure.

Vehicle Storage, Outdoor
An open area, other than a street or right-of-way, used for the storage of new or used vehicles in operable condition and where no repair work is performed.

Vehicular Use Area
Any part of a site used by vehicles not totally enclosed within a structure. This includes parking spaces, aisles, streets, access drives, loading areas, and vehicle storage areas. This does not include residential driveways and permitted off-street parking spaces for single and two unit residential uses.

Viewshed
An area of land, water, or other environmental element that is visible to the human eye from a fixed vantage point. Viewsheds are often spaces that are readily visible from public areas.

Waiting Space
The parking space(s) needed for businesses that provide drive-in service for their customers.

Warehousing & Distribution
A facility that primarily engages in the storage and supply of manufactured products, supplies, materials, and equipment to retailers. This type of use is characterized by warehouse structures and trucking activity.

Water Tower
A large elevated drinking water storage container constructed to hold a water supply at a height sufficient to pressurize a water distribution system.

Weapon Sales
Establishments primarily engaged in the sale or trade of weapons, exclusive of firearms.

Wholesale Sales & Supply Houses
An establishment or place of business primarily engaged in selling and/or distributing merchandise or supplies to retailers; to industrial, commercial, institutional, professional business users, or to licensed contractors or to other wholesalers.

Wireless Distributed Antennae System (WDAS)
A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. The parts of a WDAS that transmit or receive a carrier's signal may for application and review purposes be treated as a single WDAS and shall not require a separate permit for each antenna.

Woodland
Land that is covered with dense growths of trees and shrubs with a Crown Closure measured at 25% or more.

Work / Live
A structure or portion of a structure combining a residential living space with an integrated work space principally used by one or more of the residents. See Live / Work.

Yard, Front
A front yard is an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified within this Zoning Code.

Yard, Rear
A rear yard is an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified within this Zoning Code.

Yard, Required
Required yard is the open space required by this Zoning Code between the lot line and the building except as provided by this Zoning Code.

Yard, Side
A side yard is an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified within this Zoning Code. If such side yard adjoins an interior lot line, it shall be an "interior side yard." If such side yard adjoins a right-of-way line or street, it shall be a "street side yard."

Zoning Administrator
A person holding the title of Zoning Administrator or their deputy including but not limited to personnel of the City of Kettering Planning and Development Department.

1159.03 SIGN DEFINITIONS

This Section shall apply to Chapter 1151, Signs. Words that are not found within this Section but are defined within Section 1159.02, Definitions shall also apply, but only if a word is not specifically defined within this Section.

Words with specific defined meanings are as follows:

Alter, Alteration
To change in any way including, but not limited to, reconstruction, redesign, a change to illumination and/or luminance, sign face change, or a change in color. Compliant message changes of changeable copy and electronic changeable copy shall not constitute an alteration.

Banner
Any sign of cloth, plastic, canvas or similar nonrigid material that is customarily mounted on the walls of buildings or upon the hard surfaces of other structures on property.

Building Unit or Unit of a Building
In any building subdivided into separate units or spaces, any interior space occupying any portion of the ground floor of any building, and having its own exterior entrance, and separated from other such spaces by a party wall or walls.

Canopy Sign
Any sign that is mounted, painted, applied, or otherwise attached to the soffit or fascia of a canopy, marquee, awning, covered entrance, covered walkway, arbor, pergola, or other similar structure.

Changeable Copy
A portion of a Sign designed to accommodate message changes.

Daytime
The portion of a day when the Sun is above the horizon. Daylight may be visible prior to or after the sun rises or sets, such light does not constitute Daytime.

Electronic Changeable Copy
Variable-message changeable copy that utilizes computer-generated messages or some other electronic, or electromechanical means of changing or displaying copy.

Erect
To build, construct, alter, relocate, modify, attach, hang, place, suspend, or affix, and shall also include the painting of signs.

Flag
A piece of cloth or similar material, anchored along one side, displayed from a single pole, either freestanding or attached to a building.

Frontage or Lot Frontage
The length of the front lot line measured at the street right of way line between side lot lines.

Building Frontage
The facade of a building that contains the main public entry or is the facade of a building that is parallel to and facing a public street. If a building has more than one building frontage, the shorter frontage shall be used to calculate sign area.

Building Unit Frontage or Unit Frontage
The linear dimension of the width of the widest portion of the building unit face including all appurtenant overhangs or other structures, either:

Closest to parallel to the principal street or

Containing the primary building unit entrance, of any building on any lot.

Where a building unit is bounded by a party wall or walls, the measurement of width shall be to the centerline(s) of such wall or walls.

Ground Sign
Any sign, excluding an off-premises sign, supported by uprights, braces, or base or stem of any material, placed upon the ground and not attached to any building.

Illuminated Sign
Any sign that has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.

Nighttime
The portion of a day when the Sun is below the horizon.

Nit
A unit of measure of luminance

Nonconforming sign
Any sign that was lawfully established but that no longer complies with the standards of the Zoning Code.

Other Advertising Structure
Any marquee, canopy, awning, campanile, gazebo, kiosk, or street clock serving to image, identify, or promote a commercial enterprise.

Permittee
A person receiving a permit pursuant to the provisions of this Zoning Code.

Person
A person is any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Ohio, the federal government, or any combination of the preceding.

Pole Sign
A sign independently supported by the ground that is mounted on a freestanding pole(s) so that the bottom edge of the sign face is 2 feet or more above the adjacent grade and does not have the appearance of a solid continuous supporting foundation directly underneath the bottom edge of the sign face.

Portable Sign
Any sign that is movable and is not permanently attached to the ground, a structure, or other signs, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. Portable signs would also include any sign that is supported by an “A-frame” or “T-frame” base that is designed to be easily movable.

Projecting Sign
Any sign that is attached to or supported by a building or structure and extending perpendicular from said building or structure a distance of more than 18 inches.

Sign
Any writing, pictorial representation, illustration, emblem, symbol, design, or other figure of similar character that is a structure or a part thereof, or is attached to or in any manner represented on a building, vehicle, or other structure, and is visible from any public right-of-way or any other lot or parcel, and is used for purposes of advertisement, announcement, declaration, demonstration, identification or expression.

Sign Face, Facing, Surface, Surface Area, or Sign Face Area
The surface of the sign upon, against, or through, which the message is displayed or illustrated on the sign. Any sign supports or structure other than exposed steel framing that is clad in finished wood, stone, masonry, stucco, or metals, and that does not bear any sign copy, art or message shall not be included in the sign face area.

Temporary Sign
A sign designed and intended for use for only a limited period of time.

Vehicular Sign
Any sign attached or applied to a vehicle of any type and used primarily to identify, advertise, or promote, excluding any signs on vehicles normally and regularly used and operated in the course of business.

Wall Sign
Any sign applied or attached to, painted onto, or carved into any exterior wall.

Wall Banner Sign
A temporary sign of either lightweight fabric or similar material or of a rigid material that is mounted to a building wall.

Windblown Devices
Objects designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical, or any other means.

Window Panel
The area of glass separated from another window panel by an opaque panel four or more inches wide.

Window Sign
Any sign in view of the general public appearing on a window surface.