



DONALD E. PATTERSON, MAYOR • TONY KLEPACZ, VICE MAYOR
BRUCE E. DUKE • JACQUE FISHER • BILL LAUTAR • ROBERT SCOTT • JOSEPH D. WANAMAKER

KETTERING COUNCIL AGENDA

July 28, 2020

**Kettering Government Center- South Building
3600 Shroyer Road Kettering, Ohio 45429**

****NOTE: DUE TO THE COVID-19 PANDEMIC, CITIZENS WISHING TO SPEAK TO CITY COUNCIL ARE ENCOURAGED TO REGISTER TO SPEAK PRIOR TO THE START OF THE COUNCIL MEETING TO ENSURE SAFE SOCIAL DISTANCING RULES AND PRACTICES ARE FOLLOWED. CITIZENS WISHING TO SPEAK SHOULD CONTACT THE CLERK OF COUNCIL'S OFFICE BY PHONE AT (937) 296-2416 DURING NORMAL BUSINESS HOURS OR SEND AN EMAIL TO KETTERINGMAYORCOUNCIL@KETTERINGOH.ORG TO REGISTER TO SPEAK. REGISTRATION SHEETS WILL ALSO BE AVAILABLE AT THE ENTRANCE OF THE GOVERNMENT CENTER PRIOR TO THE START OF THE CITY COUNCIL MEETING.**

6:00 P.M. **WORKSHOP** Deeds Room
7:30 P.M. **REGULAR MEETING** Council Chambers

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

July 14, 2020- Council Meeting & Workshop Minutes

PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSION

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

1. To amend the traffic control map and the traffic control file of the City of Kettering to show the installation of traffic signs on various city streets in the City of Kettering, Ohio.

RESOLUTIONS

2. Authorizing the City Manager to submit an application to the Ohio Department of Transportation's Municipal Bridge Program for funding of the Danube Court Bridge Rehabilitation Project (City Project 03-924A).

ORDINANCES IN FIRST READING

3. To amend the text of various sections of the City of Kettering Zoning Code.

CERTIFICATIONS AND PETITIONS

Certification- Planning Commission recommends approval of P.C. 20-010- Rezoning of property located at 3233 Woodman Drive. A public hearing on this request will be held on Tuesday, August 11, 2020 at the Kettering City Council meeting.

MANAGER'S REPORT/COMMUNITY UPDATE

OTHER BUSINESS NOT ON WRITTEN AGENDA

Audience Participation (5 Minute Limit per Speaker)

CITY COUNCIL REPORT/UPDATE

The City of Kettering wishes to make certain that all citizens have the opportunity to actively participate in their local government. If you have a disability and require accommodations to participate in a Council meeting, please contact the Clerk of Council at 296-2416 so that reasonable modifications can be made.

KETTERING CITY CALENDAR **2020**

July 27	7:00 p.m. 7:00 p.m.	Board of Zoning Appeals Board of Community Relations
July 28	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
August 3	7:00 p.m.	Planning Commission
August 6	4:00 p.m.	Parks, Recreation and Cultural Arts Advisory Board
August 10	7:00 p.m.	Board of Zoning Appeals
August 11	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO AMEND THE TRAFFIC CONTROL MAP AND THE TRAFFIC
CONTROL FILE OF THE CITY OF KETTERING TO SHOW THE
INSTALLATION OF TRAFFIC SIGNS ON VARIOUS CITY
STREETS IN THE CITY OF KETTERING, OHIO**

Be It Ordained by the Council of the City of Kettering, State of Ohio, that:

Section 1. The Traffic Control Map and the Traffic Control file of the City of Kettering, Ohio are hereby amended to show:

- A. NO PARKING ANY TIME:
South/East side of Fairacres Drive from a location 320' west of Ackerman Boulevard to a location 185' north of Hollendale Drive for a total distance of approximately 180'.

Section 2. The City Engineer is hereby directed to have signs erected or taken down in accordance with this amendment.

Section 3. As permitted in Section 406.03 of the Codified Ordinances of the City of Kettering, Ohio, the temporary traffic control authorization has been used to quickly install these regulations.

Section 4. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this _____ day of _____ 2020.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO SUBMIT AN
APPLICATION TO THE OHIO DEPARTMENT OF
TRANSPORTATION'S MUNICIPAL BRIDGE PROGRAM FOR
FUNDING OF THE DANUBE COURT BRIDGE REHABILITATION
PROJECT (CITY PROJECT 03-924A)**

WHEREAS, the Ohio Department of Transportation's ("ODOT") Municipal Bridge Program ("Program") provides Federal funds to municipal corporations for roadway bridge replacement and bridge rehabilitation projects; and

WHEREAS, the City of Kettering is currently planning the following roadway bridge replacement/rehabilitation project:

1. Danube Court Bridge Rehabilitation Project (City Project 03-924A); and

WHEREAS, the roadway bridge project identified above is a qualified project under the ODOT Municipal Bridge Program;

NOW, THEREFORE, Be It Resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. The City Manager is hereby authorized to make application on behalf of the City of Kettering to the ODOT for funds for the project identified in the recital paragraphs above.

Section 2. The City Manager is further authorized to take all necessary and proper action to accept any funds awarded and execute any related agreements or instruments. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 3. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption

Passed by Council this _____ day of _____ 2020.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Engineering Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO AMEND THE TEXT OF VARIOUS SECTIONS
OF THE CITY OF KETTERING ZONING CODE**

WHEREAS, on June 15, 2020, after giving the required notice, the City of Kettering Planning Commission conducted a public hearing regarding an application to amend the text of various sections of the Zoning Code in Planning Commission Case No. PC-20-008; and

WHEREAS, after the public hearing, the Kettering Planning Commission voted to recommend that City Council approve the proposed amendments; and

WHEREAS, on July 14, 2020, after giving the required notice, this City Council held a public hearing regarding the Kettering Planning Commission's recommendation;

NOW, THEREFORE, Be It Ordained by the Council of the City of Kettering, State of Ohio that:

Section 1. Having considered the application, the staff report(s) and recommendation of the Planning Commission, the criteria set forth in Sections 1153.12.9, Consistency, through 1153.12.15, Other Factors, of Chapter 1153 of the Zoning Code, and the testimony and evidence presented at the public hearing, City Council finds that the application to amend the Zoning Code should be approved. Therefore, the amendment(s) to the Zoning Code shown on Exhibit A, attached hereto and incorporated herein, are hereby approved.

Section 2. The Planning and Development Director of this City shall prepare a revised version of the Zoning Code to reflect and properly incorporate the amendment(s).

Section 3. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this _____ day of _____ 2020.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL:

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Planning and Development Department)

EXHIBIT A

(79 Total Pages Including This Page)

Key to Proposed City of Kettering Zoning Code Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

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	BP	Business Park 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.

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES

	Industrial										
1. RESIDENTIAL	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Business Park	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*							■	■	□		

■ PERMITTED USE

□ PERMITTED CONDITIONAL USE

* ADDITIONAL STANDARDS APPLY - SEE CHAPTER 1137

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.

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES - CONTINUED

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

■ PERMITTED USE

□ PERMITTED CONDITIONAL USE

* ADDITIONAL STANDARDS APPLY - SEE CHAPTER 1137

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES - CONTINUED

4. COMMERCIAL - continued	Industrial									
	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Business Park	Community Center
Kennels*								<input type="checkbox"/>	<input type="checkbox"/>	
Kiosks*								<input type="checkbox"/>		
Pawn Shops*								<input type="checkbox"/>		
Pet Stores								<input checked="" type="checkbox"/>		
Personal Services								<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Pharmacies								<input checked="" type="checkbox"/>		
Plant Nurseries									<input checked="" type="checkbox"/>	
Restaurants*								<input checked="" type="checkbox"/>		<input type="checkbox"/>
Sexually Oriented Business*									<input type="checkbox"/>	
Tattoo Parlors*								<input checked="" type="checkbox"/>		
Used Merchandise & Thrift Stores								<input checked="" type="checkbox"/>		
Vehicle Fueling, Recharging*								<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Vehicle Rental & Service*								<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Vehicle Sales & Service*								<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Weapon Sales*								<input checked="" type="checkbox"/>		
5. CIVIC										
Amphitheater, Stadiums*				<input type="checkbox"/>				<input checked="" type="checkbox"/>		<input type="checkbox"/>
Arenas, Auditoriums, Concert Halls*				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Art Gallery, Arts Center							<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cemetery*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Commercial Schools & Studios						<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Communication Towers*								<input type="checkbox"/>	<input type="checkbox"/>	
Community Recreation Center*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Conference, Meeting & Banquet Center*								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convention Center*								<input type="checkbox"/>	<input type="checkbox"/>	

■ PERMITTED USE

□ PERMITTED CONDITIONAL USE

* ADDITIONAL STANDARDS APPLY - SEE CHAPTER 1137

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES - CONTINUED

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

■ PERMITTED USE

□ PERMITTED CONDITIONAL USE

* ADDITIONAL STANDARDS APPLY - SEE CHAPTER 1137

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES - CONTINUED

6. INDUSTRIAL	Industrial									
	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Business Park	Community Center
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~~ Business Park, 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

1137.01	GENERAL		
1137.01.1	Purpose and Intent	1137.06.5	Community & Recreation Centers
1137.01.2	Compliance Mandatory	1137.06.6	Conference, Meeting or Banquet Centers, Convention Centers
1137.01.3	Standards Supplement Other Code Regulations	1137.06.7	Correctional Facilities
		1137.06.87	Day Care Centers, Child and/or Adult
1137.02	RESIDENTIAL STANDARDS	1137.06.98	Educational Institutions
1137.02.1	Multi-Unit 3-12 Units	1137.06.109	Fountains, Public Plazas, Parks, & Natural Areas
1137.02.2	Care Facilities	1137.06.110	Funeral Homes, Mortuaries
1137.02.3	Live / Work	1137.06.121	Golf Courses, Membership Clubs, & Associations
		1137.06.1312	Governmental Facilities (Post Offices, Police and Fire Houses)
1137.03	LODGING STANDARDS	1137.06.1413	Hospitals
1137.03.1	Bed & Breakfast	1137.06.15	Indoor Recreation
1137.03.2	Hotels & Motels	1137.06.1614	Libraries, Museums
1137.03.3	Corporate Retreat Center	1137.06.1715	Parking Structures
		1137.06.1816	Places of Worship
1137.04	OFFICE STANDARDS	1137.06.1917	Public Transit Stations
1137.04.1	Animal Hospital & Clinics	1137.06.2018	Surface Parking Lot
1137.04.2	Technical Repairs	1137.06.21	Wireless Distributed Antennae System
1137.04.3	Work / Live		
		1137.07	INDUSTRIAL STANDARDS
1137.05	COMMERCIAL STANDARDS	1137.07.1	General
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- 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 TOBACCO, NICOTINE, OR VAPING SALES

Tobacco, Nicotine, or Vaping 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, alcohol, sales establishments, or other such tobacco, nicotine, or vaping 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~~ privacy fence that is 6' in height

surrounding said area. This requirement is in addition to any bufferyard, screening, or landscaping requirements.

- 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. 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.~~
- GH. 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.

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 sales establishments, tobacco, nicotine, or vaping 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-

- 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 Business Park~~ 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 sales establishments, tobacco, nicotine, or vaping 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~~ privacy fence 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;

- 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 sales establishments, tobacco, nicotine, or vaping 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. ~~For such establishments that have service bays, 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 sales establishments, tobacco, nicotine, or vaping 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

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	<u>Business Park</u> Industrial District	Business District, Industrial <u>Business Park</u> 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.~~

- CD. 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~~

1137.06.7 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~~**1137.06.8 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~~**1137.06.9 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~~**1137.06.10 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**1137.06.11 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~~~~1137.06.12~~ **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~~~~1137.06.13~~ **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.~~
- ~~C.D.~~ All sites shall adjoin and have ingress and egress only from a thoroughfare, arterial, or collector street.
- ~~D.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**1137.06.14 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**1137.06.15 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~~

1137.06.16 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~~

1137.06.17 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~~

1137.06.18 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. Self and Mini Storage facilities shall be exempt.
- 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~~ and mini 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~~ and mini 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~~ privacy fence 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;

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, and 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.~~
- ~~B.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.
- ~~C.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.
- ~~D.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.
- ~~E.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

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 roof ; or ~~shall be ground mounted and located within a landscaped area. 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. No such device shall be mounted to a mansard roof.~~
5. ~~When placed on a flat roof structure building or roof mounted~~ Accessory Solar Energy Conversion devices shall not extend higher than 4' above the height of the building and shall be screened from adjacent residentially used properties and the right-of-way. When placed on a pitched roof structure Accessory Solar Energy Conversion devices shall not extend more than 8" from the roof 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~~ Ground mounted devices shall adhere to the height standards for accessory structures found within ~~Section 1137.02.1, General.~~ Section 1139.02.1, 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

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

	Communications Towers less than or equal to 150' in height:	Antennas attached to Existing Structures
Permitted Location	Business District, Industrial Business Park District	Mounted on Existing Structure in Business, Industrial Business Park, 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

are as listed in the following table:

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 located upon property of Governmental Facilities and Places of Worship shall be limited to 50' in height, all other non-residential uses 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.

- 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

Waste bins, recycling bins, and similar collection bins or totes shall not be stored within a front yard or street side yard except upon the property's scheduled trash collection day. See also 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 and at least 6' from all other structures.
- 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.

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 certified to support a 200 pound live load weight ~~that complies with the American Society for Testing Materials Emergency Performance Speci-~~

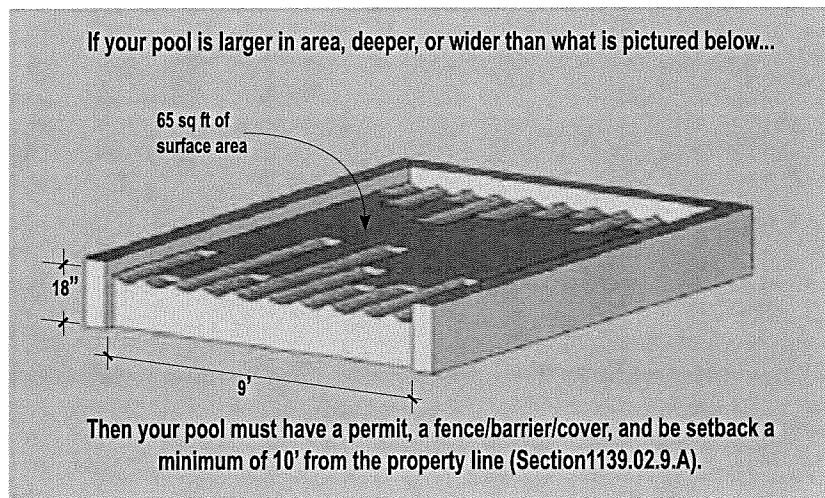
feation (ASTM E-13-89) whenever not in the immediate supervision of a responsible adult. Such structures having a span greater than 9' at any point, shall be considered a swimming pool and must adhere to the swimming pool standards.

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.

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 roof, 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. No such device shall be mounted to a mansard roof.~~
5. ~~Building or roof mounted. When placed on a pitched roof structure~~ Accessory Solar Energy Conversion devices shall not extend higher more than 4' 8" above from the roof height of the building. When placed on a flat roof structure Accessory Solar Energy Conversion devices shall be screened from adjacent residentially used properties and the right-of-way. 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	Business Park	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 1137.06.7 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 within rear yards only at least 25' 10' from all lot lines and dwelling units and at least 30' from any public sidewalk or street. Hives shall be faced away from the nearest residential lot and ~~shall be screened from view on all sides by a continuous 6' high wall, fence,~~

or evergreen hedge shall be placed along the lot line or perimeter of the yard in which such hive is located for any lot line or perimeter that is located within 25' of such hive(s).

B. Hives shall be located on lots with at least 4,000 square feet of lot area. Two hives may be located on such a lot. Additional hives are permitted at a rate of 1 additional hive per every 3,000 square feet of lot area greater than the 4,000 square foot minimum.

B. All colonies must be registered with the Montgomery County Agricultural Extension Agent.

C. All beekeepers shall maintain and annually register their hives as set forth in the Ohio Revised Code, Chapter 909: Apiaries. Every hive shall bear the owner's Apiary Identification number on the base and box in a location that can be seen without moving or lifting of the hive.

C.

D. The maintenance of e 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.

E. An adequate supply of fresh water shall be maintained in a location on the lot which is readily available to all bee colonies on the subject lot throughout the day to help prevent bees from congregating at other sources of water on nearby properties.

F. Africanized bees shall not be kept in the City of Kettering.

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 week-ends 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

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 a Business Park 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	Industrial
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~~ Business Park 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.

CHAPTER 1143

SITE & ENVIRONMENTAL STANDARDS

1143.01	GENERAL	1143.07.13	Table 43.6 - Maximum Luminaire Height Standards
		1143.07.14	Poles and Standards
1143.02	RELATIONSHIP TO ADOPTED PLANS & POLICIES	1143.07.15	Uniformity
		1143.07.16	Control of Operational Light & Glare
1143.03	STRUCTURES ON LOTS	1143.07.17	Light Trespass
1143.03.1	Buildings to be on a Lot	1143.07.18	Outdoor Advertising Signs
1143.03.2	Landminiums	1143.07.19	Internally Illuminated and Neon Signs
		1143.07.20	Special Uses
1143.04	CORNER LOTS	1143.07.21	Service Station Canopies
1143.04.1	Front Yards for Corner Lots		
1143.05	ACCESS & DRIVEWAYS	1143.08	VIBRATIONS
1143.05.1	Purpose & Intent	1143.08.1	Control of Vibration
1143.05.2	Applicability	1143.09	STORM WATER RUNOFF
1143.05.3	Access - Non-residential, Multi-Unit, or Mixed Use Developments	1143.10	PEDESTRIAN CONNECTION
1143.05.4	Driveways	1143.10.1	Pedestrian Connection
1143.05.5	Table 43.1 - Driveway Width & Coverage Restrictions	1143.11	CLEAR SITE DISTANCE
1143.05.6	Cross Access	1143.11.1	Table 43.7 - Minimum Required Site Distances
1143.05.7	Location of Driveways		
1143.05.8	Table 43.2 - Driveway Separation Standards	<u>1143.12</u>	<u>DEMOLITION</u>
1143.05.9	Measuring Driveway Separation Distance		
1143.05.10	Driveway Throat or Vehicle Storage Length		
1143.05.11	Table 43.3 - Minimum Driveway Throat Lengths		
1143.05.12	Figure 43.1 - Driveway Separations		
1143.05.13	Figure 43.2 - Measuring Distance Between Driveways		
1143.05.14	Modification of Standards		
1143.06	NOISE		
1143.06.1	Noise Control		
1143.06.2	Table 43.4 - Maximum Permitted Sound Levels		
1143.06.3	Measurement of Noise		
1143.06.4	Exemptions - Noise Sources		
1143.07	LIGHT & GLARE		
1143.07.1	Purpose & Intent		
1143.07.2	Conformance with Applicable Codes		
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1143.07.4	Nonconforming Lighting - New Uses, Buildings & Major Additions, or Modifications		
1143.07.5	Nonconforming Lighting - Minor Additions		
1143.07.6	Nonconforming Lighting - Resumption of Use after Abandonment		
1143.07.7	Submission of Plans & Evidence of Compliance		
1143.07.8	Exceptions		
1143.07.9	Shielding Standards		
1143.07.10	Light Output Standards		
1143.07.11	Table 43.5 - Exterior Light Output Standards		
1143.07.12	Luminaire Height Standards		

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.

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 - DRIVEWAY WIDTH & COVERAGE RESTRICTIONS, Section 1143.05.5 for the Zoning Districts designated of the same table. 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.

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.

1143.05.5 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 ~~lot frontage~~ the front yard area:

Zoning District	Maximum % of Front Yard Area	Maximum Width as % of Lot Frontage
R-Ea, R-Eb	25%	25%
R-Eb	25%	25%
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.

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.

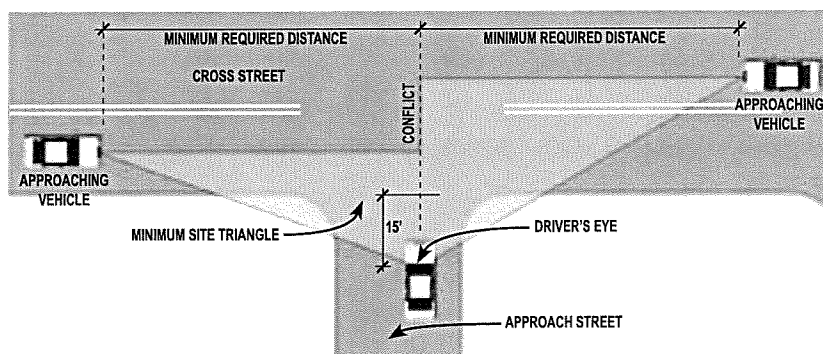
- C. The triangular area shall be formed by a point at the location of the driver's eye 15' behind the curb or edge of roadway, the approaching vehicle, and the potential point of impact. When the cross street has more than two lanes, sight triangles shall be formed using the vehicle in the lane nearest 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 - MINIMUM 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

Approach Street Type	Cross Street		
	2 lane	4 lane	6 lane
Driveway, Alley, Residential Street	100'	120'	130'
Collector	130'	150'	170'
Arterial, Thoroughfare	170'	200'	210'



1143.12 DEMOLITION

When demolishing or removing site improvements, such improvements shall be removed from the Site in their entirety including all above and below grade portions and the Site shall be graded and restored with seed and straw or other comparable method of planting, unless otherwise permitted by the Zoning Administrator. When demolishing a principal structure all related accessory structures and improvements shall also be removed, unless otherwise permitted by the Zoning Administrator

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.
- E. Residential uses consisting of 2 dwelling units or less which have frontage upon an arterial, thoroughfare or collector street and upon such frontage no on-street parking is permitted may expand a driveway to allow for a front yard parking space subject to the following standards:
 1. The driveway is only expanded towards the nearest side lot line of the subject property and does not violate any dimensional requirement or setback; and
 2. The front yard parking space is aligned parallel to the existing driveway.

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.

CHAPTER 1147

LANDSCAPING & BUFFERYARDS

1147.01	PURPOSE & INTENT	1147.08.12	Setback From Right-of-Way Encroachment
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1147.03	BUFFERYARDS	1147.10	SCREENING OF SERVICE & STORAGE AREAS
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1147.03.8	Bufferyards - Vacant Land & Ownership	1147.12.1	Maintenance
1147.03.9	Substitution of Bufferyard Standards	1147.12.2	Landscape & Bufferyard Plan
		1147.12.3	Utilities
1147.04	STREETSCAPE LANDSCAPING	1147.13	TREE PRESERVATION & TREE SAVE AREAS
1147.04.1	Applicability	1147.13.1	Applicability
1147.04.2	Streetscape Landscaping Required	1147.13.2	Tree Protection Zone
1147.04.3	Existing Trees	1147.13.3	Table 47.6 - Percentage of Protected Trees Requiring Preservation
1147.04.4	Substitution of Streetscape Landscaping Standards	1147.13.4	Protected Trees
		1147.13.5	Preservation Standards
1147.05	BUILDING FOUNDATION LANDSCAPING	1147.13.6	Protective Barriers
1147.05.1	Applicability	1147.13.7	Irreparable Damage
1147.05.2	Building Foundation Landscaping Required	1147.13.8	Compaction
		1147.13.9	Replacement
1147.06	PARKING LOT LANDSCAPING	1147.13.10	Tree Survey Required
1147.06.1	Applicability		
1147.06.2	Exemptions	1147.14	SUBSTITUTION OF LANDSCAPING STANDARDS
1147.06.3	Parking Lot Landscaping Required		
1147.06.4	Figure 47.1 - Parking Lot Area		
1147.06.5	Substitution of Parking Lot Landscaping Standards		
1147.07	FREESTANDING SIGN LANDSCAPING		
1147.08	FENCES, WALLS, HEDGES, PRIVACY SCREENS		
1147.08.1	Fences & Walls		
1147.08.2	Table 47.3 - Fence & Wall Standards		
1147.08.3	Fence & Wall Height Exceptions		
1147.08.4	Figure 47.2 - Fence & Wall Height Grade Exception		
1147.08.5	Fence & Wall Materials		
1147.08.6	Figure 47.3 - Fence Plank Spacing		
1147.08.7	Fence & Wall Design		
1147.08.8	Fences & Walls - Corner Lots		
1147.08.9	Table 47.4 - Fences & Walls Within Street Side Yards		
1147.08.10	Hedges		
1147.08.11	Privacy Screens		

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 1152.13.6.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

~~1147.04.4~~ ~~SUBSTITUTION OF 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 from 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. The required number of shrubs and Group B trees shall be reduced by 75% for industrial uses located within LI and I pattern districts.
- 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.

1147.06.5 — 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.

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 Encroachment

Tip

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

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;
5. Mismatching materials or inconsistent colors of similar fencing materials. For example, a length of wooden fence painted red adjoining another section of wooden fence stained brown upon the same property.

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.

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.*

- 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 or other comparable natural material as approved by the Zoning Administrator, shall be provided at the time of planting.

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.

1147.14 SUBSTITUTION OF STANDARDS

The Zoning Administrator may permit a waiver of Section 1147.03 Bufferyards, Section 1147.04, Streetscape Landscaping Section 1147.05, Building Foundation Landscaping Section 1147.6, 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.

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.
3. The Zoning Administrator may approve of an alternate method of screening in cases involving either the retrofitting of an existing building with new rooftop equipment or involving the obscured views of such equipment from public or private streets or residential property due to an expansive distance or grade difference. Acceptable alternate methods of screening shall include equipment shrouds or decorative or ornamental screens that match the architectural style of the principal structure.

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%.

Tip

Hue, along with saturation and brightness make up the three distinct attributes of color. The terms "red" and "blue" are primarily describing hue.

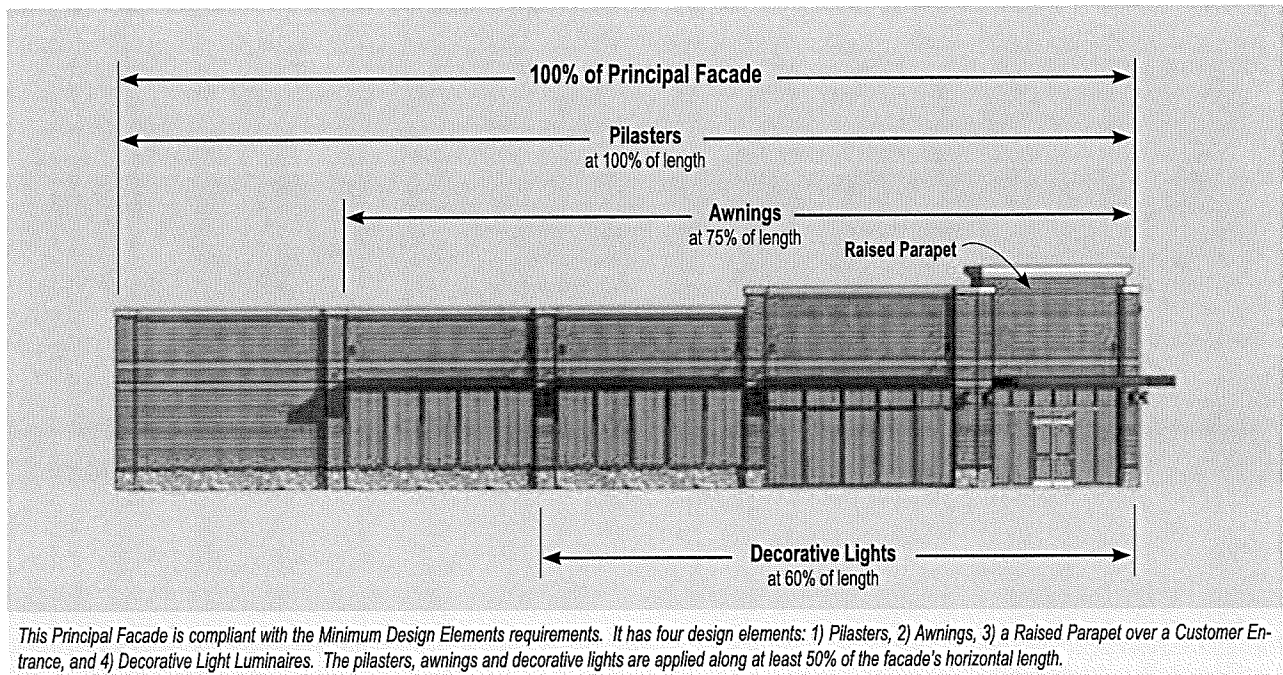
Saturation refers to a color's richness. A good way to imagine this is to think of saturation as pure color pigment added to a can of gray paint. The more pigment added, the richer or more intense the color.

Brightness deals with a color's ability to reflect light. We perceive 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.

- 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 waterables, 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



1149.03.12 MINIMUM TRANSPARENCY

When required, a structure's Principal Facade(s) shall contain transparent windows subject to the following conditions:

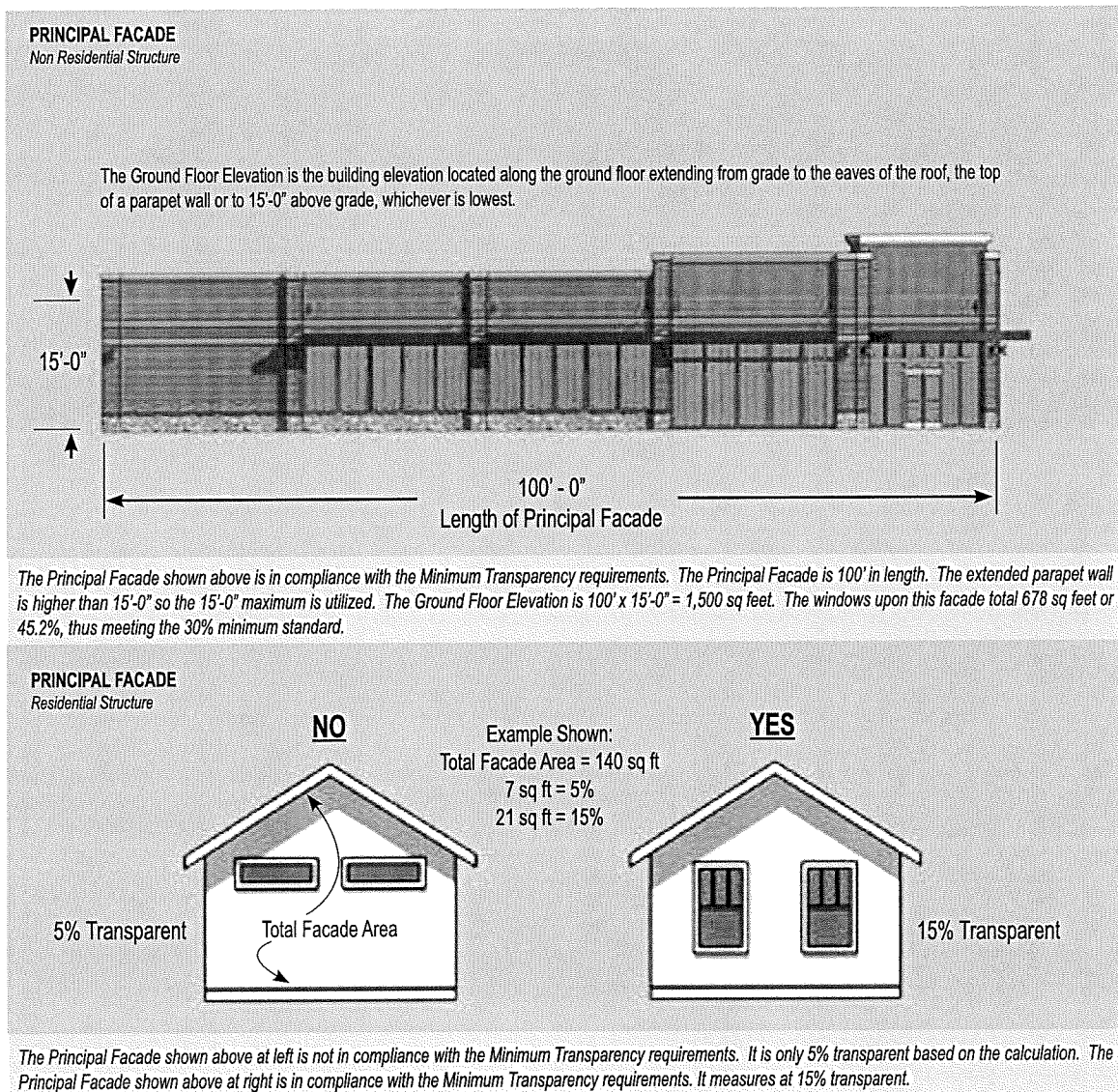
- A. Principal Facades of non-residential structures shall contain transparent windows consisting

of at least 30% of the total principal facade area of the ground floor elevation. Such principal facade ~~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



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 residential, office, business, industrial business park, community center and institutional districts by relating the size, type, and design of signs to the size, type, and design of the residential, office, business, industrial business park, community center and institutional 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.

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	<u>Yes</u>	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
<u>Business Park</u> 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.

REQUIREMENTS - NUMBER, AREA AND HEIGHT, Section 1151.04.5.

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.

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, <u>Care Facilities</u> <u>≥ 3 acres</u>	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
<u>Business Park</u> <u>Industrial</u>	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.
Business Park 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.
Business Park 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

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.	4 ft for Ground Signs	3 ft for Ground 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.
	No single Ground Sign shall be greater than 6 sq ft in area.			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.
	8 sq ft for Window Signs subject to 1151.04.8.B	See 1151.04.8.C for Window Signs	10 ft for Window Signs	
	16 sq ft for Wall Banner Signs	See 1151.04.10.J for location restrictions		
Ground, Window and Wall Banner Signs in Non Residential districts.	12 sq ft for Ground Signs	6 ft for Ground Signs	15 ft for Ground Signs	1 sign per street frontage.
	25 sq ft for Window Signs subject to 1151.04.8.A and B	See 1151.04.8.C for Window Signs	NA for Window Signs	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.
	32 sq ft for Wall Banner 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.	NA for Wall Banners	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				

1151.04.12 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~~ 2 signs 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 ~~46'~~ 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. Such signs may display electronic changeable copy subject to the following standards:
1. Such signs shall not contain copy which may be discernable to the naked eye from the Right-of-Way;
 2. If such signs are visible from the Right-of-Way, screening shall be provided to obscure such visibility to an opacity of at least 70%;
 3. Such signs shall be exempt from Section 1151.05.1, Electronic Changeable Copy, items A, B, C, D, and F. All other items shall apply.

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:

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.

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, removed, disassembled, 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-

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

Upon denial of an application for zoning approval the owner or applicant may file an application seeking a variance. The applicant shall file a complete application with the Clerk of Council within 30 days of the written denial by the Zoning Administrator or the denial shall be final. An application is available from the planning department. The application shall:

- A. Cite specific provisions of this Zoning Code that the applicant wishes to vary;
- B. Include evidence demonstrating a practical difficulty; and
- C. Include any required application fee in an amount set by the City of Kettering.

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.

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.

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 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

B

Average Vehicle Trip Ends
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

CHAPTER 1159

RULES OF INTERPRETATION & DEFINITIONS

T	Spa		Vehicle Fueling, Recharging
	Specialized Facility		Vehicle Storage, Indoor
	<u>Specialty Retail</u>		Vehicle Storage, Outdoor
	Specified Anatomical Areas		Vehicular Use Area
	Specified Sexual Activities		Viewshed
	Stable	W	Waiting Space
	Stabling		Warehousing & Distribution
	Storage Yards, Building Materials		Water Tower
	Storage Yards, Outdoor Merchandise		Weapon Sales
	Story		Wholesale Sales & Supply Houses
	Street		Wireless Distributed Antennae System
	Structural Alteration		Woodland
	Structure	Y	Work / Live
	Structure, Accessory		Yard, Front
	Structure, Conditional Accessory		Yard, Rear
	Structure, Principal		Yard, Required
	Subdivision		Yard, Side
	Surface Parking Lot	Z	Zoning Administrator
	Swimming Pool		
	Swimming Pool, Private	1159.03	SIGN DEFINITIONS
U	Swimming Pool, Public	A	Alter, Alteration
	Tattoo Parlor	B	Banner
	Technical Repair		Building Unit or Unit of a Building
	Telecommunications Box	C	Canopy Sign
	Telecommunications Port		Changeable Copy
	Temporary Portable Storage Containers	D	Daytime
	Temporary Unpaved Overflow Parking	E	Electronic Changeable Copy
	Termination		Erect
	Thoroughfare	F	Flag
	Thoroughfare Plan		Frontage or Lot Frontage
	Tobacco, <u>Nicotine, or Vaping Sales</u>		Building Frontage
	Tower		Building Unit Frontage or Unit Frontage
	Townhouse	G	Ground Sign
	Trailer	I	Illuminated Sign
	Tread	N	Nighttime
	Tree		Nit
	Tree Crown		Nonconforming Sign
	Truck Depot, Motorpool	O	Other Advertising Structure
	Uplight	P	Permittee
V	Use		Person
	Use, Accessory		Pole Sign
	Use, Conditional		Portable Sign
	Use, Mixed		Projecting Sign
	Use, Principal	S	Sign
	Use, Temporary		Sign Face, Facing, Surface, Surface Area, or Sign Face Area
	Utility		
	Variance	T	Temporary Sign
	Vehicle	V	Vehicular Sign
	Vehicle, Motor	W	Wall Sign

- 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 SALES

A subtype of specialty retailer whose business exclusively or primarily involves the sale of beer, wine, liquor, or other alcoholic beverages, for off premise consumption.

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.

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, klon-dike, 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

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 plastic 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, wine 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.

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.

SPECIALTY 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.

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:

of-way widths of principal highways and streets in the City of Kettering.

TOBACCO, NICOTINE, OR VAPING SALES

A retailer whose business exclusively or primarily involves the sale of tobacco, tobacco containing products, or other related tobacco products including, but not limited to, rolling papers and machines, bongos, hookahs, pipes, water pipes, roach clips, and lighters, nicotine, nicotine containing products, vaping products, or other vaping related products including, but not limited to, electronic cigarettes, atomizers, vape pens, cartridges, e-liquids, and e-juice, for off premise consumption.

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.

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. Upon residential dwelling sites consisting of dwelling units of 2 units or less, the parking of 6 or more vehicles per site shall constitute such a use.

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.

CERTIFICATION

DATE: July 21, 2020
TO: Mayor and Council, City of Kettering
FROM: Planning Commission
SUBJECT: PC-20-010 – Rezoning of property located at 3233 Woodman Dr.

Planning Commission hereby certifies that a public hearing was held at their meeting on July 20, 2020 with a decision reached at that meeting.

Planning Commission hereby submits its recommendation of approval to City Council for the rezoning that would change the property located at 3233 Woodman Drive from an I-Industrial and ED-5 designation to an O-Office designation. The Commission also recommends that all of Lot #1 of the AT&T Woodman Plat would be designated in the Suburban Pattern District and all of Lot #2 of the AT&T Woodman Plat would be designated in the Suburban Pattern District.

Vote of the Planning Commission


The motion recommending approval was passed by a vote of 5:0.

Reason for Request

This amendment will allow the property owner to convert the existing building to accommodate senior, rental housing with approximately 70 dwelling units. With an aging population in Kettering this reuse strategy is appropriate for this site.

Respectfully submitted,

KETTERING PLANNING COMMISSION


By: Ron Hundt/Zoning Administrator/City Planner
Planning and Development Department