

NOTICE

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**CHAPTER 1163
ECONOMIC DEVELOPMENT OVERLAY**

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SECTION 1163.01 ECONOMIC DEVELOPMENT OVERLAY.

The Economic Development Overlay is a regulation of the land use that may be applied to any area in the City of Kettering that meets the criteria set for approval in Section 1163.05 below. The Economic Development Overlay is established in order to promote the development or redevelopment of land in the City of Kettering for the purpose of promoting economic development of the City, creation of jobs, expansion of the tax base, improvement of the quality of life, removal of blighting influences and the avoidance of blight, maintenance of property values, prevention of piecemeal development, and the discouragement of strip commercial development.

SECTION 1163.02 PERMITTED USES.

The uses in an area covered by an Economic Development Overlay shall be those specified in a Development Guidelines Report adopted by the City Council for each economic development overlay area. The Development Guidelines, when adopted by City Council, shall be considered a part of the Kettering Zoning Code.

SECTION 1163.03 INITIATION OF OVERLAY PROCESS.

Any property owner or group of property owners may make application to the Zoning Administrator for an Economic Overlay or the Planning Commission or City Council may

instruct the Administrator to develop an Economic Development Overlay for any area which either body determines meets the criteria for such an overlay.

SECTION 1163.04 CRITERIA FOR APPROVAL OF AN OVERLAY.

Areas to which an economic overlay may be applied shall be in one or more of the following categories:

- A. The area is one of high infrastructure cost where past, present or planned investment in drainage facilities, streets and utilities is higher than the average infrastructure costs throughout the City;
- B. Areas that have site constraints imposed by topography, soils, adjoining land use difficulties, traffic impact or lot configurations that make development difficult;
- C. Areas where blighting influences are identified, blighting influences being any current use of land which if allowed to remain unmodified will foreseeably evolve into blight or will encourage blight to arise in neighboring land areas;
- D. Areas that are strategically located to encourage economic development of a neighborhood or of the City, by reason of size, relationship to other properties, relationship to thoroughfares or other transportation routes, and foreseeable impacts that they will probably have upon the overall economic health of the City of Kettering.

SECTION 1163.05 CONTENTS OF AN APPLICATION FOR ECONOMIC OVERLAY DISTRICT.

The application for an Economic Development Overlay or the recommendation from the Zoning Administrator for an Economic Development Overlay shall include the following:

- A. A legal description and a site plan of the property to which the overlay is sought to be applied.
- B. Statement of the ownership of the property.
- C. A statement of the facts and reasons that justify a finding of fact that the area meets any of the criteria for the implementation of an Economic Development Overlay as set forth in Section 1163.04.
- D. If the application seeks to allow uses in addition to those permitted in the underlying zoning district, a statement of what use or uses should be permitted

and the facts to justify the permission of the use or uses shall be included as a part of this report.

- E. Specific development guidelines to be applied in the Economic Overlay District to all future development.
- F. Maps, drawings, written reports and any other exhibits that are deemed to be necessary to clearly carry out the intent of this Ordinance.

SECTION 1163.06 APPROVAL OF AN ECONOMIC DEVELOPMENT OVERLAY.

An application for an Economic Development Overlay shall be reviewed by the Zoning Administrator who shall analyze the application, suggest any improvements and forward the application to the Planning Commission. The Planning Commission shall conduct a public hearing and review the application and forward its recommendation to the City Council. The City Council shall conduct a public hearing and render a final decision. An Approved Economic Overlay shall be produced in ordinance form and shall become part of the Kettering Zoning Code.

SECTION 1163.07 DEVELOPMENT GUIDELINES.

The ordinance adopting an Economic Development Overlay shall also adopt specific development guidelines for the overlay area, and the overlay shall be marked on the official zoning map of the City of Kettering, Ohio.

Specific standards shall be included in the development guidelines on the following factors which shall be evaluated by the Planning Commission and Council in accordance with the purposes set forth in Section 1163.01.

- A. Land Use
- B. Building Architecture
- C. Building Placement, Orientation and Setback
- D. Signage
- E. Landscaping and Screening
- F. Circulation and Parking
- G. Pedestrian Amenities
- H. Lighting and Electrical Service
- I. Sewer and Water Service
- J. Storm Water Drainage

SECTION 1163.08 APPLICATION FOR DEVELOPMENT APPROVAL IN AN ECONOMIC OVERLAY.

No building or other structure shall be erected, moved, enlarged, structurally altered, nor shall any building be established or changed in use without obtaining approval from the Zoning Administrator. The application for an Approval shall include the following:

- A. A legal description and a site plan of the property to which the overlay is sought to be applied.
- B. Statement of the ownership of the property.
- C. Existing conditions report: a written statement showing the existing conditions in use of the described property; including statistical data, drawings, photographs or maps, if necessary.
- D. Development plans showing the proposed development including, sufficient detail, as determined by the Zoning Administrator, to satisfy the requirements of Section 1163.07.
- E. Economic Development assessment statement:
 1. Description of the positive and negative economic impact of the proposed development upon the economic development goals set forth in the Development Guidelines Report for the development in the overlay area in which the proposed development is intended.
 2. Written explanation of the compatibility of the proposed improvement, construction of development with the official Development Guidelines Report adopted by Council for the particular Economic Development Overlay District in which the development is proposed.
 3. Such other information as may be reasonably required in order to assist in the Economic Development Overlay review process.

Nothing herein shall be deemed to require any applicant to furnish complete structural plans and specifications prior to obtaining development permission approval.

SECTION 1163.09 DEVELOPMENT REVIEW PROCESS.

When a development plan has been filed for an Approval, the Zoning Administrator shall review the application to determine if the proposal is consistent with the Economic Overlay approved by the City Council, and then render a decision. The Zoning Administrator's decision may be appealed to the Board of Zoning Appeals which shall render a decision after

conducting a public hearing. The Board of Zoning Appeals' decision may be appealed to the City Council which shall render a decision after conducting a public hearing.

SECTION 1163.10 ISSUANCE OF PERMITS.

If the application is approved, the applicant must obtain whatever permits are necessary to proceed with the development from the appropriate department of the City of Kettering prior to undertaking the requested improvements. If the applicant fails to obtain a permit within one (1) year from the Approval decision, the applicant's rights under the terms of the Approval shall terminate unless for good cause shown, the applicant obtains an extension not to exceed twelve (12) months. No building, zoning or other land use permit not exempted by Section 1163.11 below shall be issued until the Approval is granted in accordance with the procedures defined in Section 1163.09.

SECTION 1163.11 EXEMPTIONS.

The following are all exempt from provisions of this Chapter.

- A. All permits for the repair or replacement of roofs, gutters, chimneys, plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, fire escapes and all other mechanical and electrical equipment.
- B. Any permit necessary for compliance with a lawful order of the Zoning Administrator or, including deficiencies listed in certificates of inspection.
- C. Any permit necessary for immediate public health or safety.
- D. Any permit for interior alterations and repairs.
- E. Any permit for demolition or wrecking.
- F. Any permit for construction of public utilities in the public right-of-way.
- G. Any other exemptions that may be allowed in any ordinance creating a specific development overlay.
- H. Any permit required for routine maintenance work.

Legislative history: Ord. 3413-89; passed 11/21/89. Ord. 3446-90; passed 5/22/90. Ord. 3641-94; passed 7/26/94.