



CITY OF KETTERING

PEGGY LEHNER, MAYOR • JACQUE FISHER, VICE MAYOR
BRUCE E. DUKE • LISA DUVALL • TONY KLEPACZ • JYL HALL • BOB SCOTT

KETTERING COUNCIL AGENDA

May 9, 2023

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

PRESENTATION OF THE COLORS

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES

April 25, 2023- Council Meeting & Workshop Minutes

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

Proclamation Bike Month

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

(5 Minute Limit per Speaker)

ORDINANCES IN SECOND READING

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

RESOLUTIONS

2. Authorizing the City Manager to contract with PepsiCo Beverage Sales, LLC for the purchase of non-alcoholic, Pepsi products for sale at the Frazee Pavilion for the 2023 season.
3. Authorizing the City Manager to apply for the Ohio Law Enforcement Bulletproof Vest Program Grant through the Ohio Attorney General's Office.
4. Authorizing the City Manager to enter into a cost-sharing agreement with the Board of Education of the Kettering City School District for the Safety Section Program for the 2023-2024 school year.
5. Authorizing the City Manager to accept a Fire Prevention Grant from FM Global.
6. Authorizing the City Manager to contract for an assessment center with the Ohio Fire Chiefs' Association.
7. Authorizing the City Manager to purchase traffic control equipment from Baldwin & Sours and to use competitive bargaining and negotiated quotes to contract for construction of the School Zone Flashers-Shroyer and Glengarry Project (City Project 02-007).
8. 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, 2023.

ORDINANCES IN FIRST READING

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
2023

May 9	4:00 p.m. 6:00 p.m. 6:30 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop Sustainability Committee City Council Meeting
May 15	7:00 p.m. 7:00 p.m.	Planning Commission Board of Community Relations
May 18	6:30 p.m.	Sustainability Committee
May 22	7:00 p.m. 7:30 p.m.	Board of Zoning Appeals Sister Cities
May 23	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting

Proclamation

Whereas:

The bicycle is an economical, healthy, convenient, and environmentally sound form of transportation and an excellent tool for recreation and enjoyment of Kettering's scenic beauty; and

WHEREAS: Biking is a lifeline for so many people during their daily lives; whether it's the primary way people commute to essential jobs, the way people relieve stress and decompress after being home for long periods of time, or the way children get much needed exercise when schools are closed; and

WHEREAS: Creating a bicycling-friendly community has been shown to improve citizens' health and well-being, traffic safety, and wear and tear on roads; and

WHEREAS: The City of Kettering's commitment to create a bicycle friendly community is evident in recent award designations including the city receiving the Bronze Level Bicycle Friendly Award from The League of American Bicyclists; and

WHEREAS: The city will continue to foster relationships with local organizations including Bike Miami Valley, Five Rivers Metroparks, The Dayton Cycle Club and The League of American Bicyclists to enhance bike safety within the Kettering community; and

WHEREAS: With the help of various groups and organizations, public awareness of bicycle safety will continue to grow and will improve the health and safety for everyone on the road which will allow the Kettering community to continue to be a premier destination for cycling.

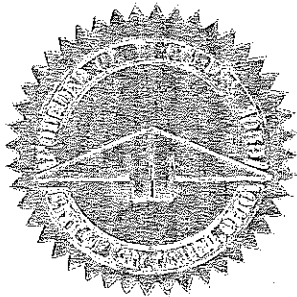
NOW, THEREFORE, I, Peggy Lehner, Mayor of the City of Kettering, Ohio, on behalf of City Council and the community, do hereby proclaim

May 2023

to be

BIKE MONTH

in the City of Kettering, Ohio, and encourage all citizens to recognize the importance of bicycle safety and to be more aware of cyclists on our streets and roads.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kettering, Ohio, to be affixed this 9th day of May, in the Year of our Lord, Two Thousand and Twenty-Three.

PEGGY LEHNER
Mayor of the City of Kettering, Ohio

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

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

WHEREAS, on March 6, 2023, 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-23-001; and

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

WHEREAS, on March 28, 2023, 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 _____ 2023.

PEGGY LEHNER, 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

(53 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

HOW TO USE THE ZONING CODE

- I.01 INSTRUCTIONS
- I.02 COMMENTARY & TIPS

CH. 1131 ENACTMENT AND INTERPRETATION

- 1131.01 TITLE
- 1131.02 COORDINATION WITH OTHER REGULATIONS
- 1131.03 RULES OF CONSTRUCTION
- 1131.04 PURPOSES
- 1131.05 VALIDITY AND CONFLICT
- 1131.06 POWERS AND DUTIES OF THE ZONING ADMINISTRATOR
- 1131.07 PLANNING COMMISSION AND BOARD OF ZONING APPEALS

CH. 1133 ESTABLISHMENT OF DISTRICTS & MAPS

- 1133.01 DISTRICT CLASSIFICATIONS CREATED
- 1133.02 OFFICIAL ZONING MAP
- 1133.03 OFFICIAL DEVELOPMENT PATTERN MAP
- 1133.04 INTERPRETATION OF BOUNDARIES
- 1133.05 COMPLIANCE WITH REGULATIONS

CH. 1135 ZONING DISTRICTS

- 1135.01 MINIMUM LOT AREA & FRONTAGE
- 1135.02 PERMITTED PRINCIPAL USES
- 1135.03 USES PREEMPTED BY STATE & FEDERAL STATUTE

CH. 1137 STANDARDS FOR SPECIFIC USES

- 1137.01 GENERAL
- 1137.02 RESIDENTIAL STANDARDS
- 1137.03 LODGING STANDARDS
- 1137.04 OFFICE STANDARDS
- 1137.05 COMMERCIAL STANDARDS
- 1137.06 CIVIC STANDARDS
- 1137.07 INDUSTRIAL STANDARDS
- 1137.08 TEMPORARY USE STANDARDS

CH. 1139 ACCESSORY STRUCTURES & USES

- 1139.01 GENERAL
- 1139.02 ACCESSORY STRUCTURE - NON-RESIDENTIAL STANDARDS
- 1139.03 ACCESSORY STRUCTURE - RESIDENTIAL STANDARDS
- 1139.04 ACCESSORY USE STANDARDS

CH. 1141 DEVELOPMENT PATTERN DISTRICTS

- 1141.01 GENERAL
- 1141.02 ESTATE - E
- 1141.03 NEIGHBORHOOD - N
- 1141.04 VILLAGE - V
- 1141.05 VILLAGE HEIGHTS - VH

- 1141.06 SUBURBAN - S
- 1141.07 SUBURBAN SERVICE - SS
- 1141.08 SUBURBAN BUSINESS - SB
- 1141.09 SUBURBAN CENTER - SC
- 1141.10 NEIGHBORHOOD CENTER - NC
- 1141.11 TOWN CENTER - TC
- 1141.12 LIGHT INDUSTRY - LI
- 1141.13 INDUSTRY - I
- 1141.14 HOSPITAL - H

CH. 1143 SITE & ENVIRONMENTAL STANDARDS

- 1143.01 GENERAL
- 1143.02 RELATIONSHIP TO ADOPTED PLANS
- 1143.03 STRUCTURES ON LOTS
- 1143.04 CORNER LOTS
- 1143.05 ACCESS & DRIVEWAYS
- 1143.06 NOISE
- 1143.07 LIGHT & GLARE
- 1143.08 VIBRATIONS
- 1143.09 STORM WATER RUNOFF
- 1143.10 PEDESTRIAN CONNECTION
- 1143.11 CLEAR SIGHT DISTANCE
- 1143.12 DEMOLITION

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- 1145.01 PARKING & LOADING
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- 1145.03 REQUIRED SPACES
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- 1145.05 OFF-STREET PARKING
- 1145.06 SLIP-STREET PARKING
- 1145.07 OFF-SITE PARKING
- 1145.08 BICYCLE PARKING
- 1145.09 LOADING
- 1145.10 PARKING STRUCTURES
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- 1145.15 DIMENSIONS
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- 1147.01 PURPOSE & INTENT
- 1147.02 GENERAL
- 1147.03 BUFFERYARDS
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- 1147.05 BUILDING FOUNDATION LANDSCAPING
- 1147.06 PARKING LOT LANDSCAPING

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CHAPTER 1131
ENACTMENT & INTERPRETATION

- 1131.01 TITLE
- 1131.02 COORDINATION WITH OTHER REGULATIONS
- 1131.03 RULES OF CONSTRUCTION
- 1131.04 PURPOSES
- 1131.05 VALIDITY
- 1131.06 POWERS AND DUTIES OF THE ZONING
ADMINISTRATOR
- 1131.07 PLANNING COMMISSION AND BOARD OF ZONING
APPEALS

1131.05 VALIDITY

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

1131.06 POWERS AND DUTIES OF THE ZONING ADMINISTRATOR

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

1131.07 PLANNING COMMISSION AND BOARD OF ZONING APPEALS

A. Establishment. Article VII of the Charter of the City of Kettering established the Planning Commission and Board of Zoning Appeals.

B. Officers. At the first meeting in each year of the Planning Commission and Board of Zoning Appeals, the members of such body shall elect a Chairperson, Vice Chairperson, and Secretary by a majority vote of the members appointed to such body. The Chairperson, Vice Chairperson, and Secretary of each body shall serve at the pleasure of such body until successors are elected. Council may remove any member for just cause as provided for in City of Kettering Charter Section 7-14.

C. Quorum. A majority of the members of each body to shall constitute a quorum for meetings of such body, and a majority vote of the members appointed to each body shall be necessary to take any action and for the passage of motions.

D. Bylaws. Each body may adopt bylaws providing for the number and manner of calling regular and special meetings, and to provide for the conduct and government of meetings. However, such bylaws shall not conflict with the provisions of the City of Kettering Charter or any ordinance passed by Council.

1135.02.3 TABLE 35.2 - PERMITTED PRINCIPAL USES - CONTINUED

4. COMMERCIAL	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Business Park	Community Center	Institutional
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"/>			
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"/>		
Kennels*								<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

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								■			
Personal Services								■	<input type="checkbox"/>		
Pharmacies								■			
Plant Nurseries									■		
Restaurants*								■	<input type="checkbox"/>	<input type="checkbox"/>	
Sexually Oriented Business*									<input type="checkbox"/>		
Specialty Retail								■	<input type="checkbox"/>	<input type="checkbox"/>	
Tattoo Parlors*								■			
Used Merchandise & Thrift Stores								■			
Vehicle Fueling, Recharging*								■	<input type="checkbox"/>		
Vehicle Rental & Service*								■	<input type="checkbox"/>		
Vehicle Sales & Service*								■	<input type="checkbox"/>		
Weapon Sales*								■			

5. CIVIC

Amphitheater, Stadiums*				<input type="checkbox"/>				■		<input type="checkbox"/>	
Arenas, Auditoriums, Concert Halls*				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>	<input type="checkbox"/>	
Art Gallery, Arts Center								■	■	<input 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 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

6. INDUSTRIAL	R-E(a)	R-E(b)	R-1	R-2	R-3	R-4	Office	Business	Business Park	Community Center	Institutional
Commercial Bakery*, Microbrewery								<input type="checkbox"/>	■		
Contractor's Office							■	■	■	■	
Contractor's Shop								■	■		
Contractor's Storage Yard*									■		
Electric Substation*	<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"/>	
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*							<input type="checkbox"/>	<input type="checkbox"/>	■		
Process Plant*									<input type="checkbox"/>		
Product Assembly*									■		
Public Service Yard*								<input type="checkbox"/>	■		
Research & Development*							<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>	<input type="checkbox"/>
Recycling Facility*									<input type="checkbox"/>		
Self & Mini Storage*								<input type="checkbox"/>	■		
Storage Yards, Building Materials*									■		
Storage Yards, Outdoor Merchandise*									■		
Vehicle Storage, Indoor*								■	■		
Vehicle Storage, Outdoor*									■		
Warehousing & Distribution*								<input type="checkbox"/>	■		
Wholesale Sales & Supply Houses*							<input type="checkbox"/>	<input type="checkbox"/>	■		

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

CHAPTER 1137
STANDARDS FOR SPECIFIC USES

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1137.02.1	Multi-Unit 3-12 Units	1137.06.9	Fountains, Public Plazas, Parks, & Natural Areas
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1137.02.3	Care Facilities	1137.06.11	Golf Courses, Membership Clubs, & Associations
1137.02.4	Live / Work	1137.06.12	Governmental Facilities (Post Offices, Police and Fire Houses)
		1137.06.13	Hospitals
1137.03	LODGING STANDARDS	1137.06.14	Libraries, Museums
1137.03.1	Bed & Breakfast	1137.06.15	Parking Structures
1137.03.2	Hotels & Motels	1137.06.16	Places of Worship
1137.03.3	Corporate Retreat Center	1137.06.17	Public Transit Stations
		1137.06.18	Surface Parking Lot
1137.04	OFFICE STANDARDS	1137.07	INDUSTRIAL STANDARDS
1137.04.1	Animal Hospital & Clinics	1137.07.1	General
1137.04.2	Technical Repairs	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
1137.04.3	Work / Live	1137.07.3	Electric Substations
		1137.07.4	Energy Conversion, Solar & Wind
1137.05	COMMERCIAL STANDARDS	1137.07.5	Fabrication, Industrial Crafts
1137.05.1	Tobacco, Nicotine, or Vaping Sales	1137.07.6	Laboratory or Specialized Facility, Research and Development
1137.05.2	Animal Care, Grooming	1137.07.7	Manufacturing, Process Plant
1137.05.3	ATM, Standalone	1137.07.8	Public Service Yards, Storage Yards (Contractor, Building Materials, & Outdoor Merchandise)
1137.05.4	Automobile Service, Repairs & Modifications	1137.07.9	Recycling Facility
1137.05.5	Automobile Washing	1137.07.10	Vehicle Storage, Indoor & Outdoor
1137.05.6	Banks, Credit Unions		
1137.05.7	Bar, Lounge, Tavern, Nightclub	1137.08	TEMPORARY USE STANDARDS
1137.05.8	Big Box Stores		
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1137.05.10	Convenience, Drive-Thru Stores		
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1137.05.13	Kennels		
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1137.05.19	Vehicle Fueling, Recharging		
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1137.06.2	Arenas, Auditoriums, Concert Halls, Movie Theatres & Performance Theatres		
1137.06.3	Cemeteries		
1137.06.4	Communications Towers		

1137.02.2 MULTI-UNIT 13-PLUS UNITS

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

A1. Such multi-unit dwellings shall be located on lots of at least 10 acres in area and shall contain at least 200 dwelling units.

B2. 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.

B. Multi-Unit 13-Plus dwellings developments within non-residential zoning districts (O, B, BP, CC) shall include the following design elements:

1. Common Areas. Such developments shall include readily-accessible common areas that are usable by residents and visitors of the development. These areas may include playgrounds, pedestrian walkways, and other usable areas.

2. Architecture. The architectural style, colors, and materials shall be similar in character to the predominate architecture of nearby structures in the same Pattern District and in conformance with the current standards of Chapter 1149. Nothing in this section shall permit a violation of the architectural standards of Chapter 1149 of this Code.

1137.02.3 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.

TABLE 35.2 PERMITTED PRINCIPAL USES, SECTION 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.03.2 HOTELS & MOTELS

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

- A. Hotels, Lodges, and Motels shall be located on lots with a minimum lot area of 2 acres. Such uses shall contain at least 1,000 square feet of lot area per guest or sleeping room, whichever is greater.
- B. All structures, shall be located at least 25' from any residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.
- C. A finished masonry wall meeting the requirements of Section 1147.08.5.E or bufferyard privacy fence meeting the requirements of Sections 1147.08.5.C and 1147.08.5.D of this Code that is 6' in height shall be provided along any property line of such an establishment adjoining a residentially used property, excluding multi-unit dwellings located within TC and NC pattern districts. This requirement is in addition to any bufferyard, screening, or landscaping requirements.
- D. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:
 1. No additional or unreasonable traffic hazards shall be created by such access;
 2. The access shall not create such an increase in traffic volume through a residential neighborhood, compared to traffic resulting from such a use but without that access, as to create a significant adverse impact upon the value of adjacent or nearby property.
- E. If such a use is located within a district where it is permitted as a conditional use, as listed in TABLE 35.2 PERMITTED PRINCIPAL USES, SECTION 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.03.3 CORPORATE RETREAT CENTER

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

ship, 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.~~
- ~~B.~~ All activities other than parking and loading and exercise areas shall be conducted indoors.
- ~~B.C.~~ 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.

ED. 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.

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

GE. 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.

1137.05.15 RESTAURANTS

- A. Restaurant establishments with drive-in or drive-thru facilities are permitted subject to the following conditions:
 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.
 2. Such establishments shall not interfere with the movement of people along pedestrian or active transportation ways, such as jogging paths or bikeways.
 3. Such establishments shall be located on lots with a minimum lot area of 20,000 square feet.
 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 1143.06, Noise.

dards:

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 ~~46'~~ 18' 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

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 meeting the requirements of Section 1147.08.5.E or bufferyard privacy fence meeting the requirements of Sections 1147.08.5.C and 1147.08.5.D of this Code 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. For all sites that do not have ingress and egress from a thoroughfare, arterial, or collector street, a Traffic Management Plan shall be submitted in accordance with Section 1153.08.14, Traffic Management Plan.
- F. If such a use is located within a district where it is permitted as a conditional use, as listed in TABLE 35.2 PERMITTED PRINCIPAL USES, SECTION 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.06.3 CEMETERIES

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

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

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.

1137.06.17 PUBLIC TRANSIT STATIONS

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

- A. All public transit structures shall be 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 meeting the requirements of Section 1147.08.5.E or bufferyard privacy fence meeting the requirements of Sections 1147.08.5.C and 1147.08.5.D of this Code 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.

1137.06.18 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;

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 meeting the requirements of Section 1147.08.5.E or bufferyard privacy fence meeting the requirements of Sections 1147.08.5.C and 1147.08.5.D of this Code 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. ~~Self and mini storage facilities shall have a maximum lot area of 5 acres.~~
- F. ~~The boundary of the lot on which a self and mini storage facility is located shall be located at~~

least 500' from a Thoroughfare:

~~G. Vehicular access to a self 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.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.

1137.07.3 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.

1137.07.6 LABORATORY OR SPECIALIZED FACILITY, RESEARCH AND DEVELOPMENT

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

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

- A. All structures shall be located at least 50' from any residential district or residentially used property.
- B. All storage of materials or equipment that is not totally enclosed within a building shall be located at least 150' from any residential district or residentially used property and shall be screened as specified in Section 1147.10, Screening of Service & Storage Areas.
- C. If such a use is located within a district where it is permitted as a conditional use, as listed in TABLE 35.2 PERMITTED PRINCIPAL USES, SECTION 1135.02.3 then a Conditional Use Permit must be obtained as specified in Section 1153.08, Conditional Use Approvals.

1137.07.7 MANUFACTURING, PROCESS PLANT

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

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

- A. All structures shall be located at least 100' from any residential district or residentially used property.
- B. All storage of materials or equipment that is not totally enclosed within a building shall be located at least 150' from any residential district or residentially used property and shall be screened as specified in Section 1147.10, Screening of Service & Storage Areas.
- C. All outdoor production, fabrication, and/or manufacturing shall be at least 400' from adjacent residentially used and/or zoned 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, or residential district. 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.

1137.07.8 PUBLIC SERVICE YARDS, STORAGE YARDS (CONTRACTOR, BUILDING MATERIALS, & OUTDOOR MERCHANDISE)

Public Service Yards, Contractor Storage Yards, Building Material Storage Yards, and Outdoor Merchandise Storage Yard 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 meeting the requirements of Section 1147.08.5.E or bufferyard privacy fence meeting the requirements of Sections 1147.08.5.C and 1147.08.5.D of this Code 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

Recycling 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. 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. 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. 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

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.
- C. Decks and Patios shall have landscaping meeting the foundation landscaping requirements of Section 1147.05, Building Foundation Landscaping, of this Code on all sides.
- D. Such structures may be located in front, street-side, side, and rear yards.

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.

1139.03.10 POOLS, HOT TUBS, SPAS

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

A. Swimming Pools shall meet the following standards:

1. Private residential swimming pools shall be used solely for the enjoyment of the occupants and their guests of the permitted principal use of the property on which the swimming pool is located.
2. A zoning permit shall be obtained from the Zoning Administrator for Swimming Pools.
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~~; 485 pounds of weight and complies with ASTM (American Society for Testing and Materials) specification F1346-91 or as modified which standard is incorporated herein by reference as if fully rewritten;
 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 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.
 3. Such structures having a water surface span of 9' or less may be closer than 6' from the principal structure provided all building code requirements are met.
- 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.

8. Towers

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

9. Decommissioning

- a. The owner or operator of a Wind Energy Conversion device is responsible for decommissioning that device and for all costs associated with decommissioning that device and associated facilities.
- b. A Wind Energy Conversion device is presumed to be at the end of its useful life if the device generates no electricity for a continuous period of 12 months. The presumption may be rebutted by submitting to the Zoning Administrator for approval, a plan outlining the steps and schedule for returning the Wind Energy Conversion device to service within 12 months of submission of the plan.
- c. The owner or operator shall begin decommissioning a Wind Energy Conversion device within 8 months after the time the device or turbine reaches the end of its useful life, as determined in 9(b). Decommissioning must be completed within 18 months after the device(s) reaches the end of its useful life.
- d. Decommissioning includes the dismantling and removal of all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings, and ancillary equipment.
- e. After the tenth year of operation of a Wind Energy Conversion device, the Zoning Administrator may require a letter of credit or other form of financial assurance that is acceptable to the Zoning Administrator to cover the anticipated costs of decommissioning the Wind Energy Conversion device(s).
- f. If the Wind Energy Conversion device owner or operator does not complete decommissioning, the City of Kettering may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the letter of credit or other form of financial assurance, and seek any additional payment necessary to complete decommissioning of such device(s) from the facility owner or operator.

B. Solar Energy Conversion

1. Accessory Solar Energy Conversion devices shall be designed and located in order to prevent reflective glare toward any occupied structure on adjacent properties as well as any adjacent right-of-way.
2. All exterior electrical and/or plumbing lines must be buried below the surface of the ground when practical. Where such lines are exposed, all plumbing and/or electrical lines must be painted, coated and/or treated to match the color of the roofing material and walls to which they are attached.
3. All Accessory Solar Energy Conversion devices shall be attached to a building roof or be ground-mounted on a mounting system specifically designed and engineered to support

Solar Energy Conversion devices.

4. Ground-mounted accessory solar energy systems may be located in the side or rear yard. Such systems may not cover more than twenty-five percent (25%) of the side or rear yard in which they are installed.
5. Ground-mounted accessory Solar Energy Conversion devices shall be located at least three (3) feet from all lot lines.
6. Ground-mounted accessory Solar Energy Conversion devices shall be screened to soften their appearance by means of fences, walls, landscaping, or a combination. Solar energy conversion devices having a surface area of two (2) square feet or less that are attached to a light fixture or similar appurtenance to provide electrical power for said fixture or appurtenance are exempt from this provision.
47. No such device shall be mounted to a mansard roof.
58. When placed on a pitched roof structure Accessory Solar Energy Conversion devices shall not extend more than 8" from the roof 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. In no instance shall any part of the device extend beyond the edge of the roof. Ground-mounted Solar Energy Conversion devices shall adhere to the height standards for accessory structures found within the Kettering Zoning Code.
69. Only commercially produced Accessory Solar Energy Conversion and mounting devices are permitted. The manufacturer specifications for conversion devices and the mounting structures shall be submitted as part of the application for approval.

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

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, BP, 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~~ 50% 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.

If access drives for adjoining Sites are consolidated in addition to the provision of a cross access easement, then all participating lots shall be entitled to a 100% reduction in the required number of bufferyard plantings between the two Sites provided the shared drive runs in the location of the required bufferyard plantings.

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.

1143.07.14 POLES AND STANDARDS

- A. Luminaires shall only be installed on ground-mounted poles or bollards, or be mounted directly on a building wall.
- B. All poles or standards used to support outdoor lighting luminaires shall be anodized or otherwise coated to minimize glare from the light source. Wood poles are not permitted.

1143.07.15 UNIFORMITY

All exterior lighting located in R-3, R-4, CC, O, IS, B, and 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 ~~0.4~~ the following foot-candles at any property line of said site for the following adjacent uses:

--Single-Unit Residential	0.1 foot-candles
--Multi-Unit Residential	0.3 foot-candles
--Civic	0.5 foot-candles
--Office	0.5 foot-candles
--Commercial	1.0 foot-candles
--Industrial	1.0 foot-candles
--Street Rights-of-Way	1.0 foot-candles

property, and 1.5 lux (0.15 fc) at any location on any residential property, as measurable from any orientation of the measuring device, shall be sought.

4. Certification: Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Code.
5. Other Lighting: All lighting not directly associated with the special use listed within this Section shall conform to the lighting standards described in this Code, including but not limited to the shielding requirements of Section 1143.07.9 and the requirements of Section 1143.07.11. The measurement area for the determination of compliance with Section 1143.07.11 shall not include the area of the athletic field, court, or track illuminated by such special use lighting.

1143.07.21 SERVICE STATION CANOPIES

- A. Shielding: All luminaires mounted on or recessed into the lower surface of service station canopies shall be full cutoff and shall utilize flat lenses.
- B. Total Under-Canopy Output: The total light output used for illuminating the area below service station canopies shall not exceed an Average Horizontal Maintained Illumination (AHMI) of 20 ~~30~~ foot-candles. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included in this calculation.

The calculation area shall include the area located directly under the canopy and also all areas located within 15' of said canopy. However, this shall not preclude compliance with Section 1143.07.17, Light Trespass.

1143.08 VIBRATIONS

1143.08.1 CONTROL OF VIBRATION

Every Use shall be operated in such a manner that ground vibration, inherently or recurrently generated, is not perceptible, without instruments, at any point along the property boundary of the property on which the use is located.

1143.09 STORM WATER RUNOFF

Storm water runoff from the development shall be provided in accordance with the regulations of the City of Kettering in Section 1104.13 - Storm Water Runoff, Soil Erosion and Sedimentation Control. To the extent possible, the storm water runoff plan shall be integrated with the landscaping plan.

**CHAPTER 1145
PARKING & LOADING**

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- 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; however, residential driveways are not considered parking spaces. Section 1159.02, Definitions.
- 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. When locating such a parking area within a street-side yard, such parking area shall be set back a minimum of 3' from all lot lines and be screened from adjoining properties with a minimum 6' high continuous evergreen hedge or privacy fence.
- 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

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.

This table continued upon next page...

1145.14.2 CURBING MATERIALS

- A. Except where openings are required for storm water management, the perimeter of all Parking Lots, Slip-Streets, Landscape Islands, Access Drives, and other locations where deemed appropriate by the Zoning Administrator, shall be improved with concrete full-depth barrier curbs. Full-depth roll curbs may be approved by the Zoning Administrator in cases where such curbs continue an existing curb pattern.
- B. The Zoning Administrator may waive or modify this requirement where the use of raingardens or other environmentally sensitive storm water runoff controls are proposed. In evaluating the design the Zoning Administrator shall use the following criteria:
1. The design is compliant with Section 1104.13 - Storm Water Runoff, Soil Erosion and Sedimentation Control.
 2. The design is architecturally and visually appropriate and consistent with surrounding uses and structures and is aesthetically integrated with the overall Landscape Plan for the Site.
 3. The proposal is prepared under the direction of and shall bear the seal of a Registered Landscape Architect with the State of Ohio.
- C. Existing Parking Areas. The Zoning Administrator may waive or modify this requirement or allow for non-barrier curbing (i.e. add-grade full depth curbs, roll curbs, or extruded curbs) in areas where existing, nonconforming parking lots do not include full-depth barrier curbing. In cases where curbing is or was present but is not full-depth barrier curbing or has deteriorated, such curbing shall be replaced with full-depth barrier curbs. In evaluating this curbing requirement and determining when to approve a modification or waiver, the Zoning Administrator shall use the following criteria:
1. The parking lot existed prior to the implementation of the curbing standard in the Zoning-Code;
 2. The applicant has demonstrated that the proposed site design will manage storm water runoff;
 3. No curbing, full depth or otherwise, is or has been present in the areas where the standard is being waived or modified;
 4. If concrete extruded barrier curbs exist and are to be retained, the curbs were installed legally, and are in good condition or can be repaired; and
 5. Sufficient protections are proposed to protect landscaping areas from vehicle encroachment.

1145.15 DIMENSIONS

The dimensional requirements regarding parking space and parking lot layout are as shown in the diagrams and tables of this Section. Required dimensions regarding parking spaces and parking lot layout are shown in TABLE 45.5 - REQUIRED PARKING LOT DIMENSIONS, SECTION 1145.15.4.

CITY OF KETTERING ZONING CODE

1145.16 SUBSTITUTION OF STANDARDS FOR NONCONFORMING SITES

Standards found within Section 1145.15, Dimensions, may be modified in accordance with Section 1155.09, Modification of Standards for Nonconforming Sites.

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.

1147.04 STREETScape LANDSCAPING

1147.04.1 APPLICABILITY

This section applies to any non-residential development, multi-unit residential development consisting of 4 or more dwelling units, and all residential development requiring subdivision review and consisting of 3 or more lots.

1147.04.2 STREETScape LANDSCAPING REQUIRED

A. Size

Where no existing or proposed overhead utility lines exist, street trees shall be Canopy or Group A Trees. If existing or proposed overhead utility lines exist along the right-of-way that are greater than 35' in height, then the trees shall be Group A Trees. If existing or proposed overhead utility lines exist along the right-of-way that are lower than 35' in height, then the trees shall be Group B Trees.

B. Location

The street trees shall be planted according to the following standards and in the following order of priority:

- 1. First, within a minimum 5' wide landscaped planting strip located upon the subject prop-

A. Planting Area

1. A minimum of 5% of the total parking lot area shall be landscaped and permeable.
2. Landscaped areas in parking lots shall be dispersed throughout in peninsulas or islands. The maximum landscape island or peninsula size shall be:
 - a. 360 square feet within parking lots less than 30,000 square feet;
 - b. 1,080 square feet within parking lots of 30,000 square feet or more.
3. The minimum landscape island or peninsula size shall be at least 9' wide and 15' long with a 2'-6" minimum distance between all trees or shrubs and the edge of pavement where vehicles overhang.
4. The Zoning Administrator may vary the requirements for minimum and maximum size of landscape islands and peninsulas if any of the following conditions exist:
 - a. The need to concentrate landscape areas for the purpose of storm water detention;
 - b. The need to locate required landscaping on the perimeter of a vehicular use area in the case of a small or unusually shaped lot or where additional screening is desired.

B. Plant Materials

1. One Canopy Tree or 2 Group A Trees shall be required for every 3,000 square feet of Parking Lot area.
2. Trees shall have a clear trunk of at least 5' above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed 3' in height.
3. A sidewalk at least 5' in width shall be required to separate any side of a building with a public entrance from a Parking Lot. Such sidewalks shall be installed as to extend the full length of the parking lot on the side of the building where the customer entrance is located.

C. Screening

In addition to the bufferyard requirements established in this Chapter, the perimeter of all Parking Lots and Vehicular Use Areas shall be screened from view from rights-of-way, private streets and neighboring properties according to the following standards:

1. Such areas shall be separated from Rights-of-Way and private streets by a minimum 5' wide landscaped strip planted in accordance with subitem (2) below and this Chapter. See also Section 1147.04 Streetscape Landscaping.
2. The perimeter of such areas shall be screened by a continuous hedge, wall, fence, berm, or any combination of these at least 2'-6" in height. However, on the perimeter of such areas where Type A, B, or C Bufferyards are required, the perimeter of such areas shall be screened by a continuous hedge, wall, fence, berm, or any combination of these at least 4' in height.

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. Bufferyard 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, composite material, masonry, precast concrete, metal, or wrought iron with an adjoining hedge or other acceptable materials, as determined by the Zoning Administrator, 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 47.3 - FENCE PLANK SPACING, Section 1147.08.6.
2. The planks of a wood privacy fence shall be at least 5/8 inches thick.
- 2.3. Any wooden privacy fence used to satisfy bufferyard and/or screening requirements shall include at least one of the following architectural or landscaping elements for every 50 lineal feet:
 - a. A masonry wall or column extending at least 12 inches vertically and 6 inches horizontally from the remainder of the fence;
 - b. A decorative post, finial, post cap or other commonly utilized decorative fencepost elements extending at least 6 inches vertically from the remainder of the fence;
 - c. Climbing vines, shrubs, or trees planted along the base of that portion of the wall or fence that fronts a public street. The remaining setback area between the fence and property line shall be landscaped with grass or other low ground cover. All plants shall be maintained consistent with the provisions of this chapter. Only living vegetation may be used to meet these landscaping requirements.

E. Wall Construction

1. Masonry walls shall be constructed of "finished masonry materials" on all exposed faces, capped with a water resistant cover or coping of similar material, and set on a stable foundation and footing located at least ~~30~~ 32 inches below the lowest finish grade or to

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.

the frost depth, whichever is lowest.

2. The wall must be constructed with masonry units and mortar; loose laid materials are prohibited.
3. ~~If the wall also functions as a retaining wall, with the finish grade higher on one side than the other, sufficient engineering documents must be submitted detailing the method of reinforcing and stabilizing the wall to resist horizontal pressures.~~
43. The wall must be constructed with the same "finished masonry material" on each side of the wall. The wall may have a different material on one side than the other, but materials must not be combined on the same side or face of the old wall.
54. A "finished masonry wall" is defined as a solid wall that is constructed with the same finished masonry material on any given side, and that is constructed on both sides with one of the following finished materials:
 - a. Cast in place colored concrete, textured by use of form liners or with an exposed aggregate finish;
 - b. Pre-cast colored concrete, textured by use of form liners or with all exposed aggregate finish;
 - c. Concrete masonry units, colored and textured by scoring, fluting, ribbing, fracturing, splitting, or polishing the surface to produce a face module of less than the nominal 8" high by 16" long;
 - d. Face brick, fired, glazed or unglazed, in any normally accepted size such as: standard, modular, engineer, economy, king, norman, jumbo utility, or 8" by 8";
 - e. Stone, cut stone, field stone, rubble stone, or surfaced limestone.

5. Retaining Walls.

- a. If the wall functions as a retaining wall, with the finished grade higher on one side than the other, sufficient engineering documents shall be submitted detailing the method of reinforcing and stabilizing the wall to resist horizontal pressures. Depending upon the type (i.e. segmental/stacked materials, mortared/grouted masonry units, or poured concrete), size, location, and height of the wall, "sufficient engineering documents" may include, but not be limited to: manufacturer's specifications/instructions of the materials used to build the wall or engineer-stamped drawings of the wall design.

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

- A. The Zoning Administrator may permit a waiver substitution or modification of the standards contained in 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:
 - ~~A1.~~ 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
 - ~~B2.~~ That an alternative arrangement be provided that will provide a comparable level of protection imposed by the original standard or condition.
- B. For nonconforming Sites, standards found within Section 1147.03 Bufferyards, Section 1147.04 Streetscape Landscaping, Section 1147.05 Building Foundation Landscaping, and Section 1147.06 Parking Lot Landscaping may be modified in accordance with Section 1155.09 Subtitlution of Standards for Nonconforming Sites.

CHAPTER 1155
NONCONFORMITIES

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1155.02 GENERAL

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- 1155.02.2 Table 55.1 - Nonconformities
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1155.03 NONCONFORMING USES

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1155.04 NONCONFORMING SITES

1155.05 NONCONFORMING STRUCTURES

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1155.07 NONCONFORMING SIGNS

1155.08 TERMINATION OF NONCONFORMITY

**1155.09 MODIFICATION OF STANDARDS FOR
NONCONFORMING SITES**

1155.03.2 CONTINUANCE

A nonconforming use may be continued unless it terminates as defined in Section 1155.03.5, Termination. The right to continue the nonconforming use continues even though there is a change of ownership or change of occupant or change of management where there is no change in the operation of the nonconformity.

1155.03.3 ENLARGEMENT

A conforming structure in which a nonconforming use is operated shall not be enlarged or extended except as required by law or ordinance. Such use may be extended throughout the structure, provided that no structural alterations or additions to the structure take place except for those made in conformance with the Zoning Code.

1155.03.4 CONDITIONS

The right of nonconforming uses to continue is subject to such regulations as to the maintenance of the premises and conditions of operation as may, in the judgment of the Board of Zoning Appeals, be reasonably required to promote the public health, safety, and welfare of the neighborhood in which the nonconformity exists through improvement of property values, avoidance of blighting influences, reduction of traffic, lowering of noise, improvement of the maintenance to the site or structure, or enhancement of services necessary by the occupants of nearby properties.

1155.03.5 TERMINATION

A nonconforming use shall terminate if it is abandoned for a period of 6 months or more or in the event that any building or structure that is devoted in all or part to a nonconforming use is destroyed by any means to an extent more than 50% of the county's appraised value for the subject property prior to the time of damage of such structure, exclusive of foundations. In the event the nonconforming use is terminated by means of destruction of the structure as described in this Section, the owner may either demolish the remainder of the structure and clear the lot or remodel the structure for a use that does conform to the Zoning Code.

1155.04 NONCONFORMING SITES

- A. A nonconforming site shall lose the right to continue and shall be brought into full compliance if any of the following conditions are present:
1. The number of dwelling units is expanded by 25% or more;
 2. The site improved surface area of the Site is ~~modified, or altered or expanded~~ by 10% or more in improved surface area;
 3. The gross floor area is expanded by 10% or more;
 4. The number of parking spaces or the parking lot is expanded by 10% or more;

Nonconforming Site

A nonconformity involving any aspect of the Site, not including use, structures, signs, or the minimum lot area or lot frontage

5. The site is destroyed or damaged by 30% or more in area;
6. The use is changed;
7. The site is abandoned for 24 months or more; or
8. A structure is relocated to the subject Site.

In the event that the principal use of the property is abandoned the bufferyards required shall be those that were required for the most recent permitted principal use of the property.

- B. A nonconforming site shall lose the right to continue and at a minimum shall be brought into compliance on an incremental basis if any of the following conditions are present:
1. The ~~site improved surface area of the Site is modified, or altered or expanded~~ by 5% or more but less than 10% ~~in improved surface area~~;
 2. The number of dwelling units is expanded by 10% or more but less than 25%;
 3. The gross floor area is expanded by 5% or more but less than 10%;
 4. The number of parking spaces is expanded by 5% or more but less than 10%; or
 5. The site is destroyed or damaged by 10% or more but less than 30% in area.

The yard (front, rear, side, or street side yard) that is the most nonconforming shall be brought into compliance. If the yards are equal in regards to their degree of nonconformity, then the following aspects listed in order of their rank shall determine which yard must be addressed and brought into compliance:

1. A yard adjoining a residential use;
 2. A yard most visible from the most traveled right-of-way;
 3. A yard that adjoins a primary customer entrance;
 4. A yard that adjoins parking.
- C. Cumulative modifications, expansions, and alterations constituting any of the above thresholds shall invoke the requirements of this Chapter.
- D. Exemption: A site that is nonconforming in regards to the location of an off-street parking area per TABLE 45.3 - OFF-STREET PARKING LOCATIONS, SECTION 1145.05.2, shall be allowed to retain the location of such nonconforming off-street parking area provided that at least one of the following conditions is present:
1. The location of the existing principal structure, or structures, prevent the relocation of the required parking area to a complaint location upon the site.
 2. The location of a compliant access point, or points, prevent the relocation of the required

1155.09 MODIFICATION OF STANDARDS FOR NONCONFORMING SITES

Certain standards relating to site design as specified within this Zoning Code may be modified to promote the re-used of existing sites and structures in order to preserve existing infrastructure, lessen waste, and reduce the consumption of energy and materials associated with new construction. Such standards, those of which are specified in Sections 1145.16 and 1147.14 of this Code, may be modified, but not waived, by the Zoning Administrator according to the following standards:

- A. The subject Site is existing and nonconforming;
- B. An existing principal structure will be reused;
- C. The proposed improvements will not increase any nonconforming condition;
- D. The proposed improvements are more compliant than existing conditions and bring the Site as close to conformity with the standards of this Code as the physical circumstances make possible;
- E. The provision of adequate emergency access for public safety persons and vehicles is maintained or improved;
- F. Accessibility is improved;
- G. Landscaping, if a reduction is proposed, will be concentrated in areas of the Site most visible from public view and neighboring residential uses;
- H. Storm water quality will be improved;
- I. Glare will be reduced and light trespass onto adjoining residential uses will be brought into compliance.

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
Arcade
Arch
 Arena
 Art Gallery
 Arterial Street
 Arts Center
 ATM
Attached
 Auditorium
 Automobile Repair
 Minor Repair
 Major Repair

B

Body Work
 Automobile Service Station
 Average Horizontal Maintained Illumination
 Average Vehicle Trip Ends
Awning
 Balcony
 Bar, Lounge, Tavern, Nightclub
 Basement
 Bed and Breakfast
 Big Box Store
 Block
 Bufferyard
 Building
 Building Footprint
 Building Height
 Building Services
 Business Services, Mailing, Reproduction

C

Caliper
 Campus
Canopy
 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

CHAPTER 1159

RULES OF INTERPRETATION & DEFINITIONS

	Cross Access Easement		Flat Lens
	Cul-de-sac		Foot-candle
	Customer Entrance		Full Cutoff
	Cutoff		Funeral Home
D	Day	G	Gaming
	Day Care, Adult		Garage
	Day Care, Child		Garage, Private Residential
	Day Care Center		Gate
	Daytime		Glare
	Decibel		Golf Course
	Deciduous		Governmental Facility
	Deck		Grade
	Density		Ground Floor Elevation
	Detached	H	Hardscape
	Developer		Hedge
	Development		Home Furnishing Store
	Diameter at Breast Height		Home Occupation
	Disability		Hospital
	Drive-Thru Stores		Hotel
	Driveway		Household Pets
	Dwelling		Human Scale
	Dwelling Unit	I	Impervious Surface
	Single Unit Detached		Impervious Surface Coverage
	Single Unit Attached		<u>Improved Surface</u>
	Two Unit Attached		Incidental
	Duplex		Indoor Recreation
	Multi-Unit		Industrial Crafts
E	Educational Institution	K	Kennel
	Electric Substation		Kiosk
	Emergency Vehicle	L	Laboratory
	Enclosed, Roofed Accessory Structure		Landminium
	Energy Conversion		Landscape, Landscaping
	Energy Conversion, Geothermal		Library
	Energy Conversion, Solar		Light Output
	Accessory Energy Conversion, Solar		Live / Work
	Energy Conversion, Wind		Lot
	Accessory Energy Conversion, Wind		Lot Area
	Escort		Lot Depth
	Escort Agency		Lot Frontage
	Essential Services		Lot Width
	Establishment		Lot, Corner
	Evergreen		Lot, Double Frontage
	Equipment Rental Sales and Service		Lot, Flag
F	Facade		Lot, Interior
	Facade, Principal		Lot of Record, Nonconforming
	Facade, Secondary		Lot Lines
	Fall Zone		Front Lot Line
	Fence		Side Lot Line
	Flag		Rear Lot Line

CHAPTER 1159

RULES OF INTERPRETATION & DEFINITIONS

	Lot-Line House		Passenger Vehicle
	Lumen		Patio
	Luminaire		Pawn Shop
M	Manufacturing		Pedestrian
	<u>Marquee</u>		Performance Theatre
	Match		Person
	Medical Office and Clinic		Personal Service
	Membership Club, Association		Place of Worship
	Microbrewery		Political Subdivision
	Mortuary		Pool Barrier
	Motel		Porch
	Movie Theatre		Portable/Blow-Up/Wading or Kiddie Pools
	Movie Theatre, Drive-in		Printing, Publishing, Lithography, & Binding
	Mulching		Process Manufacturing
	Museum		Process Plant
N	Natural Area		Product Assembly
	New Housing Development		Professional Service
	Nighttime		Projection
	Nonconformity		Public Service Yard
	Nonconforming Lot		Public Transit Station
	Nonconforming Sign		Pump Station
	Nonconforming Site	R	Receiving Property
	Nonconforming Structure		Recreational Vehicle
	Nonconforming Use		Recycling Facility
	Non-Retail Laundries & Dry Cleaning Plants		Research & Development
	Noise		Residential Collector
	Noise Source Property		Residential Communications Equipment
	Nude, Nudity, or a State of Nudity		Residential Street
	Nurse Grass		Restaurant
O	Office		Cafeteria, Buffet, Dining Room
	Open Space		Fast-Food Restaurant
	Ornamental Pond		Drive-in Restaurant
P	Parcel		Tasting Rooms
	Park		Restrictive Deed Covenant
	Parking		Retaining Wall
	Aisle		Requeen
	Covered Parking		Right-Of-Way
	Dead-End Parking	S	Salvage
	Island		Satellite Earth Station Antenna
	Off-Site Parking		Self & Mini Storage
	Off-Street Parking		Semi-Nude or Semi-Nudity
	On-Street Parking		Sense of Place
	Parking Lot		Setback
	Parking Lot Area		Sewer, Liquid, & Solid Waste Facility
	Parking Space		Sexual Encounter Establishment
	Parking Structure		Sexually Oriented Business
	Peninsula		Shed, Storage Structure
	Shared Parking		Shrub
	Slip-Street Parking		Sightline

rear or side of those properties whose principal frontage is on some other street.

ALTERNATIVE MEDICINE OFFICE AND CLINIC

A facility operated by one or more licensed practitioners of therapeutic or preventive health care practices, such as homeopathy, naturopathy, chiropractic, and herbal medicine for the examination and treatment of persons solely on an outpatient basis.

ALTER, ALTERATION

As applied to a building or structure, a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. Also, as applied in general, to make different in some particular, such as size, style, or course; to modify.

AMBIENT NOISE LEVEL

The background sound pressure level at a given location, specified as a reference level to study a new intrusive sound source.

AMORTIZATION, AMORTIZED

The required removal of a nonconformity after a stated period of time without compensation.

AMPHITHEATER

An open-air venue typically used for theatrical or concert performances and typically feature a more traditionally theatrical style stage with the audience only on one side, usually at an arc of less than a semicircle.

AMUSEMENTS, GAME ROOMS

An establishment providing entertainment or games of skill to the general public that is wholly enclosed in a building, including but not limited to a billiard parlor or video game arcade. This does not include a Gaming establishment.

ANCILLARY EQUIPMENT

Equipment associated with a Communication Tower or Antenna, including, but not limited to, equipment cabinets or boxes, enclosures, generators, cables, conduit, wires, attaching devices, outbuildings, and all other such accessories and mechanical devices.

ANTENNA

Any apparatus designed for the transmitting and/or receiving of electromagnetic waves for telephonic, radio, or television communications. This includes, but is not limited to, omnidirectional (whip) antennas, sectorized (panel) antennas, multibay or single bay (frequency modulation and television), yagie, and parabolic (dish) antennas.

ARBOR

A structure characterized by a lattice work enclosure, on top or sides, which may be attached to or be detached from a principal structure.

ARCADE

A series of arches supported by pillars, piers, or columns.

ARCH

A curved structural member spanning an opening or recess.

ARENA

An enclosed area, often circular or oval-shaped, designed to showcase theater, musical performances, sporting events, or other entertainments. It is typically composed of a large open space surrounded on most or all sides by tiered seating for spectators.

ART GALLERY

A room or structure in which original works of art or limited editions of original art are bought sold, loaned, appraised, or exhibited to the general public. This clarification does not include libraries or museums.

ARTERIAL STREET

Any officially designated street with signals at important intersections and stop signs on the side streets, and that collects and distributes traffic to and from other streets. Major or minor arterial streets are designated on the Official Thoroughfare Plan of the City of Kettering.

ARTS CENTER

An art center is distinct from an art gallery or museum. An arts center is a functional community center intended to encourage arts practice and to provide facilities such as theatre space, gallery space, venues for musical performance, workshop areas, educational facilities, and/or technical equipment.

ATM

An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

ATTACHED

Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, facade wall extension, or archway.

AUDITORIUM

A building designed to accommodate public meetings or performances and enable an audience to hear and watch such performances.

AUTOMOBILE REPAIR

Automobile repair is of three types, namely:

MINOR REPAIR

The installation of minor parts, replacement of parts, reconditioning of engines and motor service to passenger vehicles and commercial vehicles not exceeding 1-1/2 tons capacity.

MAJOR REPAIR

The general servicing of passenger vehicles and commercial vehicles (excluding items listed under MINOR REPAIR, incidental body, frame, fender or painting work, and rebuilding of engines.

BODY WORK

The exterior repair of vehicles; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; and vehicle steam cleaning.

AUTOMOBILE SERVICE STATION

Any building, or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

AVERAGE HORIZONTAL MAINTAINED ILLUMINATION

The measure of the average foot-candle count across a horizontal plane measured at grade of a specified area. The maximum grid spacing for such a count shall be 10'-0". The maximum light loss factor utilized for such calculations shall not be below 0.70.

AVERAGE VEHICLE TRIP ENDS

The average number of single or one-direction vehicle movements, into or out of a site per day.

AWNING

A light-weight roof-like cover, often of fabric, metal, plastic, or fiberglass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported wholly by and projects from a wall or roof of a structure over a window, walk, door, or the like. Awnings are not supported by ground-mounted posts. For similar covers supported by ground-mounted posts, see also: CANOPY and MARQUEE.

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.

BUFFERYARD

A unit of land, together with a specified type and amount of planting materials and any structures that may be required to eliminate or to minimize conflicts between land uses.

BUILDING

Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of a person, animals, or property.

BUILDING FOOTPRINT

The outline of or the area encompassed by a building's exterior walls at the ground level.

BUILDING HEIGHT

The vertical distance from the average ground elevation at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, shed, or gambrel roofs.

BUILDING SERVICES

The provision of assistance, as opposed to products, to manage and maintain property and buildings.

BUSINESS SERVICES, MAILING, REPRODUCTION

The provision of assistance, as opposed to products, to business, industry, government, and other enterprises to manage business activities. Examples of such uses include, but are not limited to, copy centers, phone answering services, private mailing services, and postal boxes.

CALIPER

The diameter of a tree trunk, measured 6 inches up the trunk from ground level.

CAMPUS

A site made up of one or more lots, parcels or tracts of land all under common ownership or control containing the grounds and buildings of a single institution with multiple principal and accessory structures.

CANOPY

A permanent roof-like cover of rigid construction designed and intended for protection from the weather or as a decorative embellishment, which is supported wholly or in part from the ground, providing shelter over, for example, a doorway, outside walk, or parking area. For similar covers not supported from the ground, see also: AWNING and MARQUEE.

CARE FACILITY

Institutional housing configured as multiple living quarters with a common kitchen, dining, and/or recreation facilities, for individuals who, by reason of illness, physical impairment, or mental impairment, require skilled health care and/or personal assistance for daily activities. This definition does not include PERSONAL SERVICES, HOSPITALS, homes for foster children, drug or alcohol treatment facilities; or facilities that administer treatment as their primary function to in-patients, out-patients, or on a day care basis.

CARPORT

A roofed structure enclosed by no more than 3 walls and attached to the Principal Structure for the purpose of providing shelter for one or more passenger vehicles.

CELLAR

A basement used only for mechanical equipment accessory to the principal structure and not for habitable use. A cellar shall not be counted as a story in the computation of the intensity of land

delineate property, hide or obscure an object or objects from view, or to provide privacy.

HOME FURNISHING STORE

A retail establishment that primarily sells goods for furnishing or improving residential units. These establishments may include but are not limited to furniture stores, home electronics stores, appliance stores, and similar establishments.

HOME OCCUPATION

Any lawful activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

HOSPITAL

An institution, licensed by the Ohio Department of Health, providing primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training and educational facilities.

HOTEL

An establishment providing sleeping accommodations and customary lodging services on a transient basis for a nightly fee with access to units primarily from interior lobbies, courts, or halls. This definition does not include motels, camps, or correctional facilities.

HOUSEHOLD PETS

Any dog, cat or other specie of animal, fish, fowl, amphibian, or reptile which species is commonly deemed in this City to be tame and domesticated, or that is commonly accepted in this City as a pet kept inside a residence. A household pet is not kept for food production or agricultural value.

HUMAN SCALE

Development or architectural features that correspond to the size of the human body.

IMPERVIOUS SURFACE

Any material that reduces or prevents absorption of storm water into land. Examples of Impervious Surface may include but is not limited to roads, parking lots, buildings, pools, patios, sheds, driveways, sidewalks, and pavement.

IMPERVIOUS SURFACE COVERAGE

The area of impervious surface within a lot, parcel, or yard area divided by the total area of the lot, parcel, or yard area. Public sidewalks, public stream, and public drainage channels shall not be counted towards impervious surface coverage.

IMPROVED SURFACE

Means an area that is covered by a permanent hard surface; including: concrete, asphalt, pavers, and other similar surfacing materials but not including buildings or landscaping areas. Examples of areas constituting Improved Surface Areas include vehicular use areas, sidewalks, and patios.

INCIDENTAL

Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

INDOOR RECREATION

A recreational land use conducted almost wholly within an indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized sports or

The property lines bounding a lot.

FRONT LOT LINE

The line separating the lot from a street. In the case of a corner lot, the narrowest side fronting on a street shall be considered to be the front of the lot, unless otherwise noted within this Code.

SIDE LOT LINE

Any lot line other than a front or rear lot line. A side lot line separating a lot from a street shall be a street side lot line. A side lot line separating a lot from another lot or lots shall be an interior side lot line.

REAR LOT LINE

The lot line opposite and most distant from the front lot line.

LOT-LINE HOUSE

A single unit, fully detached residence located on an individual lot that is constructed contiguously to one side lot line.

LUMEN

The unit of luminous flux, equal to the luminous flux emitted in a unit solid angle by a point source of one candle intensity. This unit of measure is used to describe the quantity of light emitted from a source of light. Abbreviation: lm

LUMINAIRE

A device to produce, control, and distribute light. For example, wall sconces, street and roadway lighting, pathway lights, and decorative landscape lights. Outdoor luminaires are typically mounted to walls, poles, posts, bollards, or the ground.

MARQUEE

A permanent roofed structure projecting from and attached to and supported by a building. Marquees can be differentiated from Awnings and Canopies because they are permanent and substantial features supported only by a building. See also: CANOPY and AWNING.

MATCH

To have the same or similar appearance, to resemble or harmonize with, to be a close counterpart, to correspond in aesthetic qualities to another.

MANUFACTURING

The large scale use of machines, tools, and labor to produce finished goods for use or sale or to transform raw materials into finished goods. Such finished goods may be used for manufacturing other, more complex products, such as aircraft, motor vehicles, household appliances, or sold to wholesalers. Examples of manufacturing uses include but are not limited to: large-scale, lumber, milling, and planing facilities, aggregate, concrete, and asphalt plants, and vehicle parts production.

MEDICAL OFFICE AND CLINIC

A facility operated by one or more physicians, dentists, or other professionally licensed practitioners for the examination and treatment of:

- A) Persons solely on an outpatient basis; and/or

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. This use is not considered a Warehousing & Distribution use. See also: WAREHOUSING & DISTRIBUTION.

SEMI-NUDE OR SEMI-NUDITY

The showing of the female breast below a horizontal line across the top of the areola, or the showing of the male or female buttocks or pubic area. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

SENSE OF PLACE

The characteristics of a location that make it recognizable as different from its surroundings and that provides a feeling of belonging to or being identified with that particular place.

SETBACK

The distance between a property line and a building. Also, establishes the minimum and maximum required yard and governs the placement of structures and uses on the lot(s).

SEWER, LIQUID & SOLID WASTE FACILITY

A system or facility for treating, neutralizing, stabilizing, or disposing of sewage

SEXUAL ENCOUNTER ESTABLISHMENT

A business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of SPECIFIED SEXUAL ACTIVITIES. The definition of sexual encounter establishment or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

SEXUALLY ORIENTED BUSINESS

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. This use does not include Self & Mini Storage. See also: SELF & MINI STORAGE

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 and knives.

WHOLESALE SALES & SUPPLY HOUSES

An establishment or place of business primarily engaged in selling and/or distributing merchandise or supplies to retailers; to industrial, commercial, institutional, professional business users, or to licensed contractors or to other wholesalers.

WIRELESS DISTRIBUTED ANTENNAE SYSTEM (WDAS)

A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. The parts of a WDAS that transmit or receive a carrier's signal may for application and review purposes be treated as a single WDAS and shall not require a separate permit for each antenna.

WOODLAND

Land that is covered with dense growths of trees and shrubs with a Crown Closure measured at 25% or more.

WORK / LIVE

A structure or portion of a structure combining a residential living space with an integrated work space principally used by one or more of the residents. See LIVE / WORK.

YARD, FRONT

A front yard is an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified within this Zoning Code.

YARD, REAR

A rear yard is an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified within this Zoning Code.

YARD, REQUIRED

Required yard is the open space required by this Zoning Code between the lot line and the building except as provided by this Zoning Code.

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO CONTRACT WITH PEPSICO BEVERAGE SALES, LLC FOR THE PURCHASE OF NON-ALCOHOLIC, PEPSI PRODUCTS FOR SALE AT THE FRAZE PAVILION FOR THE 2023 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 hereby authorized, on behalf of the City, to contract with PepsiCo Beverage Sales, LLC for the purchase of non-alcoholic, Pepsi products for sale at the Frazee Pavilion for the 2023 season. 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 _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI
Clerk of Council

THEODORE A. HAMER III
Law Director

Estimated Cost: \$60,000.00
Funds Available: \$60,000.00
Acct. No. 2210-72220

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO APPLY FOR THE OHIO LAW ENFORCEMENT BULLETPROOF VEST PROGRAM GRANT THROUGH THE OHIO ATTORNEY GENERAL'S OFFICE

WHEREAS, the City of Kettering is eligible to apply for a Grant from the Ohio Attorney General's Office; and

WHEREAS, matching funds from the City are not required under this Grant; and

WHEREAS, if awarded, the Grant funds will reimburse 75% of the cost of body armor projected to be purchased by Kettering Police Department in 2023;

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

Section 1. The City Manager, on behalf of the City, is hereby authorized to take all necessary and proper action to apply for the above-described Grant from the Ohio Attorney General's Office.

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 _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

(Requested by: Police Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A
COST-SHARING AGREEMENT WITH THE BOARD OF
EDUCATION OF THE KETTERING CITY SCHOOL DISTRICT
FOR THE SAFETY SECTION PROGRAM FOR THE 2023-2024
SCHOOL YEAR**

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

Section 1. The City Manager, on behalf of the City, is hereby authorized to enter into an agreement with the Board of Education of the Kettering City School District to share the cost of maintaining the Engineering Department's Safety Section Program for adult crossing guards and safe route monitoring for elementary school areas and elementary students for the 2023-2024 school year. 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 _____ 2023.

PEGGY LEHNER, 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 ACCEPT A
FIRE PREVENTION GRANT FROM FM GLOBAL**

WHEREAS, the City applied for a FM Global Fire Prevention Grant; and

WHEREAS, the City's grant application was approved; and

WHEREAS, the grant funds will be used to purchase smoke detectors for use by income-qualified Kettering residents who would not be able to afford purchasing them;

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, to take all necessary and proper action to accept and expend the above-described grant from FM Global. Furthermore, Council ratifies the grant application and affirms all matters and statements included therein.

Section 2. This Resolution shall take full force and effect immediately upon its adoption.

Passed by Council this _____ day of _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$2,319.00
Amount Budgeted: \$0.00
Acct. No.: 0700-72220

(Requested by: Fire Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO CONTRACT FOR AN
ASSESSMENT CENTER WITH THE OHIO FIRE CHIEFS'
ASSOCIATION**

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, on behalf of the City, to contract with the Ohio Fire Chiefs' Association for an assessment center to evaluate candidates for the position of Fire Captain. 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 _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI
Clerk of Council

THEODORE A. HAMER III
Law Director

Estimated Cost: \$28,000.00
Amount Budgeted: \$28,000.00
Acct. No. 0450-72550 (\$14,000)
 0700-72550 (\$14,000)

(Requested by: Fire Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

AUTHORIZING THE CITY MANAGER TO PURCHASE TRAFFIC CONTROL EQUIPMENT FROM BALDWIN & SOURS AND TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR CONSTRUCTION OF THE SCHOOL ZONE FLASHERS - SHROYER AND GLENGARRY PROJECT (CITY PROJECT 02-007)

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, on behalf of the City, is authorized to contract for the purchase of traffic control equipment from Baldwin & Sours. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate; and

Section 2. On the basis that the City can often obtain lower prices and more favorable purchasing conditions through competitive bargaining and negotiated quotations than through sealed bids, the City Manager, on behalf of the City, is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more contracts for construction of the School Zone Flashers – Shroyer and Glengarry Project (City Project 02-007). 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 _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$50,000.00
Amount Available: \$50,000.00
Acct. No.: 5100-77750

(Requested by: Engineering 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, 2023

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, 2023, the following supplemental sums are set aside and appropriated:

A. From the General Fund:

ECONOMIC DEVELOPMENT DEPARTMENT	
Operating Expenses	\$ 15,018.30
FIRE DEPARTMENT	
Operating Expenses	\$ 2,319.00

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 _____ 2023.

PEGGY LEHNER, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

LASHAUNAH D. KACZYNSKI,
Clerk of Council

THEODORE A. HAMER III,
Law Director

Estimated Cost: \$17,337.30
Amount Budgeted: \$0.00
Acct. No. Various

(Requested by: Finance Department)