

NOTICE

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**CHAPTER 1131
ENACTMENT AND INTERPRETATION**

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SECTION 1131.01 TITLE.

Chapters 1131 through 1177 of the Codified Ordinances, inclusively, shall be known and may be cited as the “Zoning Ordinance of the City of Kettering,” or the “Zoning Code.” The City is a municipal corporation organized under the laws of Ohio and exercising home rule powers under Article XVIII of the Constitution of the State of Ohio.

SECTION 1131.02 PROVISIONS TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Zoning Code are at variance with the requirements of any other lawfully adopted rule, regulation, ordinance, enforceable resolution of Council or restriction in the chain of title, the more restrictive requirement takes precedence over the less restrictive requirement. To the extent that this code is in conflict with state law, this code shall take precedence over state law to the extent permissible under the provisions of Article XVIII of the Constitution of the State of Ohio.

SECTION 1131.03 PURPOSES.

A. This Zoning Code promotes and protects the public health, safety and general welfare of the City, in accordance with the comprehensive plan and planning process that is reflected in the contents of this Code and in the zoning map of the City by the:

1. Division of the City into zones or districts within which specific regulations control the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for commerce, industry, residence and other specific land uses; regulation of the intensity of land use through control of the amount of lot area on

which construction is authorized and a determination of the area of open space surrounding any man-made improvements on land.

2. Establishment of setback lines between the lot line and any building or structure and the regulation of the locations of structures designed for specific uses within lots in any zoned district.
3. Establishment of standards to which buildings or structures shall conform.
4. Regulation of uses, buildings or structures incompatible with the character of respective districts or inconsistent with the uses authorized in specific districts.
5. Reduction of congestion in public streets through the requirement of off-street spaces in which to park vehicles and to load and unload vehicles.
6. Regulation of certain nonconforming uses of land, buildings and structures.
7. Encouragement and facilitation of efficient and appropriate growth and development within the City in order to promote and preserve values of real estate and to encourage an increase in economic opportunities, an increase in employment opportunities and an increase in opportunities for good quality housing for the people of the City.
8. Protection of residential, business, commercial and industrial areas from encroachment by incompatible land uses that would be harmful to the public health, safety and general welfare and inconsistent with the comprehensive plan for the City reflected in this Zoning Code, the zoning map and various planning studies adopted by Council from time to time.
9. Promotion of a reasonable pattern of relationships among residential, business, commercial and manufacturing uses for the purpose of promoting the public health, safety and general welfare of the people who own real estate in, who reside in, work in the City, or who are otherwise in the City.
10. Protection and improvement of the aesthetic aspects of property within the City. (Ord. 3550-92, passed 5/26/92)

B. The purpose shall be implemented in accordance with the comprehensive plan for the City as manifested in this Zoning Code, and its companion zoning map, and in various planning studies which have been approved or will be approved by Council from time to time.

SECTION 1131.04 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 Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.