



CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • TONY KLEPACZ, VICE MAYOR
BRUCE E. DUKE • JACQUE FISHER • BILL LAUTAR

KETTERING COUNCIL AGENDA

October 26, 2021

Kettering Government Center – South Building
3600 Shroyer Rd. Kettering, Ohio 45429

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

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

October 12, 2021- Council Meeting & Workshop Minutes

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

Presentation	Sister Cities 50 th Anniversary Celebration
Proclamation	National Arts and Humanities Month
Presentation	Rosewood Arts Centre Renovation Update
Presentation	State of the Arts

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 allow full parking on Andrea Drive, Malone Avenue, and Renwood Drive by repealing sections 1(D)-(E) of Ordinance No. 3977-04.
2. 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

3. Authorizing the City Manager to apply for and accept an OVI Task Force Grant from the Ohio Department of Public Safety.
4. Authorizing the City Manager to enter into a cost reimbursement agreement with Miami Valley Communications Council for the purchase of a tactical rescue vehicle.
5. Authorizing an amendment to the agreement with the Board of County Commissioners of Montgomery County, Ohio for application processing services under the U.S. Treasury's Emergency Rental Assistance Program.
6. Authorizing the City Manager to contract for entertainment booking and related services for the 2022 Frazee Pavilion season.
7. Authorizing submission of a City of Kettering project for the Montgomery County ED/GE Program.
8. Authorizing the City Manager to accept a grant from the Kettering Parks Foundation for new furniture, fixtures, and equipment at Rosewood Arts Centre.

9. Authorizing the City Manager to purchase furniture, fixtures and equipment through sealed bids, negotiated quotes, or a cooperative purchasing program.

10. To make supplemental appropriations for current expenses and other expenditures of the City of Kettering, State of Ohio, during the fiscal year ending December 31, 2021.

ORDINANCES IN FIRST READING

11. To amend the text of various sections of the City of Kettering Comprehensive Plan.

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

CERTIFICATIONS AND PETITIONS

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
2021

October 26	6:00 p.m.	Council Workshop
	7:30 p.m.	City Council Meeting
November 1	7:00 p.m.	Planning Commission
November 8	7:00 p.m.	Board of Zoning Appeals
November 9	4:00 p.m.	Partners for Healthy Youth
	6:00 p.m.	Council Workshop
	7:30 p.m.	City Council Meeting

Proclamation

Whereas:

The coronavirus has had a devastating impact on America's arts sector, with 99% of producing and presenting organizations having canceled events and artists being among the most severely affected segment of the nation's workforce; yet notwithstanding this fact, the arts have helped collectively lead us throughout the darkest times of the pandemic—lifting our spirits, unifying communities, and jump-starting the economy; and

WHEREAS: The nation's 120,000 nonprofit arts organizations, the National Endowment for the Arts, the National Endowment for the Humanities, the nation's 4,500 local arts agencies, and the arts and humanities councils of the 50 states and the six U.S. jurisdictions and districts have regularly issued official proclamations on an annual basis designating October as National Arts and Humanities Month; and

WHEREAS: The arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and

WHEREAS: The arts and humanities enhance and enrich the lives of every American; and

WHEREAS: Cities and states — through their local and state arts agencies representing thousands of cultural organizations — have celebrated the value and importance of culture in the lives of Americans and the health of thriving communities during National Arts and Humanities Month for several years; and

WHEREAS: The humanities help diverse communities across the United States explore their history and culture with the support and partnership of the National Endowment for the Humanities, the 50 states and six U.S. jurisdictions and districts humanities councils, and local educational and cultural institutions; and

WHEREAS: The nation's arts and culture sector—nonprofit, commercial, education—is a \$919.7 billion industry that supports 5.2 million jobs—4.3% of the nation's economy—and boasts a \$33 billion international trade surplus; and

WHEREAS: The nonprofit arts industry alone generates \$166.3 billion in economic activity annually—spending by organizations and their audiences—which supports 4.6 million jobs and generates \$27.5 billion in government revenue; and

WHEREAS: Every attendee to an arts event spends \$31.47 per person, per event, beyond the cost of admission on items such as meals, parking, and lodging—a vital income source for local businesses.

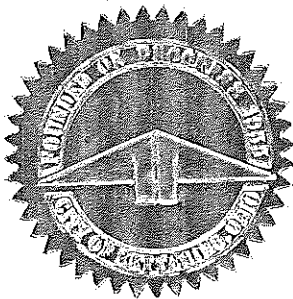
NOW, THEREFORE, I, Donald E. Patterson, Mayor of the City of Kettering, Ohio, do hereby proclaim:

OCTOBER 2021

to be

NATIONAL ARTS AND HUMANITIES MONTH

in the City of Kettering, and call upon our community members to celebrate and promote the arts and culture in our nation and our own local community.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 26th day of October in the Year of our Lord, Two Thousand Twenty One.

DONALD E. PATTERSON
Mayor of the City of Kettering, Ohio

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 ALLOW FULL PARKING ON ANDREA DRIVE, MALONE AVENUE, AND RENWOOD DRIVE BY REPEALING SECTIONS 1(D)-(E) OF ORDINANCE NO. 3977-04

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

Section 1. Sections 1(D)-(E) of Ordinance No. 3977-04, which restricted parking on Andrea Drive, Malone Avenue, and Renwood Drive, are repealed. The Traffic Control Map and the Traffic Control file of the City of Kettering, Ohio are hereby amended to reflect this change.

Section 2. The City Engineering is hereby directed to have signs erected or removed in accordance with this Ordinance.

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 _____ 2021.

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 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/West side of Overbrooke Road from Pondview Drive to Arlmont Circle.
- B. NO PARKING Noon to 8PM, May 22nd through September 7th:
North side of Pondview Drive from Overbrooke Road for a distance of 875 feet.

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 _____ 2021.

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 APPLY FOR
AND ACCEPT AN OVI TASK FORCE GRANT FROM
THE OHIO DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, the Police Department is eligible to apply for a grant in the amount of \$14,000.00 from the Ohio Department of Public Safety using the City of Dayton, Ohio as the Lead Agency; and

WHEREAS, if awarded, said grant funds will reimburse the City for overtime expenses related to 2021-2022 Operating a Vehicle Under the Influence (OVI) enforcement; and

WHEREAS, matching funds from the City are not required;

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, on behalf of the City of Kettering, to take all necessary and proper action to apply for and accept the above-described grant from the Ohio Department of Public Safety in the amount awarded by that agency. Furthermore, this Council hereby affirms all matters and statements included in the grant application.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Police Department)

Estimated Cost: \$14,000.00
Amount Budgeted: \$0
Acct. No.: Special Grants & Programs Fund

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COST REIMBURSEMENT AGREEMENT WITH MIAMI VALLEY
COMMUNICATIONS COUNCIL FOR THE PURCHASE OF A
TACTICAL RESCUE VEHICLE**

WHEREAS, Miami Valley Communications Council (MVCC) and its member cities coordinate members' police activities and exchange of information to deal more effectively with crime in the members' municipalities.

WHEREAS, MVCC acts as an administrative and fiscal agent for this coordinated effort; and

WHEREAS, MVCC will purchase and hold title to a Tactical Rescue Vehicle (TRV) which may be used by the members on an as needed basis; and

WHEREAS, the members will reimburse MVCC for their proportionate share of the TRV's cost based on each member's population in relation to the total population of all members;

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

Section 1. Pursuant to Subsection I of Section 152.02 of the Codified Ordinances of the City of Kettering, the City Manager is hereby authorized to enter into an agreement with MVCC to share in the cost of a TRV. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost:	\$93,254.00
General Fund:	\$46,627.00
Drug Seizure Fund:	\$46,627.00
Amount Budgeted:	\$46,627.00 (Drug Seizure Fund)
Acct. No.	General Fund and Special Grants & Program Fund

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH
THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY
COUNTY, OHIO FOR APPLICATION PROCESSING SERVICES
UNDER THE U.S. TREASURY'S EMERGENCY RENTAL
ASSISTANCE PROGRAM**

WHEREAS, Resolution No. 10606-21 dated August 10, 2021, authorized the City Manager to enter into an agreement with the Board of County Commissioners of Montgomery County, Ohio to provide application processing and related services for Montgomery County under the U.S. Treasury's Emergency Rental Assistance Program to assist persons who have been impacted by COVID-19 and who meet all program requirements, with the main goal to keep those persons housed; and

WHEREAS, additional program funding has become available;

NOW THEREFORE, be it resolved by the Council of the City of Kettering, State of Ohio, that:

Section 1. In order to accept and administer additional program funding, the City Manager is authorized to take all action necessary to amend the agreement with the Board of County Commissioners of Montgomery County, Ohio for application processing and related services under the U.S. Treasury's Emergency Rental Assistance Program. The City Manager is further authorized to sign any additional amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes place immediately upon its adoption.

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A HAMER III,
Law Director

Estimated Cost: \$1,000,000
Funds Available: \$1,000,000
Acct. No.: Special Grants & Programs

(Requested by: Planning and Development Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO CONTRACT FOR ENTERTAINMENT BOOKING AND RELATED SERVICES FOR THE 2022 FRAZE PAVILION SEASON

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

Section 1. Pursuant to Subsection "I" of Section 152.02 of the Codified Ordinances of the City of Kettering, the City Manager is authorized to enter into a sole source contract with Variety Attractions for entertainment booking and related services for the 2022 Frazee Pavilion season, waiving sealed bidding. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$135,000.00
Amount Budgeted: \$150,000.00
Acct. No. 2200-72550

(Requested by: Parks, Recreation and Cultural Arts Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING SUBMISSION OF A
CITY OF KETTERING PROJECT FOR THE
MONTGOMERY COUNTY ED/GE PROGRAM**

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

Section 1. The City Manager, or the City Manager's designee, is authorized to submit to the Board of Commissioners of Montgomery County, Ohio, for inclusion in the ED/GE program, Fall of 2021 funding cycle, the economic development project(s) described in the attached Exhibit A which is incorporated herein. Furthermore, this Council hereby ratifies all previous actions of this City in connection with the submission of the same economic development project(s).

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor.

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: City Manager's Office)

EXHIBIT A

ED/GE funds will be requested for an expansion project by an existing manufacturer that would retain 42 full-time positions and create 95 new positions in Kettering with an anticipated payroll of more than \$6,000,000. The ED/GE application would be for \$150,000 to offset the expense associated with a 30,000 square foot expansion and improvement to the existing facility's parking lot and roof. The company is also considering relocating the jobs and investment to a site in Northern Kentucky.

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ACCEPT A
GRANT FROM THE KETTERING PARKS FOUNDATION
FOR NEW FURNITURE, FIXTURES, AND EQUIPMENT
AT ROSEWOOD ARTS CENTRE**

WHEREAS, the City applied for a grant from the Kettering Parks Foundation for new furniture, fixtures and equipment at Rosewood Arts Centre; and

WHEREAS, the City's grant application was approved;

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 take all necessary and proper action to accept the above-described grant from the Kettering Parks Foundation and Council ratifies any such actions previously taken. Furthermore, Council ratifies the grant application and agreement and affirms all matters and statements included therein. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Parks, Recreation and Cultural Arts Department)

Estimated Cost: \$1,200,000.00
Funds Available: \$0
Acct. No. 6132-77750

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO PURCHASE
FURNITURE, FIXTURES AND EQUIPMENT THROUGH SEALED
BIDS, NEGOTIATED QUOTES, OR A COOPERATIVE
PURCHASING PROGRAM**

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

Section 1. The City Manager is hereby authorized to use sealed bids, competitive bargaining and negotiated quotes, or an approved cooperative purchasing program, to purchase furniture, fixtures, and equipment for Phase I, plus the kilns from Phase II, of the Rosewood Arts Center renovation project. For each purchase, the City Manager may use whichever method the City Manager deems appropriate.

Section 2. As provided in Section 4-8 of the City Charter, this Resolution takes effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER, III
Law Director

Estimated Cost: \$283,000.00
Amount Budgeted: \$0
Acct. No.: 6132-77750

(Requested by: Parks, Recreation and Cultural Arts Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF KETTERING, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021

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

Section 1. To provide for the current expenses and other expenditures of the City of Kettering during the fiscal year ending December 31, 2021, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

Police Department	
Operating expenses	\$ 46,627.00
Community Information	
Operating expenses	\$ 17,775.00
TRANSFERS TO OTHER FUNDS	
Capital Improvement Fund	\$ 283,000.00

B. From the Special Grants and Programs Fund:

Law Enforcement Funds	\$ 14,000.00
Other	\$ 1,000,000.00

C. From the Capital Improvement Fund:

Parks & Recreation	\$ 283,000.00
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Section 2. The Director of Finance is authorized to adjust appropriations within any fund or department as long as the adjustments made do not exceed the total appropriation authorized within that fund or department.

Section 3. The Clerk of Council is authorized and directed to forward a copy of this Resolution to the Montgomery County Auditor.

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

Passed by Council this _____ day of _____ 2021.

DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$1,361,402.00, net transfers
Amount Budgeted: \$0
Acct. No. Various

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

TO AMEND THE TEXT OF VARIOUS SECTIONS
OF THE CITY OF KETTERING COMPREHENSIVE
PLAN

WHEREAS, on September 20, 2021, after giving the required notice, the City of Kettering Planning Commission conducted a public hearing regarding an application to amend the Comprehensive Plan in Planning Commission Case No. PC-21-016; and

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

WHEREAS, on October 12, 2021, 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 Comprehensive Plan should be approved. Therefore, the amendment(s) to the Comprehensive Plan 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 Comprehensive Plan 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 _____ 2021.

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


(2 Total Pages Including This Page)

NOTE: In order to conserve space, only those portions of the Comprehensive Plan to be amended are shown.

Key to Proposed City of Kettering Comprehensive Plan 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



Category	Recommended Uses	Design Characteristics
Higher-Density Residential	Townhouses and small lot single-family uses	<ul style="list-style-type: none"> ▶ Pedestrian-oriented residential roads ▶ Linked to adjacent neighborhoods and shopping via streets with sidewalks ▶ Follows architectural guidelines and building massing ▶ Open space in the form of squares and parks
Low-Density Residential	Single-family attached and detached and religious	 <ul style="list-style-type: none"> ▶ Larger building lots ▶ Pedestrian-oriented streetscape ▶ Linked to adjacent neighborhoods and shopping via streets with sidewalks ▶ Open space in the form of parks, playfields, and greenways
Professional Office and Research	Professional office and research facilities with multi-use support retail and high density housing.	<ul style="list-style-type: none"> ▶ Follows architectural and building massing guidelines ▶ Clean industry ▶ Located on a primary thoroughfare ▶ Transit access ▶ Open space in the form of squares, plazas, and quadrangles
Parks/ Recreation	Parks	<ul style="list-style-type: none"> ▶ Active and passive recreation facilities ▶ Open space ▶ Greenways ▶ Neighborhood and community scale parks
Institutional/ Civic	Schools, libraries, large religious institutions	<ul style="list-style-type: none"> ▶ No architectural guidelines ▶ Scattered throughout the city to be close to residents

Category	Recommended Uses	Design Characteristics
Industrial	Manufacturing uses	<ul style="list-style-type: none"> ▶ Clean industries ▶ Located on major thoroughfares and rail lines with easy and efficient transportation access ▶ Minimize environmental impacts ▶ Reuse of existing structures/areas encouraged
Commercial Recreation	Golf courses	<ul style="list-style-type: none"> ▶ Transitional land use

EXHIBIT A - Proposed Change to the Professional Office and Research Land Use Category

PC-21-016

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

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

WHEREAS, on September 20, 2021, 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-21-015; and

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

WHEREAS, on October 12, 2021, 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 _____ 2021.

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

(17 Total Pages Including This Page)

NOTE: In order to conserve space, only those portions of the Zoning Code to be amended are shown.

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 1135 ZONING DISTRICTS

1135.01 MINIMUM LOT AREA & FRONTAGE

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

TIP
Zoning Districts regulate:

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

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

1135.01.1 TABLE 35.1 - MINIMUM DIMENSIONS

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

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

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

1135.01.2 MINIMUM LOT AREA EXCEPTION - LOTS OF RECORD

See Section 1155.06, Nonconforming Lot.

1135.01.3 FLAG LOTS

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

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES

1. RESIDENTIAL	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	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

4. COMMERCIAL - continued	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Business Park	Community Center	Institutional
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"/>	<input type="checkbox"/>	
Sexually Oriented Business*									<input type="checkbox"/>		
Specialty Retail								<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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

CHAPTER 1137
STANDARDS FOR SPECIFIC USES

1137.01	GENERAL	1137.06.3	Cemeteries
1137.01.1	Purpose and Intent	1137.06.4	Communications Towers
1137.01.2	Compliance Mandatory	1137.06.4.N	Table 37.1 - Communications Towers
1137.01.3	Standards Supplement Other Code Regulations	1137.06.5	Community & Recreation Centers
1137.02	RESIDENTIAL STANDARDS	1137.06.6	Conference, Meeting or Banquet Centers, Convention Centers
1137.02.1	Multi-Unit 3-12 Units	1137.06.7	Day Care Centers, Child and/or Adult
1137.02.2	Care Facilities	1137.06.8	Educational Institutions
<u>1137.02.2</u>	<u>Multi-Unit 13-Plus</u>	1137.06.9	Fountains, Public Plazas, Parks, & Natural Areas
1137.02.3	Live / Work	1137.06.10	Funeral Homes, Mortuaries
<u>1137.02.3</u>	<u>Care Facilities</u>	1137.06.11	Golf Courses, Membership Clubs, & Associations
<u>1137.02.4</u>	<u>Live / Work</u>	1137.06.12	Governmental Facilities (Post Offices, Police and Fire Houses)
1137.03	LODGING STANDARDS	1137.06.13	Hospitals
1137.03.1	Bed & Breakfast	1137.06.14	Libraries, Museums
1137.03.2	Hotels & Motels	1137.06.15	Parking Structures
1137.03.3	Corporate Retreat Center	1137.06.16	Places of Worship
1137.04	OFFICE STANDARDS	1137.06.17	Public Transit Stations
1137.04.1	Animal Hospital & Clinics	1137.06.18	Surface Parking Lot
1137.04.2	Technical Repairs	1137.07	INDUSTRIAL STANDARDS
1137.04.3	Work / Live	1137.07.1	General
1137.05	COMMERCIAL STANDARDS	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
1137.05.1	Tobacco, Nicotine, or Vaping Sales	1137.07.3	Electric Substations
1137.05.2	Animal Care, Grooming	1137.07.4	Energy Conversion, Solar & Wind
1137.05.3	ATM, Standalone	1137.07.5	Fabrication, Industrial Crafts
1137.05.4	Automobile Service, Repairs & Modifications	1137.07.6	Laboratory or Specialized Facility, Research and Development
1137.05.5	Automobile Washing	1137.07.7	Manufacturing, Process Plant
1137.05.6	Banks, Credit Unions	1137.07.8	Public Service Yards, Storage Yards (Contractor, Building Materials, & Outdoor Merchandise)
1137.05.7	Bar, Lounge, Tavern, Nightclub	1137.07.9	Recycling Facility
1137.05.8	Big Box Stores	1137.07.10	Vehicle Storage, Indoor & Outdoor
1137.05.9	Check Cashing, Payday Loans, Pawn Shops	1137.08	TEMPORARY USE STANDARDS
1137.05.10	Convenience, Drive-Thru Stores		
1137.05.11	Equipment Rental, Sales & Service		
1137.05.12	Gaming		
1137.05.13	Kennels		
1137.05.14	Kiosks		
1137.05.15	Restaurants		
1137.05.16	Sexually Oriented Businesses		
1137.05.17	Tattoo Parlors		
1137.05.18	Vehicle Sales & Service, Vehicle Rental & Service		
1137.05.19	Vehicle Fueling, Recharging		
1137.05.20	Weapons Sales		
1137.06	CIVIC STANDARDS		
1137.06.1	Amphitheaters, Drive-in Movie Theatres, Stadiums		
1137.06.2	Arenas, Auditoriums, Concert Halls, Movie Theatres & Performance Theatres		

1137.02.1 MULTI-UNIT 13-PLUS UNITS

Multi-Unit 13-Plus dwellings are permitted as conditional uses within the BP district subject to the following conditions:

- A. Such multi-unit dwellings shall be located on lots of at least 10 acres in area and shall contain at least 200 dwelling units.
- B. If such a use is located within a district where it is permitted as a conditional use, as listed in TABLE 35.2 PERMITTED PRINCIPAL USES, SECTION 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.02.21137.02.3 CARE FACILITIES

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

- A. The applicant shall submit the following information in written form:
 - 1. The maximum number of residents, employees, and occupants. The totals for each category shall be provided.
 - 2. A detailed plan of services and programs to be offered to the clientele of the facility, including the nature of care to be provided, the types of services to be offered, and the individuals or agencies who will be responsible for administering such care and services.
- B. Every room occupied for sleeping purposes within the Care Facility shall adhere to the occupancy limitations of the Kettering Property Maintenance Code.
- C. The Care Facility shall provide suitable outdoor recreation open space for the number and needs of residents of the Care Facility.
- D. All Care Facilities shall be compatible in design with the surrounding neighborhood. If the property borders both commercially used and residentially used property, the residentially used property shall take precedence in regards to this standard.
- E. The proposed use of the site will be compatible with the present physical character of the neighborhood and will not disrupt the neighborhood from the standpoint of noise, lights, congestion, or traffic generation. If the property borders both commercially used and residentially used property, the residentially used property shall take precedence in regards to this standard.
- F. Notwithstanding any other requirements or conditions that must be satisfied for conditional use approval of a care facility, the Planning Commission must find that each of the items listed below have been met. In its review of each proposed Care Facility, and in addition to Section 1153.08, Conditional Use Approvals, the Planning Commission shall make a written finding as to whether or not all of the following conditions are met:
 - 1. The care facility has sufficient controls, which can be exercised to insure continued compliance to the provisions of this Section.

2. The care facility will be designed, adapted, constructed, operated, and maintained to be compatible with the existing or officially planned uses of the general vicinity.
3. The facility will promote the public health, care, safety, or general welfare of the community.

1137.02.21137.02.4

LIVE / WORK

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

- A. No more than 40% of the residential unit's Gross Floor Area is available as work space and the living and working quarters shall function together as a single unit.
- B. The permittee for a live/work use shall obtain a use permit from the City of Kettering for the intended business.
- C. Customers, clients, or prospective customers or clients shall be invited to the residence by appointment only. The business shall not involve the on-site presence of more than two customers or clients at a time. Customers or clients shall only be permitted on the premises between the hours of 8 A.M. and 6:00 P.M.
- D. The workers and residents shall neither interfere with nor impair the uses of the surrounding area.
- E. The workers and residents shall not be subject to or cause unreasonable noise, odors, vibration, traffic, or other potentially harmful environmental conditions.
- F. The appearance of any structure where such a use is located shall maintain its residential character. Signs are permitted subject to the provisions of Chapter 1151, Signs.
- G. Such uses shall adjoin a thoroughfare or arterial street. Ingress and egress shall be from a thoroughfare or arterial street. Such uses shall be located within city blocks that include property zoned B-Business and shall be on the same side of the street of such property zoned B-Business.
- H. The work component of the use shall be limited to the following:
 1. Business, Professional, and Administrative Offices;
 2. Alternative Medicine Office & Clinic;
 3. Art Studios;
 4. Personal Instruction;
 5. Physical Therapy;
 6. Medical Office & Clinic;
 7. Other uses of a similar nature that would have a low number of appointments per day,

TIP

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

1137.05.15 RESTAURANTS

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

A 1. 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 2. Such establishments shall not interfere with the movement of people along pedestrian or active transportation ways, such as jogging paths or bikeways.

C 3. Such establishments shall be located on lots with a minimum lot area of 20,000 square feet.

D 4. Loud speaker systems shall be subject to approval by the Zoning Administrator and shall not create a nuisance for adjacent properties. See also Section 1143.05, Noise.

E 5. The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site.

F 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 a. No additional or unreasonable traffic hazards shall be created by such access;

2 b. 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.

B. Restaurant establishments conditionally permitted within the Business Park district shall be located on lots of at least 10 acres in area and shall be no larger than 10,000 square feet in gross floor area with an aggregate of no more than 20,000 square feet in gross floor area for the entire Site.

M.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.

1137.05.16 SEXUALLY ORIENTED BUSINESSES

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

- A. Sexually oriented businesses shall not be located within 400' of any type of residential property.
- B. Sexually oriented businesses shall not be located within 1,000' of:
 1. a school, library or teaching facility, whether public or private, governmental or commercial, that is attended by persons under 18 years of age;
 2. a day care center, or care facility;
 3. a public park or recreational area that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City;
 4. a church, synagogue, or building that is used primarily for religious worship and related religious activities;
 5. an entertainment business that is oriented primarily towards persons under 18 years of age or oriented primarily towards persons under 18 years of age and their parents/guardians.
 6. any other sexually oriented business; or
 7. any establishment licensed for the sale of alcoholic beverages for consumption on the premises.
- C. A sexually oriented business shall neither be operated, established, or maintained within the same building, structure, or portion thereof of another sexually oriented business, nor shall there be an increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
- D. For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures, from the closest property line of the sexually oriented business to the

which it is located and shall be limited to 4' in depth. Ornamental Ponds with a depth greater than 18" shall not have a slope greater than 300% and shall be required to have safety ledges, with a minimum tread depth of 1', installed for every 1' of depth. Ornamental Ponds shall be located in side or rear yards only.

- D. Fountains and other Water Features shall not exceed 12" in water depth and shall not exceed 2% of the total front yard area or 1% of the total lot area. Fountains and other Water Features shall be located at least 15' from any public or private street and shall be located at least 5' from any alleyway. Such features greater than 6' in height shall not be located in any front yard.
- E. Retention ponds and other large ponds not specifically permitted above, shall be permitted as a conditional use in all R and BP districts, subject to drainage and grading requirements, impacts to viewsheds, and neighborhood character and context.

1139.03.12 FLAG POLES

Flag Poles are permitted subject to the following conditions:

- A. Flag poles are permitted in all yards.
- B. Flag poles shall be limited to 25' in height within residential districts. Height shall be measured from the lowest adjoining grade for the pole or the lowest adjoining grade for the building to which it is mounted. Flag poles attached or mounted on buildings shall be limited to these same height limitations. No flag pole shall be attached to the roof of a building.
- C. The fall zone of any pole must not encompass any neighboring structures or lie outside of the property where it is located.
- D. Flag poles shall be limited in number to one pole per lot.

1139.03.13 TEMPORARY PORTABLE STORAGE CONTAINERS

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

- A. Such containers, including but not limited to, portable on-demand containers, shall be limited to 1 in number per residential Principal Structure and two in number per non-residential Principal Structure.
- B. The maximum dimensions for such containers shall be 10' in height, 8' in width, and 18' in length.
- C. Such containers shall be allowed to occupy a residential lot or Site for a maximum of 14 days during any 6 month period. If placed in conjunction with an active building permit for building new construction, remodeling existing buildings, or in conjunction with the restoration of a property or the mitigation to prevent further damage to the property, a longer period of time may be approved by the Zoning Administrator.
- D. Such containers shall be placed solely upon driveways or other hard surfaces.

1143.05.5 TABLE 43.1 - DRIVEWAY WIDTH RESTRICTIONS

This table lists the maximum driveway width expressed as a percentage of lot frontage:

Zoning District	Maximum Width as % of Lot Frontage
R-Ea, R-Eb	25%
R-1, R-2, R-3, R-4	30%
CC, O, B, F, BE, IS	NA

Key: NA - Not Applicable

1143.05.6 CROSS ACCESS

All lots that elect to provide a cross access connection between adjoining parking lots to allow for the flow of traffic from one parking lot to another without re-entering the public right-of-way must provide an access drive that is at least 22' feet in width and shall not slope greater than 15%.

The applicant may grant a common access easement across the lot or a recorded deed covenant providing common access across the lot with the abutting lot or lots.

Additionally, all lots that elect to provide such cross access shall be entitled to a 20% reduction in the number of required bufferyard plantings along the property line(s) that the cross access traverses, and a waiver of the dead end parking standards found within Section 1145.05.1.D.

1143.05.7 LOCATION OF DRIVEWAYS

Driveways and Access Drives shall be located subject to the following conditions:

- A. Driveways shall not conflict with vehicle turning movements.
- B. Driveways shall align with opposing driveway approaches, if any are present. Locations where there is a raised median separating said approaches shall be exempt from this provision.
- C. Driveways shall align with the existing median opening, if any is present.
- D. Driveways shall be separated in accordance with the standards listed in TABLE 43.2 - DRIVEWAY SEPARATION STANDARDS, Section 1143.05.8.
- E. Access drives shall maintain a minimum 5' setback from any property line.
- F. If the site is served by an alley or rear access drive, an access for motor vehicles must be provided from such alley or rear access drive.

1143.07.15 UNIFORMITY

All exterior lighting located in R-3, R-4, CC, O, IS, B, and BP districts or all exterior lighting utilized in conjunction with a Conditional Use for an R district, shall not exceed an Average to Minimum Uniformity Ratio of 4:1 and a Maximum to Minimum Ratio of 10:1 as defined by the most recent edition of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook. The site area used to perform this calculation shall be comprised of improved area only, excluding building footprint and perimeter landscaped and bufferyard areas.

The Zoning Administrator may vary this standard depending on the task or use of the lighted area, provided that the lighting ratio meets the standards for such task or use as provided by the most recent edition of the IESNA Lighting Handbook.

Public Parks and Natural Areas shall be exempt from this requirement.

TIP

The IESNA recommends average to minimum uniformity ranges from 5:1 down to 2:1 depending upon application. Streets can have a 5:1 while competitive sports fields utilize a 2.5:1

1143.07.16 CONTROL OF OPERATIONAL LIGHT & GLARE

Any use producing intense light or heat, including high temperature processes such as combustion and welding shall be performed within an enclosed building and not be visible beyond any lot line surrounding the property where the use is conducted. Welding that is required for exterior construction or maintenance of a principal structure located on a lot shall be exempt from the standards contained within this section.

1143.07.17 LIGHT TRESPASS

All luminaires shall be located, aimed, or shielded to prevent light from trespassing across property boundaries. Light originating on a site shall not exceed 0.1 foot-candles at any property line of said site.

1143.07.18 OUTDOOR ADVERTISING SIGNS

External illumination for signs shall conform to all provisions of this Chapter.

1143.07.19 INTERNALLY ILLUMINATED AND NEON SIGNS

Internally illuminated signage, neon or other similar tube type lighting shall be subject to the following conditions:

- A. Outdoor internally-illuminated advertising signs be constructed with an opaque background and translucent text and symbols. Such signs shall not be factored into the calculation of the AHMI found in Section 1143.07.11.
- B. Neon or other similar tube type signs shall be treated as internally illuminated signs for the purposes of this Chapter, and shall not be factored into the calculation of the AHMI found in Section 1143.07.11. However, neon or other similar tube type lighting shall conform to all provisions of this Code. In particular, such lighting shall be factored into the calculation of the AHMI found in Section 1143.07.11.

1147.13.2 TREE PROTECTION ZONE

For purposes of this Section, a "tree protection zone" is established for any lot or parcel that has a woodland coverage. The tree protection zone includes all woodland areas within the required setbacks and outside of the designated building envelopes. The percentage of protected trees that must be preserved within the tree protection zone is established in TABLE 47.6 - PERCENTAGE OF PROTECTED TREES REQUIRING PRESERVATION, Section 1147.13.3.

1147.13.3 TABLE 47.6 - PERCENTAGE OF PROTECTED TREES REQUIRING PRESERVATION

This table assembles the required percentages of trees that must be protected within a Tree Protection Zone depending upon the Protection Zone's location:

Protection Zone Location	Preservation Ratio (Percent of Tree Protection Zone Category)
Lots within R and CC districts	35%
Lots within B, O, +BP and IS districts	20%
Lots within B, O, or +BP districts with a TC or NC designation	Exempt

1147.13.4 PROTECTED TREES

For purposes of this section, a "protected tree" means any large tree, other than any variety of Ash tree susceptible to the Emerald Ash Borer, that is equal to or larger than 8 inch diameter breast height (DBH).

1147.13.5 PRESERVATION STANDARDS

No grading, demolition, trenching, or other activity that may adversely affect trees within a Tree Protection Zone may proceed prior to approval and issuance of necessary development approvals by the City of Kettering. No person shall perform construction work (including the operation or storage of equipment or materials) within the drip line of any tree or shrub having its trunk on any public street or public property without first obtaining a development approval from the Zoning Administrator and complying with the requirements as described in Section 1147.13.6, Protective Barriers through 1147.13.9 Replacement of this Chapter.

1147.13.6 PROTECTIVE BARRIERS

The applicant shall erect protective barriers as follows:

- A. Protective barriers shall be installed around each protected tree or group of protected trees that are designated for protection.
- B. Barriers shall not be supported by the plants they are protecting but shall be self-supporting.

struction methods for such signage.

Examples of commonly found materials include cardboard, painted plywood, coroplast, rigid plastic sheet, metal sheet, vinyl or cotton canvas fabric, and static cling decals.

Examples of commonly accepted construction methods include metal frames, wire "H" frames, wood posts, and paint or static cling decals on glass windows.

- D. Temporary signs shall be legible, neat, and professional in appearance.
- E. No temporary signs shall be attached to light poles, luminaires, fixtures, mechanical equipment, fences, dumpsters, or landscaping. No temporary signs shall be attached to any permanent sign or sign base.
- F. Within the R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts the only types of temporary signs that are permitted are ground signs, window signs, and wall banners. All other types are prohibited. The maximum area and height, the minimum setback from the Right-of-Way, and the permitted number of such signs shall be as listed within Table 51.4 - Temporary Sign Requirements, Section 1151.04.10.K
- G. Within the O, B, BP, CC, and IS districts the only types of temporary signs that are permitted are ground signs, window signs, and wall banners. All other types are prohibited. The maximum area and height, the minimum setback from the Right-of-Way, and the permitted number of such signs shall be as listed within Table 51.4 - Temporary Sign Requirements, Section 1151.04.10.K
- H. Temporary ground signs shall be located in landscaped areas only, subject to the following conditions:
 - 1. The landscaped area shall include all points where sign structural supports attach to the ground.
 - 2. The edge of the required landscaped area shall be thirty inches from the edge of the sign or any edge of the sign structure.
 - 3. The use of concrete, asphalt, stone, or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.
- I. Temporary wall banner signs shall not extend more than 6 inches from any wall or structure upon which they are erected.
- J. Walls signs and banners shall not be attached to any roof or roof element and must be a minimum of 2 feet below the top and a minimum of 2 feet from the side of the surface to which they are attached.

1151.04.11 VACANCIES AND SITES UNDER CONSTRUCTION

Vacant lots, buildings, and building units, and Sites under construction with an active and valid permit for such construction are permitted signage subject to the following standards:

- A. Vacant lots or vacant buildings, and such Sites under construction are permitted a single ground sign per street frontage subject to the following standards:
 1. Within CC, O, B, †BP, and IS districts, and upon lots greater than 2 acres located within R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts, such a sign shall be limited to 16 square feet in sign area. Upon lots equal to or less than 2 acres in area located within R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts such a sign shall be limited to 6 square feet in area.
 2. Such a sign shall be limited to 6 feet in height within CC, O, B, †BP, and IS districts, and upon lots greater than 2 acres located within R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts. Such a sign shall be limited to 4 feet in height upon lots equal to or less than 2 acres in area located within R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts.
- B. Vacant building units and building units under construction are permitted window signage in accordance with the standards found in Section 1151.04.8, Window Signs. If no window is present to allow for such signage, then a single ground sign is permitted subject to the following standards:
 1. Such a sign shall be limited to 6 square feet in sign area.
 2. Such a sign shall be limited to 4 feet in height.
- C. Ground signs permitted within subsections A and B above shall be subject to the following standards:
 1. Such signs shall be set back at least 10 feet from every right-of-way line, and at least 20 feet from any side or rear lot line.
 2. Within CC, O, B, †BP, and IS districts, and upon lots greater than 2 acres located within R-E(a), R-E(b), R-1, R-2, R-3, and R-4 districts such signs shall be constructed using wooden posts painted white, and a rectangular or square plywood, metal, or plastic sign face(s).
 3. Such signs shall be placed within a landscape area and shall be constructed and placed in such a manner that allows them to be easily removed from the site, similar to a temporary sign. Posts shall not be cemented into place.
- D. Such signs shall not be illuminated.
- E. Such signs shall not have any changeable copy.
- F. Once an application for a use, conditional use, or development approval is approved, or once a lot, building, or building unit is occupied and no longer vacant such signs shall be removed from the vacant lot, building, building unit, or Site.

1151.04.12 ADDITIONAL SIGNAGE

- A. Sites which have a one-way pattern of circulation and take access from a non-residential street are permitted signage subject to the following standards:
1. Each access point shall be permitted a single sign located no further than 10' from the edge of pavement of such access point;
 2. Within CC, O, B, BP, 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 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 6' 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.

1. Prior to making a recommendation to the City Council on a proposed map amendment, the Planning Commission shall make a finding to determine if the following conditions exist. No map amendment shall be recommended for approval prior to a specific and documented finding of at least one of the following:
 - a. The proposed amendment is consistent with the City of Kettering's Comprehensive Plan and with the intent of this Zoning Code, or such consistency is being sought concurrently.
 - b. There has been a change in demand for land that alters the information upon which the Official Zoning Map is based, as a result of:
 - i. A change in population, consumer preference, economic indicator, or other socio-economic trends;
 - ii. A significant change in area or neighborhood conditions, building conditions, or traffic volumes; or
 - iii. A major change, such as the construction of a major road, the installation of a utility line, or other similar factor that significantly alters the area.
 - c. A study commissioned or conducted by City Staff indicates that there has been an increase in the demand for land in the requested zoning classification, and as a result the supply of land within the City of Kettering mapped as such on the Official Zoning Map or Official Development Pattern Map, is inadequate to meet the demands for such development.
 - d. The proposed use cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities, or other similar development constraints, or the market to be served by the proposed use cannot be efficiently served by the geographic location of the existing zoning districts.
 - e. There is an error in the Zoning Code text or Official Zoning Map or Official Development Pattern Map as enacted.
 2. No rezoning of land from a residential zoning district classification (R-E(a), R-E(b), R-1, R-2, R-3, R-4) to any non-residential classification (O, B, BP, CC) shall be recommended by the Planning Commission unless:
 - a. Such proposed rezoning site is at least one (1) acre in size, or a complete block face; or
 - b. Such proposed rezoning site is contiguous to land in the proposed zoning district classification.
 3. No reclassification of land from a VH, V, N, or E pattern district to a TC, NC, SC, SS, S, SB, I, or LI shall be recommended by the Planning Commission unless such proposed reclassification site is contiguous to land in the proposed district classification.
- B. In addition to the findings required to be made by Subsection (A) above, The Planning Commission shall consider each of the following matters based on the evidence presented to it.