

NOTICE

This City of Kettering Code section is not the official version and is provided only for the convenience of the public. The only official version of the City of Kettering Code is available through the office of the Clerk of Council, located in the City of Kettering Government Center, 3600 Shroyer Road, Kettering, Ohio 45429.

This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

**CHAPTER 1167
BUSINESS, COMMERCIAL AND INDUSTRIAL
STANDARDS AND CONDITIONS**

1167.01	Applicability	1167.13	Vehicle Storage Facilities
1167.02	Financial Establishments	1167.14	Light Industrial Uses
1167.03	Veterinary Clinics, Kennels, Animal Grooming and Pet Stores	1167.15	Heavy Industrial Uses
1167.04	Funeral Homes and Mortuaries	1167.16	Public Transit Stations
1167.05	Convenience Food Stores, Drive-In Stores, Fast Food Restaurants	1167.17	Radio, television and telephone towers and antennas and equipment on existing structures
1167.06	Restaurants, Bars and Taverns; Fraternal and Social Associations	1167.18	Permitted Accessory Uses
1167.07	Motels and Hotels	1167.19	Fences, Retaining Walls and Security Devices in Non-Residential Districts
1167.08	Indoor Commercial Entertainment, Indoor Commercial Recreation, Theatres and Concert Halls, Meeting and Banquet Halls	1167.20	Temporary Uses
1167.09	Outdoor Commercial Recreation	1167.21	Sexually Oriented Businesses
1167.10	Vehicle Sales, Rental and Service	1167.22	Substitution of Standards and Conditions
1167.11	Automobile Service Stations, Automobile Repair Shops, Installation of Automobile Accessories	1167.23	Offices in Industrial Districts
1167.12	Automobile Washing	1167.24	Non-commercial community and recreational centers, museums, libraries, offices and structures of political subdivisions and publicly owned parks

SECTION 1167.01 APPLICABILITY.

This Chapter provides standards and conditions that apply to business, commercial and industrial uses.

SECTION 1167.02 FINANCIAL ESTABLISHMENTS.

Financial establishments are subject to the following conditions and standards.

- A. Financial establishments with drive-in facilities shall have a minimum lot area of twenty thousand (20,000) square feet.
- B. Drive-in windows and lanes shall be located at least fifty (50) feet from any residential property, and a finished masonry wall six (6) feet in height shall separate a drive-in facility from an adjoining residential property.
- C. Automobile waiting or stacking space shall be provided for every drive-in facility as specified in Section 1173.03, Off-Street Parking Standards. Automobile waiting or stacking spaces shall not block or otherwise interfere with site circulation patterns.
- D. Customer parking must provide easy access to the building entrance.
- E. The circulation system shall provide for smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site.
- F. 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 and unreasonable traffic hazards are to 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.

SECTION 1167.03 VETERINARY CLINICS, KENNELS, ANIMAL GROOMING AND PET STORES.

Veterinary clinics, kennels, animal grooming and pet stores are subject to the following conditions and standards.

- A. Care and boarding shall be limited to small animals.
- B. The minimum lot area for a veterinary clinic or kennel shall be twenty thousand (20,000) square feet, and any structure used for such purposes shall be at least two hundred (200) feet from any adjoining residential property. The minimum lot area requirement does not apply for uses that are solely pet stores or pet grooming operations; however, such uses shall be set back fifty (50) feet from any adjoining residential property.
- C. Operational Standards
 - 1. All activities other than off-street parking and loading or unloading and exercise areas shall be conducted within a fully enclosed structure.
 - 2. 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.
 - 3. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so that animal noises will not be audible at any point on the perimeter of the property.
- 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 and unreasonable traffic hazards are to 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.

SECTION 1167.04 FUNERAL HOMES AND MORTUARIES.

Funeral homes and mortuaries are subject to the following conditions and standards.

- A. Funeral homes and mortuaries shall have a minimum lot area of one and one-half (1-1/2) acres.
- B. No building shall be within thirty (30) feet of a residential property.

- C. 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 and unreasonable traffic hazards are to 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.

SECTION 1167.05 CONVENIENCE FOOD STORES, DRIVE-IN STORES, FAST FOOD RESTAURANTS.

Convenience food stores, drive-in stores and fast food restaurants are subject to the following conditions and standards.

- A. Convenience food stores and fast food restaurants with gasoline pumps or drive-in or drive-through facilities shall be located on lots with a minimum area of twenty thousand (20,000) square feet.
- B. Drive-in or drive-through windows and lanes shall be located at least fifty (50) feet from any residential property. All other structures covered by this Section 1167.05 shall be set back at least thirty-five (35) feet from any residential property.
- C. A finished masonry wall six (6) feet in height shall be constructed where a convenience food store, drive-in store or fast food restaurant is located adjoining a residential property.
- D. Automobile waiting or stacking space shall be provided for every drive-through facility as specified in Section 1173.03, Off-Street Parking Standards. Automobile waiting or stacking spaces shall not block or otherwise interfere with site circulation patterns.
- E. Customer and employee parking shall be separated from drive-in facilities. Customer parking must provide easy access to dining or sales area.
- F. The circulation system shall provide smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site.
- G. Convenience food stores and drive-in stores which sell gasoline are subject to the following regulations:

1. The minimum front yard setback for buildings shall be forty (40) feet; for gasoline pumps shall be twenty (20) feet; and for canopies shall be five (5) feet.
 2. Outside activities at such stores shall be limited to:
 - a. The sale of petroleum fuel
 - b. The following accessory uses:
 - i. Machine vending of merchandise;
 - ii. Washing automobiles within an enclosed building provided that said facilities are in compliance with Section 1167.12;
 - iii. Rental of trucks and trailers, provided that no more than ten (10) percent of the total site shall be devoted to such activity; no rental units over thirty (30) feet in length shall be permitted; rental vehicles shall not be permitted to be stored either in required off-street parking spaces or within required front building setback; and a minimum of one hundred sixty (160) square feet of lot area shall be provided for every trailer to be stored and three hundred twenty (320) square feet for every truck to be stored.
- H. All areas not paved or covered by a building shall be landscaped, and all landscaped areas shall be separated from all paved areas by a six (6) inch high curb.
- I. 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 and unreasonable traffic hazards are to 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.

SECTION 1167.06 RESTAURANTS, BARS AND TAVERNS; FRATERNAL AND SOCIAL ASSOCIATIONS.

Restaurants, bars and taverns, fraternal and social associations are subject to the following conditions and standards.

- A. Uses regulated by this Section 1167.06 shall have a minimum lot area of ten thousand (10,000) square feet.
- B. Any structure shall be setback at least thirty-five (35) feet from any residential property and a finished masonry wall at least six (6) feet in height shall be provided on any side of the site adjoining a residential property.
- C. 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 and unreasonable traffic hazards are to 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.

SECTION 1167.07 MOTELS AND HOTELS.

Motels and hotels are subject to the following conditions and standards.

- A. The lot shall be at least two (2) acres in area and shall contain at least one thousand (1,000) square feet per sleeping room.
- B. Every structure shall be located at least thirty-five (35) feet from any residential property, and a finished masonry wall at least six (6) feet in height shall be provided on any side of the site adjoining a residential property.
- C. 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 and unreasonable traffic hazards are to 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.

SECTION 1167.08 INDOOR COMMERCIAL ENTERTAINMENT; INDOOR COMMERCIAL RECREATION; THEATERS AND CONCERT HALLS; MEETING AND BANQUET HALLS

Indoor commercial entertainment, indoor commercial recreation, theaters and concert halls, meeting and banquet halls are subject to the following conditions and standards.

- A. Uses shall have a minimum lot area of one (1) acre, except for game rooms and billiard parlors which may have a minimum lot area of ten thousand (10,000) square feet.
- B. Uses shall be conducted entirely within an enclosed building.
- C. All structures shall be located at least fifty (50) feet from any residential property, and a finished masonry wall at least six (6) feet in height shall be provided on any side of the site adjoining a residential property.
- 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 and unreasonable traffic hazards are to 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.

SECTION 1167.09 OUTDOOR COMMERCIAL RECREATION.

Outdoor commercial recreation shall be subject to the following conditions and standards.

- A. Outdoor commercial recreation shall have a minimum lot area of five (5) acres.

- B. All structures and areas designed for outdoor recreation use shall be located at least one hundred (100) feet from any residential property, and a finished masonry wall at least six (6) feet in height shall be provided on any side of the site adjoining a residential property.
- C. The viewing side of a screen of any drive-in theatre shall be located so as not to be visible from any public or private street or residential property.
- D. No outdoor commercial recreation use shall be developed or operated in such a manner so as to cause noise, litter and glare on any adjacent residential properties.
- 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 and unreasonable traffic hazards are to 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.

SECTION 1167.10 VEHICLE SALES, RENTAL AND SERVICE.

Vehicle sales, rental and service uses shall be subject to the following conditions and standards.

- A. Motor vehicle sales, rental and service uses shall have a minimum lot size of two (2) acres.
- B. Every structure or outdoor display area shall be located a minimum of fifty (50) feet from any adjoining residential property, and every building used for the repair and servicing of automobiles shall be located a minimum of one hundred and fifty (150) feet from any adjoining residential property.
- C. A finished masonry wall at least six (6) feet high shall be provided on any side of a site adjoining a residential property.
- D. All operations other than vehicle display and sales shall be conducted entirely within an enclosed building.

- 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 and unreasonable traffic hazards are to 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.

SECTION 1167.11 AUTOMOBILE SERVICE STATIONS; AUTOMOBILE REPAIR SHOPS; INSTALLATION OF AUTOMOBILE ACCESSORIES.

Automobile service stations, automobile repair and body shops, and the installation of automobile accessories shall be subject to the following conditions and standards.

- A. Automobile service stations and repair shops doing no major repair work shall have a minimum lot size of fourteen thousand (14,000) square feet. All other uses regulated by this section shall have a minimum lot size of twenty thousand (20,000) square feet.
- B. The minimum front yard setback for buildings shall be forty (40) feet; for gasoline pumps shall be twenty (20) feet; and for canopies shall be five (5) feet.
- C. Any buildings used for service and repair work shall be located a minimum of fifty (50) feet from any adjoining residential property.
- D. A finished masonry wall six (6) feet in height shall be provided on any side of the site adjoining a residential property.
- E. Other Limitations On Use
1. Activities at automobile service stations shall be limited to:
 - a. The sale of petroleum fuel;
 - b. The service of vehicles with minor repair work; and
 - c. The following accessory uses:
 - i. Machine vending of merchandise;

- ii. Washing automobiles within an enclosed building provided that said facilities are in compliance with Section 1167.12;
 - iii. Rental of trucks and trailers, provided that no more than ten (10) percent of the total site shall be devoted to such activity; no rental units over thirty (30) feet in length shall be permitted; rental vehicles shall not be permitted to be stored either in required off-street parking spaces or within required front building setback; and a minimum of one hundred sixty (160) square feet of lot area shall be provided for every trailer to be stored and three hundred twenty (320) square feet for every truck to be stored.
 2. All hydraulic hoists, oil pits and all lubricants, greasing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicle shall be permitted. Storage of wrecked vehicles must be screened by a finished masonry wall six (6) feet in height.
- F. All areas not paved or covered by a building shall be landscaped, and all landscaped areas shall be separated from all paved areas by a six (6) inch high curb.
- G. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:
 1. No additional and unreasonable traffic hazards are to 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.

SECTION 1167.12 AUTOMOBILE WASHING.

Automobile washing facilities shall be subject to the following conditions and standards.

- A. Automobile washing facilities shall have a minimum lot area of twenty thousand (20,000) square feet.
- B. Automobile washing structures shall be located at least fifty (50) feet from any adjoining residential property.
- C. A finished masonry wall six (6) feet in height shall separate an automobile washing facility from adjoining residential property.
- D. All automated automobile washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation.
- E. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than seventy-five (75) feet to any adjoining residential property and at least twenty (20) feet from a public right-of-way.
- F. Off-street waiting space shall be provided for auto washing facilities as specified in Section 1173.03, Off-Street Parking Standards. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
- G. An exit drive not less than forty (40) feet in length shall be provided between the exit doors of the automobile washing facility building and the street.
- H. Vehicular access shall be on to such adjoining street as may be determined by the Zoning Administrator. The decision of the Zoning Administrator shall be based on the following standards:
 - 1. No additional and unreasonable traffic hazards are to 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.

SECTION 1167.13 VEHICLE STORAGE FACILITIES.

Vehicle storage facilities shall be subject to the following conditions and standards.

- A. The minimum lot area shall be one (1) acre for lots used for the parking and storage of passenger vehicles and two (2) acres for lots used for the storage of recreational or commercial vehicles.
- B. All storage of passenger vehicles shall be set back a minimum of twenty-five (25) feet from any residential property or public right-of-way and screened with a finished masonry wall six (6) feet in height.
- C. All vehicle storage facilities which provide storage of recreational or commercial vehicles shall be set back at least fifty (50) feet from any residential property or public right-of-way and shall be screened from such residential property or public right-of-way with a finished masonry wall six (6) feet in height. The land between the residential property and the storage of any recreational or commercial vehicle shall be established as a bufferyard and shall be planted as provided in Section 1169.05.
- 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 and unreasonable traffic hazards are to 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.

SECTION 1167.14 LIGHT INDUSTRIAL USES.

Light industrial uses shall be subject to the following conditions and standards.

- A. Industrial crafts and construction trades shall have a minimum lot area of ten thousand (10,000) square feet.
- B. Recycling centers shall have a minimum lot area of one (1) acre.
- C. Light industrial; laundries and dry cleaning plants; and printing and publishing shall have a minimum lot area of twenty thousand (20,000) square feet.
- D. Lumberyards and building material storage yards; warehouses and self-service storage facilities; and wholesaling that requires outside storage of merchandise shall have a minimum lot area of two (2) acres.

- E. All buildings used for industrial crafts or construction trades must be set back a minimum of twenty-five (25) feet from a residential property. All buildings used for any other light industrial use shall be set back a minimum of fifty (50) feet from any residential use.
- F. All storage of materials or equipment that is not totally enclosed within a building shall be located at least fifty (50) feet from any residential property or public street and shall be screened as specified in Section 1169.10, Screening of Service and Storage Areas.
- G. A finished masonry wall at least six (6) feet in height shall be constructed or installed where a light industrial use adjoins a residential property.
- H. All light industrial uses shall be conducted entirely within an enclosed building and in such a manner so that no noise, odor, smoke, glare or vibrations are evident from beyond the property lines.
- I. All materials collected at a recycling center 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.
- J. 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 and unreasonable traffic hazards are to 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.
- K. Warehouse facilities and self-service storage facilities located in the I-Industrial District shall conform to the following standards and conditions:
 - 1. Warehouse facilities and self-service storage facilities shall have a maximum lot area of five (5) acres.
 - 2. The boundary of the lot on which a warehouse facility and self-service storage facility is located shall be no closer than five hundred (500) feet from a Thoroughfare.

3. A finished masonry wall at least six (6) feet in height shall be constructed or installed where a warehouse facility or self-storage facility adjoins a property containing one or more dwellings and any uses contained in Section 1151.07 and Section 1151.13 of this Zoning Code.
4. Warehouses and self-service storage facilities shall conform to all requirements contained in Section 1169, BUFFERYARDS AND LANDSCAPING.
5. Vehicular access to a warehouse facility or a self-service 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 abutting the same street or public right-of-way.

SECTION 1167.15 HEAVY INDUSTRIAL USES.

Heavy industrial uses shall be subject to the following conditions and standards.

- A. Heavy industrial uses shall have a minimum lot area of two (2) acres.
- B. All buildings shall be setback at least one hundred (100) feet from any residential property.
- C. All storage of materials, equipment, service vehicles, or activities not totally enclosed within a building, shall be located at least one hundred fifty (150) feet from any residential property or public street and shall be screened as specified in Section 1169.10, Screening of Service and Storage Areas.
- D. A finished masonry wall six (6) feet in height shall separate the heavy industrial use from an adjoining residential property or public street.
- E. Documentation shall be provided with an application for a zoning or use certificate indicating methods of compliance with all environmental performance standards in Section 1154.02, Environmental Performance Standards.
- F. 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 and unreasonable traffic hazards are to 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.

SECTION 1167.16 PUBLIC TRANSIT STATIONS.

Public transit stations shall be subject to the following conditions and standards.

- A. All public transit structures shall be set back a minimum of twenty-five (25) feet from any adjoining residential properties and all areas used for the loading, unloading and parking of public transit vehicles shall be set back from any adjoining residential property by a minimum of fifty (50) feet.
- B. A finished masonry wall at least six (6) feet in height shall separate a public transit station from an adjoining residential property.
- C. 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 and unreasonable traffic hazards are to 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.

SECTION 1167.17 RADIO, TELEVISION AND TELEPHONE TOWERS AND ANTENNAS AND EQUIPMENT ON EXISTING STRUCTURES

Radio, Television and Telephone Towers and Antennas and Equipment on Existing Structures shall be subject to the following conditions and standards.

The restrictions of this section shall not apply to the extent preempted or prohibited by state or federal law or regulation.

- A. Definitions - For the purposes of this section, the following definitions shall apply:

1. Radio and Television Towers - A tower or structure erected for the purposes and/or used for transmitting, receiving, or relaying television or radio services.
2. Telephone Communication System - A communications system, licensed by the Federal Communications Commission and/or the Public Utilities Commission of Ohio, including, but not limited to, switching equipment, wires, poles, antennas, conduits and cables as regulated in this section. A telephone communication system shall not include:
 - A. Any satellite earth station antenna six and one-half feet (6½ Ft.) in diameter or less which is located in an area zoned I-Industrial or B-Business.
 - B. Any satellite earth station antenna three and one-quarter feet (3¼ Ft.) or less in diameter, regardless of zoning category.
 - C. Antennas used by amateur radio operators.
3. Telephone Tower - A freestanding, ground mounted, monopole tower or structure with related antennas erected for the purposes and/or used for transmitting, receiving or relaying a Telephone Communication System.
4. Antennas and Equipment on Existing Structures - Telephone exchange equipment boxes, antennas, vaults or structures and/or buildings necessary to house a Telephone Communication System but does not include a Telephone Tower which can be located on an existing structure.
5. Public property - Any real property owned by the City of Kettering.
6. Structure - Shall not mean a monopole telephone, radio or television tower.
7. Antenna - Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.

8. Co-location - The use of a wireless telecommunication facility by more than one wireless telecommunications provider.
 9. Monopole - A support structure constructed with a single, self-supporting hollow metal tube securely anchored to a foundation.
 10. FAA - The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.
- B. The following conditions shall apply to all Radio, Television and Telephone towers; and Antennas and Equipment on Existing Structures:
1. All structures and equipment shall be placed underground or screened with a solid wood fence and continuous evergreen hedge a minimum of one (1) foot higher than the highest elevation of the structures or equipment to be screened or six (6) foot high which ever is higher. If structures and equipment are located on a rooftop, the structures and equipment shall be screened from view by a parapet wall or screen constructed of a material matching that which is used on the principle building.
 2. All Radio, Television and Telephone Towers and related structures and Antennas and Equipment on existing structures, to the maximum extent feasible, must be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Zoning Administrator.
 3. All Radio, Television and Telephone Towers and Antennas and Equipment on Existing Structures and all structures, buildings and equipment associated therewith shall be completely removed within six (6) months of ceasing to function for that which it was originally constructed.
 4. Proof shall be provided by the applicant in a form satisfactory to the Zoning Administrator that the proposed application has been approved by all agencies and governmental entities with jurisdiction, including, but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal

Communications Commission or the successors to their respective functions.

5. Lights, beacons or strobes shall not be permitted on any Radio, Television and Telephone Towers or Antennas and Equipment on Existing Structures unless required by the Federal Aviation Administration.
 6. No advertising is permitted anywhere upon or attached to any radio, television and telephone towers and antennas and equipment on existing structures.
- C. Radio and Television Towers and associated equipment, buildings and structures shall be permitted as a principal use on any lot zoned I-Industrial, subject to the following standards and conditions:
1. The minimum lot area for Radio and Television Towers shall be four (4) acres.
 2. Radio and Television Towers shall be located at least five hundred (500) feet from any residential district or residential use.
 3. Radio and Television Towers shall not exceed three hundred (300) feet in height.
 4. Radio and Television Towers shall be set back at least one hundred fifty (150) feet from any thoroughfare, arterial or collector street as specified by the Kettering Thoroughfare Plan, and shall not be located on the street frontage.
 5. Radio and television towers shall be painted solid white, any color of white approved by FAA, unless required by the FAA, or any other federal agency or department, to paint the tower another color(s).
 6. Radio and television towers and associated equipment, buildings and structures shall meet all conditions in 1167.17.B.
- D. Telephone Towers for the purpose of communications, and cellular transmission shall be permitted in the following locations conforming to the requirements in 1167.17 E:

1. As a conditional use in B-Business and I-Industrial Districts whether principal or accessory.
 2. As a conditional accessory use to an educational institution in any district.
 3. As a conditional principal or accessory use on public property in any zoning district.
- E. Telephone towers for the purpose of communications, and/or cellular transmission shall meet the following conditions:
1. The minimum required lot area for Telephone Towers as a principle or accessory use shall be two (2) acres in I-Industrial, B-Business, on the property of an educational institution in any district and on public property in any district.
 2. Telephone Towers shall be located at least two hundred (200) feet from any residential district and shall be setback the minimum required principal structure setback for the district in which it is located.
 3. Telephone Towers shall not exceed one hundred fifty (150) feet in height in I-Industrial, B-Business, on the property of an educational institution in any district and on public property.
 4. All Telephone Towers shall be free standing, monopole structures.
 5. Telephone Towers shall be set back at least one hundred fifty (150) feet from any thoroughfare or collector street as specified by the Kettering Thoroughfare Plan, and shall not be located on the street frontage.
 6. The applicant shall agree to permit use of the Telephone Tower by other communication service providers, on reasonable terms, so long as such use does not conflict with the applicant's and/or any other pre-existing user's use of the telephone tower and does not violate the structural integrity of the telephone tower.
 7. No new tower may be constructed if there is a technically suitable space available on an existing or planned

Telephone Tower within the geographic area that the new tower is to serve.

8. Telephone Towers shall be constructed to handle at least two sets of antennas and equipment for Telephone Communication Systems.
9. Telephone towers shall meet all conditions in 1167.17.B.
10. An "A" bufferyard, as defined in Section 1169, shall be installed along the property line closest to the tower and equipment.
11. Telephone towers shall be painted solid white, any color of white approved by the FAA, unless required by the FAA, or any other federal agency or department, to paint the tower another color.

F. Antennas and Equipment on Existing Structures may be located:

In the public right-of-way mounted on existing utility poles as a conditional use with the permission of the utility provider or;

Mounted on an existing structure as a conditional accessory use in B-Business, I-Industrial, O-Office and on any essential service as defined in Chapter 1133 (such as a water tower), places of worship or educational institutions and hospitals in any Residential District subject to the following conditions and standards:

1. Antennas and equipment boxes shall be designed to match the color of the pole or building on which they are mounted.
2. Antennas and Equipment on Existing Structures shall not exceed the height of the existing pole or building upon which it is located plus ten (10) feet.
3. Antennas and Equipment on Existing Structures, including and associated with the installation, must be integrated into the design of the structure upon which it is located and shall be aesthetically and architecturally compatible with the structure upon which it is located and the surrounding environment.
4. All equipment associated with a Telephone Communication System, except antennas, shall be located underground,

attached to the structure or inside the building upon which they are mounted.

5. An existing pole may be replaced, if not structurally suitable to hold the antennas and equipment related to a Communication System, but in no case shall the new pole exceed the height of the existing pole plus ten (10) feet.
6. If the antennas and equipment related to a Telephone Communication System are to be located as an accessory use to a conditional use in any Residential district, the minimum lot area on which the antennas and equipment is to be located shall be one (1) acre.
7. A right-of-way use permit will be required from the City of Kettering for any Antennas or Equipment located in the public right-of-way.
8. Antennas and equipment on existing structures including and associated with the installation, shall meet all conditions in 1167.17 B.
9. Any installation on a utility pole within the public right-of-way shall be reviewed and approved by the city engineer of the City of Kettering.

SECTION 1167.18 PERMITTED ACCESSORY USES.

- A. Vending machines are permitted on any lot in a Business or Industrial district provided that they present an orderly appearance and are located at least twenty-five (25) feet from any public street or adjoining property.
- B. Except for vending machines, outside storage, sale or display shall be prohibited in all zoning districts unless specifically permitted in Section 1167.20, Temporary Uses.

SECTION 1167.19 FENCES, RETAINING WALLS AND SECURITY DEVICES IN NON-RESIDENTIAL DISTRICTS.

- A. Fences and retaining walls are permitted as an accessory use in non-residential districts, subject to the following conditions:

1. No fence may be located in any front yard or closer to the side lot line adjoining a street than the minimum required width for such street side yard unless the following regulations are met.
 - a. A fence shall not exceed four (4) feet above the adjoining ground at any point of measurement.
 - b. Such fence may not be closer than three (3) feet to any right-of-way line, or fifteen (15) feet from the curb or edge of pavement, whichever establishes the greatest setback from the centerline of the street.
 - c. Such fence shall be constructed of wood, wrought iron or steel, brick, stone or similar materials. Chain link or wire fences are not permitted.
 - d. Such fence shall meet all visibility requirements as outlined in Section 1173.11, Clear View Required at Intersection.
 - e. All structural supports of any fence as permitted in this subsection shall be erected with such supports on the inside of the area to be enclosed.
 - f. Any fence as permitted in this subsection shall be so constructed as to provide a ratio of solid portion to open portion not to exceed one and three quarters to one (1¾:1) the proportion of solid area to open area to be determined by viewing the fence from either side, not from the top.
2. A fence may be located in any rear or interior side yard, provided that
 - a. The height of the fence in an Office district shall not exceed six (6) feet above the adjoining ground at any point of measurement. The height of the fence in a Business or Industrial district shall not exceed six (6) feet above the ground except in the following cases:
 - i. As regulated by Section 1169.10.
 - ii. As permitted by Section 1169.14.
 - b. A fence not to exceed ten (10) feet above the adjoining ground at any point of measurement may be permitted surrounding tennis courts in any rear yard, provided the provisions of Section 1151.15(A)(6), Tennis Courts, are met.

- c. All structural supports of any fence shall be erected with such supports on the inside of the area to be enclosed, except as permitted in the following cases:
 - i. A fence visible from a public right-of-way which is designed with a finished appearance on one side shall be oriented so that the finished side faces such right-of-way.
 - ii. A fence that adjoins the side or rear lot line of another lot may be erected with such supports on the outside of the area to be enclosed if the owners of the said adjoining lot or lots has provided a signed and notarized letter attesting to their approval of this situation.
3. No barbed wire, other sharp-pointed material or electronically charged material shall be used in the construction of a fence, except as permitted in the following cases:
 - a. United State government military installations.
 - b. As conditional uses around public and private utility facilities. Such fences shall require approval of the Zoning Administrator, based upon the standards provided in the Environmental Standards Manual.
4. Any portion of a retaining wall projecting more than one (1) foot above the surface of the ground supported by such wall shall be subject to the applicable requirements in this section regulating fences.

B. Security Devices. Security bars, security shutters, rolling overhead shutters or grilles, or chain link fencing covering doors and windows are prohibited on the exterior of any structure within the O-Office District, B-General Business District and I-Industrial District. This regulation does not prohibit the use of decorative screen doors or window coverings which appropriately complement the design of the building.

SECTION 1167.20 TEMPORARY USES.

A. The Zoning Administrator may, upon proper application, issue a Temporary Use Permit for any of the temporary uses listed below. The Zoning Administrator shall either approve or disapprove such application within ten (10) working days of receipt and shall notify the applicant in writing of the decision. The notification shall state the reasons for the decision.

B. Application

Each application for a Temporary Use Permit shall contain the following information:

1. Name, address, and telephone number of the applicant;
2. A description of the property where the temporary use is to occur, including the location of the property and any existing and proposed uses;
3. A statement explaining the need for the temporary use;
4. A statement indicating the hours of operation;
5. Letter of permission from the owner of the property including consent to locate;
6. Site plan drawn to scale or City of Kettering topographic map indicating:
 - a. Location of all display and storage areas - at full operation (i.e., indicating the largest amount of land used for these purposes),
 - b. Location of all existing and proposed structures including trailers, tents or other fabric-type structures,
 - c. The applicant must indicate the number of parking spaces lost due to the display, sales, storage and circulation as well as an indication of parking spaces allowed, if not assigned for the temporary use.
7. Drawing(s) or photo indicating the size and appearance of any and all business identification signs. In the case of photos, the overall dimensions of the signage shall also be provided;
8. The date on which the temporary use will commence and terminate;
9. Such other information as may be required by the Zoning Administrator; and
10. Any required fees for said permit as may be established by the City of Kettering.

C. Location

The location of the temporary uses on a site shall be determined based on the following criteria:

1. That the operation does not inhibit vehicular circulation on the site, affecting either safety or convenience;
2. That the operation does not remove the availability of any required parking spaces; and,
3. That the proposed operation be situated to take advantage of the required screening of the existing site development, or utilize the existing building(s) as a screening device from adjoining residential properties.

D. Permits

Permits may be issued for the following temporary uses, provided that they meet these requirements and are not otherwise in conflict with the provisions of this Zoning Code:

1. Overhead banners announcing events of interest to the entire community shall be permitted for a period of time not to exceed thirty (30) continuous days. Such banners shall be constructed of a weather-proof cloth, cloth-like or plastic material and shall not be illuminated. No banner shall obstruct vehicular movement or fields of vision. Such banners shall be subject to the provisions of Chapter 1171 Signs.
2. Searchlights drawing attention to a particular event or use shall be permitted for a period of time not to exceed seven (7) continuous days. No searchlight shall shine into any residential district or use, nor shall it produce glare into any residential district or use. Searchlight beams shall be displayed at an angle no lower than sixty (60) degrees above the horizontal.
3. Mobile offices for use as office structures on construction sites, provided that such structures shall be located on the lot on which construction takes place and shall be removed once construction ceases. The maximum dimensions for these structures shall be:

Height - Thirteen feet, six inches (13'6")

Width - Twelve feet (12')

Length - Sixty feet (60')

4. Trailers for use as storage structures on construction sites shall be permitted, provided that such structures shall be located on the lot on which construction takes place and shall be removed once construction ceases. The maximum dimensions for these structures shall be:

Height - Thirteen feet, six inches (13'6")

Width - Eight feet (8')

Length - Forty-five feet (45')

5. Residential dwelling units for use as display or model units shall be permitted, provided that a preliminary plat for said development has been approved by the Planning Commission and no change in title takes place. Any such unit shall conform to all requirements for residential uses for the district in which it is located. Banners, pennants, or other signs shall be permitted as set forth in Chapter 1171.
6. The temporary outdoor sale of seasonal merchandise such as garden supplies and Christmas trees, provided that:
 - a. The sale of such merchandise shall not exceed a total of ninety (90) days in a calendar year;
 - b. Be conducted only on property located in the B-General Business District;
 - c. Signs shall be subject to the provisions of Chapter 1171;
 - d. All portions of the operation including sales and product and equipment storage shall be kept in an orderly condition at all times during operation. The failure to comply with these maintenance standards, as determined by the Zoning Administrator, may result in a suspension of operation that season. Upon termination of the operation, all remaining products, materials and displays shall be removed in a timely manner and the site restored to an orderly condition. Operation is defined as the display or storage of any product or service, and all facilities erected to accommodate any product or service regardless of whether the business is "open" for the sale of these items.
7. Sales on the sidewalk contiguous to retail establishments in a B-General Business District may be conducted by the merchants of

the shops adjoining the sidewalk provided they are conducted for no more than two (2) days in any thirty (30) day period. These sales shall not restrict or block pedestrian circulation on any sidewalk.

8. Lot sales may be conducted on lots contiguous to retail establishments in a B-General Business District provided they are conducted by the merchants of the shops adjoining the lots and are conducted for no more than two (2) days in any thirty (30) day period.
9. Open air market for the sale of food, produce items, plants and cut flowers may be conducted in the B-General Business District.
10. A temporary outdoor sale of handcrafted items and artwork may be conducted in connection with a special event that does not last more than three (3) days and is not repeated more than once a year, except as otherwise provided by this section.
11. Carnivals and festivals are permitted provided they do not exceed five (5) days in duration and are not repeated more frequently than once a year.
12. Temporary unpaved overflow parking for otherwise permitted activities, provided the area used for such parking is restored to its original condition immediately following such use.
13. Temporary signs as regulated in Chapter 1171.
14. Any other use, temporary in nature, which the Zoning Administrator deems as beneficial to the public good and which does not impair the public health, safety and welfare.

The Zoning Administrator may include additional conditions or restrictions to the issuance of a Temporary Use Permit which in his judgment are necessary to avoid health or safety hazards.

SECTION 1167.21 SEXUALLY ORIENTED BUSINESSES

A. Sexually oriented businesses shall only be located in I-Industrial Zoning Districts, as defined and described in the Kettering Zoning Code.

B. Sexually oriented businesses shall not be located within 400 feet of any type of residential zoning district or of any lot containing a building used for residential purposes.

- C. Sexually oriented businesses shall not be located within 1,000 feet of:
1. a school, library or teaching facility, whether public or private, governmental or commercial, which is attended by persons under 18 years of age;
 2. a child day care facility, family care home as defined in Section 1105.05(B)(1), or group care home as defined in Section 1105.05(B)(2);
 3. a public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City;
 4. a church, synagogue, or building which is used primarily for religious worship and related religious activities;
 5. an entertainment business which is oriented primarily towards persons under 18 years of age or oriented primarily towards persons under 18 years of age and their parents/guardians;
 6. any other sexually oriented business; or
 7. any establishment licensed for the sale of alcoholic beverages for consumption on the premises.

D. A sexually oriented business shall neither be operated, established, or maintained within the same building, structure, or portion thereof of another sexually oriented business, nor shall there be an increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

E. For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures, from the closest property line of the sexually oriented business to the closest property line of the premises of a use listed in Subsections (B) and (C). The presence of a political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

F. Any sexually oriented business lawfully operating on the effective date of this Section that is in violation of this section shall be deemed a nonconforming use and shall not be increased, enlarged, extended, or altered.

G. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use solely by the subsequent location of a use listed in Subsections (B) and (C) of this Section within 1,000 feet of the sexually oriented business.

H. Whoever violates any provision of this Section is guilty of a misdemeanor of the first degree.

SECTION 1167.22 SUBSTITUTION OF STANDARDS AND CONDITIONS.

The Zoning Administrator may permit a waiver of standards or conditions in this Chapter upon a showing by an applicant that the standard or condition will cause an undue hardship on the applicant and that an alternative arrangement is available and feasible whereby the hardship can be relieved while providing the same or greater level of protection imposed by the original standard or condition.

SECTION 1167.23 OFFICES IN INDUSTRIAL DISTRICTS

Offices in Industrial Districts are subject to the following standards and conditions:

- A. Office uses in Industrial Districts shall primarily supply services to industrial businesses.
- B. Office uses in Industrial Districts shall not interfere with industrial operations by attracting so much consumer or commercial traffic into an Industrial District as to create significant adverse impact upon those industrial operations.

SECTION 1167.24 NON-COMMERCIAL COMMUNITY AND RECREATIONAL CENTERS, MUSEUMS, LIBRARIES, OFFICES AND STRUCTURES OF POLITICAL SUBDIVISIONS, AND PUBLICLY OWNED PARKS.

- A. Minimum lot area of one (1) acre, except for political subdivision structures used for police or fire services for which there shall be no minimum lot area.
- B. Such uses shall be by a political subdivision or an organization meeting the requirements of 501(c)(3) of the Internal Revenue Code.
- C. All sites for such conditional uses must have access from an arterial or collector street.

D. Bingo games or other games of chance, as defined by the O.R.C. §2915.01 (D), will not be allowed as an accessory permitted use.

Legislative history: Ord. 3413-89; passed 11/21/89. Ord. 3446-90; passed 5/22/90. Ord. 3558-92; passed 7/28/92. Ord. 3626-93; passed 12/14/93. Ord. 3641-94; passed 7/26/94. Ord. 3717-96; passed 7/23/96. Ord. 3724-96; passed 8/27/96. Ord. 3754-97; passed 7/29/97. Ord. 3764-97; passed 12/9/97. Ord. 3867-01; passed 4/10/01. Ord. 3868-01; passed 4/10/01; Ord. 3878-01; passed 7/24/01 Ord. 3903-02; passed 2/12/02. Ord. 3965-04; passed 2/24/04.