



# CITY OF KETTERING

DONALD E. PATTERSON, MAYOR • TONY KLEPACZ, VICE MAYOR  
BRUCE E. DUKE • JACQUE FISHER • BILL LAUTAR • ROBERT SCOTT • JOSEPH D. WANAMAKER

## KETTERING COUNCIL AGENDA

January 26, 2021

**\*\*REMOTE TELECONFERENCE MEETING\*\***

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**\*\*NOTE: DUE TO THE COVID-19 PANDEMIC, THE JANUARY 26, 2021 MEETING OF THE KETTERING CITY COUNCIL WILL BE CONDUCTED BY TELECONFERENCE WITH VIDEO. ALTHOUGH NO ONE WILL BE IN OR BE ABLE TO ACCESS COUNCIL CHAMBERS DURING THE MEETING, THE PUBLIC MAY STILL OBSERVE AND HEAR THE MEETING THROUGH VARIOUS MEANS. THE MEETING WILL BE TELEVISIONED AS USUAL ON MVCC CABLE CHANNEL 6 AND STREAMED LIVE OVER THE INTERNET AT MVCC.NET. IT WILL ALSO BE RECORDED AND AVAILABLE FOR LATER VIEWING AT MVCC.NET.**

CITIZENS WISHING TO SPEAK TO CITY COUNCIL DURING THE MEETING SHOULD CONTACT THE CLERK OF COUNCIL'S OFFICE BY PHONE AT (937) 296-2416 DURING NORMAL BUSINESS HOURS OR SEND AN EMAIL TO [KETTERINGMAYORCOUNCIL@KETTERINGOH.ORG](mailto:KETTERINGMAYORCOUNCIL@KETTERINGOH.ORG) FOR INSTRUCTIONS. (THIS EMAIL ADDRESS WILL BE MONITORED DURING THE MEETING.) AFTER COMPLETING THE INSTRUCTIONS, CITIZENS WAITING TO SPEAK WILL BE MUTED UNTIL THAT PORTION OF THE MEETING WHERE CITIZEN COMMENTS ARE HEARD AND IT IS THEIR TURN TO SPEAK. BEFORE SPEAKING, ALL CITIZENS MUST STATE THEIR NAME AND ADDRESS FOR THE RECORD. SPEAKERS MUST BE RESPECTFUL. THERE IS A FIVE MINUTE LIMIT PER SPEAKER.

THE JANUARY 26, 2021 WORKSHOP MEETING OF THE KETTERING CITY COUNCIL WILL BE CONDUCTED BY TELECONFERENCE WITH VIDEO. THE PUBLIC MAY OBSERVE AND HEAR THE MEETING VIA LIVE STREAM ON YOUTUBE.COM AT [https://www.youtube.com/channel/UCI\\_SOPAtN4vZoPrJRFPpVvQ?view\\_as=subscriber](https://www.youtube.com/channel/UCI_SOPAtN4vZoPrJRFPpVvQ?view_as=subscriber)

THE WORKSHOP MAY INCLUDE AN EXECUTIVE SESSION THAT IS NOT OPEN TO THE PUBLIC AND WILL NOT BE STREAMED.

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6:00 P.M.      **WORKSHOP**    Teleconference  
7:30 P.M.      **REGULAR MEETING**    Teleconference

### PLEDGE OF ALLEGIANCE

### INVOCATION

### QUORUM ROLL CALL

### APPROVAL OF MINUTES

January 12, 2021- Council Meeting & Workshop Minutes

**APPOINTMENTS- 2021 COUNCIL COMMITTEES**

Long Range Planning- Mr. Klepacz, Chair/ Mrs. Fisher  
Intergovernmental/ Interagency Relations- Mr. Duke, Chair/ Mr. Lautar  
Community Relations & Promotions- Mrs. Fisher, Chair/ Mr. Klepacz  
Finance & Personnel- Mr. Klepacz, Chair/ Mr. Duke  
Public Health & Safety- Mr. Lautar, Chair/ Mr. Wanamaker  
Public Service- Mr. Wanamaker, Chair/ Mr. Lautar

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

Appointment Regional Transit Authority- Albert Fullenkamp (Term ending 10/31/23)  
Video Presentation MLK Essay Award Winners

**PUBLIC HEARINGS**

**PUBLIC COMMENT ON LEGISLATION**

(5 Minute Limit per Speaker)

**ORDINANCES IN SECOND READING**

**RESOLUTIONS**

1. To accept the resignation of Robert L. Scott and to declare a council seat vacant.
2. Authorizing the City Manager to apply for a grant from Firehouse Subs Public Safety Foundation.
3. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for repair, cleaning, roofing, and painting of various park amenities and structures.
4. To amend Resolution No. 10423-20.
5. Authorizing the City Manager to use competitive bargaining and negotiated quotes to contract for the removal and replacement of trees on city owned properties.
6. To make supplemental appropriations for current expenses and other expenditures of the City of Kettering, State of Ohio, during the fiscal year ending December 31, 2021.

**ORDINANCES IN FIRST READING**

7. To extend a moratorium on the placement or operation of shared mobility devices in any public right-of-way or on public property, and offering the same for use anywhere in the city.
8. To rezone Lots 1, 2, and 3 of the Forrer Development Record Plan (2231-2391 Woodman Drive and 2070 Forrer Boulevard; Planning Commission Case No. 20-017).
9. To rezone all of Lot 5 and a portion of Lot 2 of the Villas at Kettering Pointe Section One (2222-2298 S. Smithville Road; Planning Commission Case No. 20-019).
10. To amend subsection 1104.401.4.3 of the City of Kettering Codified Ordinances regarding Flood Damage Prevention.

**CERTIFICATIONS AND PETITIONS**

**MANAGER'S REPORT/COMMUNITY UPDATE**

**OTHER BUSINESS NOT ON WRITTEN AGENDA**

Audience Participation (5 Minute Limit per Speaker)

**CITY COUNCIL REPORT/UPDATE**

*The City of Kettering wishes to make certain that all citizens have the opportunity to actively participate in their local government. If you have a disability and require accommodations to participate in a Council meeting, please contact the Clerk of Council at 296-2416 so that reasonable modifications can be made.*

**KETTERING CITY CALENDAR**  
**2021**

January 26	6:00 p.m. 7:30 p.m.	Council Workshop City Council Meeting
February 1	7:00 p.m.	Planning Commission
February 4	4:00 p.m.	Parks, Recreation and Cultural Arts Advisory Board
February 8	7:00 p.m.	Board of Zoning Appeals
February 9	4:00 p.m. 6:00 p.m. 7:30 p.m.	Partners for Healthy Youth Council Workshop City Council Meeting
February 15	All Day	Government Center Closed

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**TO ACCEPT THE RESIGNATION OF ROBERT L. SCOTT AND  
TO DECLARE A COUNCIL SEAT VACANT**

WHEREAS, Robert L. Scott has served as District 1 City Council representative since January 1, 2012 and as Vice Mayor from 2016-2018; and

WHEREAS, Mr. Scott was recently appointed by the Montgomery County Republican Party to serve as Clerk of the Kettering Municipal Court; and

WHEREAS, because of his appointment, Mr. Scott's has submitted a letter of resignation, a copy of which is attached hereto;

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

Section 1. This Council accepts the resignation of Robert L. Scott as District 1 Council Member. His resignation shall be considered effective January 19, 2021. Furthermore, this Council hereby declares the District 1 Council seat held by Mr. Scott, with a term ending December 31, 2023, as vacant.

Section 2. This Council hereby recognizes Mr. Scott for his service to this community and looks forward to working with Mr. Scott in his role as Clerk of the Kettering Municipal Court.

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 \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: City Manager's Office)

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# Robert Scott

Kettering, Ohio | 937-776-2315 | Robert.L.Scott.3@gmail.com

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January 13, 2021

Mayor Donald Patterson  
Vice Mayor Tony Klepacz  
Councilwoman Jacque Fisher  
Councilman Bill Lautar  
Councilman Joe Wannamaker  
Councilman Bruce Duke  
Mark Schwieterman, City of Kettering City Manager  
Ted Hamer, City of Kettering Law Director

City of Kettering  
3600 Shroyer Road  
Kettering, Ohio

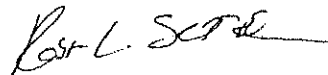
Dear Mayor and Kettering City Council,

I write you today to formally resign my position on the Kettering City Council effective January 19, 2021 in order to accept the appointment for the unexpired term of Kettering Clerk of Courts. Being a partisan-elected position, the appointment was by nomination and approval of the Montgomery County Central Committee. I formally will be accepting the Kettering Clerk of Courts position on January 20, 2021 at 12:01 pm.

It has been my honor to represent the citizens of Kettering Ward 1 for more than 10 years and serving as Vice Mayor from 2016 -2018. The City of Kettering Council and its leadership stands as an example to surrounding communities because of the value each of its elected officials and city staff place on the importance of community and pride in our background and history. It has been a privilege to be part of such an impressive and engaged group of public servants.

I'm excited at the prospect of taking a new role in the Kettering community and serving in a different capacity in our community. Fortunately, I will still be engaged with the City and look forward to working with you as the next Clerk of Court in the GREAT City of Kettering.

Sincerely,



Robert L. Scott

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO APPLY FOR  
A GRANT FROM FIREHOUSE SUBS PUBLIC SAFETY  
FOUNDATION**

WHEREAS, the Fire Department is eligible to apply for a Grant from Firehouse Subs Public Safety Foundation; and

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

WHEREAS, if awarded, the grant funds will be used to purchase a 2021 Polaris Ranger XP 1000 to be used at large scale special events to reach anyone in need of EMS assistance;

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

Section 1. The City Manager is hereby authorized, on behalf of the City of Kettering, to take all necessary and proper action to apply for the above-described Grant from Firehouse Subs Public Safety Foundation.

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

Estimated Cost: \$20,890.00  
Amount Budgeted: \$0  
Acct. No.: Special Grants & Programs

(Requested by: Fire Department)

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT  
FOR REPAIR, CLEANING, ROOFING, AND PAINTING OF  
VARIOUS PARK AMENITIES AND STRUCTURES**

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

Section 1. 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 is hereby authorized to use such bargaining and negotiation procedures and to enter into one or more contracts for repair, cleaning, roofing, and painting of various park amenities and structures. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate.

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

Estimated Cost: \$30,000.00  
Amount Budgeted: \$30,000.00  
Acct. No.: 6100-77750

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

TO AMEND RESOLUTION NO. 10423-20

WHEREAS, Resolution No. 10423-20 authorized the City Manager to contract for landscape installation services for the Schantz Avenue Bridge landscape renovation project; and

WHEREAS, an increase in the estimated project cost is necessary due to the age of the original quotes (obtained in 2020) and cost increases;

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

Section 1. Resolution No. 10423-20 is amended to authorize an expenditure of funds not to exceed \$200,000.00.

Section 2. In all other respects, Resolution No. 10423-20 shall remain in full force and effect.

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 \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

Estimated Cost: \$200,000.00  
Amount Budgeted: \$200,000.00  
Acct. No.: 5258-77750

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



CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

**AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE  
BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR  
THE REMOVAL AND REPLACEMENT OF TREES ON CITY  
OWNED PROPERTIES**

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

Section 1. 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 is hereby authorized to use such bargaining and negotiation procedures to enter into one or more contracts for the removal and replacement of trees on City owned properties, purchasing trees, and for the Citizen Tree program. The City Manager is further authorized to sign any amendments or extensions thereto that the City Manager deems appropriate

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

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D.KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

Estimated Cost: \$64,000.00  
Amount Budgeted: \$64,000.00  
Acct. No.: 6501-77750 (\$10,000)  
6502-77750 (\$54,000)

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

CITY OF KETTERING, OHIO

A RESOLUTION

By:

No.

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

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

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

A. From the State Highway Construction and Maintenance Fund:

STREET SURFACING \$ 295,272.00

B. From the Capital Improvement Fund:

TRAFFIC CONTROLS \$ 277,045.00

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 \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

Estimated Cost: \$572,317.00  
Amount Budgeted: \$0  
Acct. Nos. 2070-77750  
5106-77750

(Requested by: Finance Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO EXTEND A MORATORIUM ON THE PLACEMENT OR OPERATION OF SHARED MOBILITY DEVICES IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, AND OFFERING THE SAME FOR USE ANYWHERE IN THE CITY**

**WHEREAS**, dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations (“shared mobility devices”), have arrived in many cities suddenly and unexpectedly, and have since proliferated rapidly. These shared mobility devices are largely unregulated; and

**WHEREAS**, in cities where shared mobility devices are available, they are frequently abandoned by users in streets, sidewalks, and other public places, creating visual clutter and serious safety concerns, especially for the most vulnerable pedestrians. Moreover, due to the spontaneous nature of these rentals and their appeal to young people, shared mobility devices are nearly always operated by users—often minors— without helmets; and

**WHEREAS**, City Council and City Staff researched and considered the benefits and consequences related to the operation of shared mobility devices in the public right-of-way or on public property and whether such activities should be allowed, limited, or entirely prohibited; and

**WHEREAS**, City Staff recommended to City Council that these activities be allowed with regulations; and

**WHEREAS**, additional time is needed for City Staff to draft the regulations and present them to City Council for consideration;

**WHEREAS**, an extension of the moratorium that is currently in place will allow City Council and Staff time to accomplish the City’s goals stated herein and will help ensure the public peace, health, safety, and welfare.

**NOW, THEREFORE**, Be It Ordained by the Council of the City of Kettering, State of Ohio, at least five members concurring, that:

**Section 1.** City Council extends the previously imposed moratorium on the operation of shared mobility devices in any public right-of-way or on public property, and offering the same for use anywhere in the City. The purpose of this moratorium is to allow City Council and Staff time to draft and adopt regulations for the operation of shared mobility devices in any public right-of-way or on public property, and offering the same for use anywhere in the City limits as set forth in the recital paragraphs above.

**Section 2.** Section 478.05 of the Codified Ordinances is amended to read as follows:

478.05. **Sunset Provision.** This Chapter shall remain in full force and effect until February 28, 2022, at which time it shall become ineffective and shall be removed from the Codified Ordinances of the City of Kettering, Ohio, unless Council acts to readopt or otherwise continue the provisions herein.

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or Codified Ordinance Chapter 478 is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 4.** As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Law Department)

CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE LOTS 1, 2, AND 3 OF THE FORRER  
DEVELOPMENT RECORD PLAN (2231-2391 WOODMAN DRIVE  
AND 2070 FORRER BOULEVARD; PLANNING COMMISSION  
CASE NO. 20-017)**

WHEREAS, on November 30, 2020, after publication and issuance of notice as required by the zoning regulations of this City, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone Lots 1, 2, and 3 of the Forrer Development Record Plan (2231-2391 Woodman Drive and 2070 Forrer Boulevard) as recorded in Plat Book 201, Page 20 of the Montgomery County, Ohio Recorder's Office; and

WHEREAS, the Planning Commission recommended approval of the proposed zoning changes; and

WHEREAS, on January 12, 2021, after publication and issuance of notice as required by the zoning regulations of this City, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions; and

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

Section 1. Having considered 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, the testimony and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, Lots 1, 2, and 3 of the Forrer Development Record Plan (2231-2391 Woodman Drive and 2070 Forrer Boulevard) as recorded in Plat Book 201, Page 20 of the Montgomery County, Ohio Recorder's Office and as depicted on the attached Exhibit 1, are rezoned to BP-Business Park District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change(s) referred to in Section 2 above; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

Section 5. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Planning and Development Department)

City of Kettering, Ohio

EXHIBIT  
1

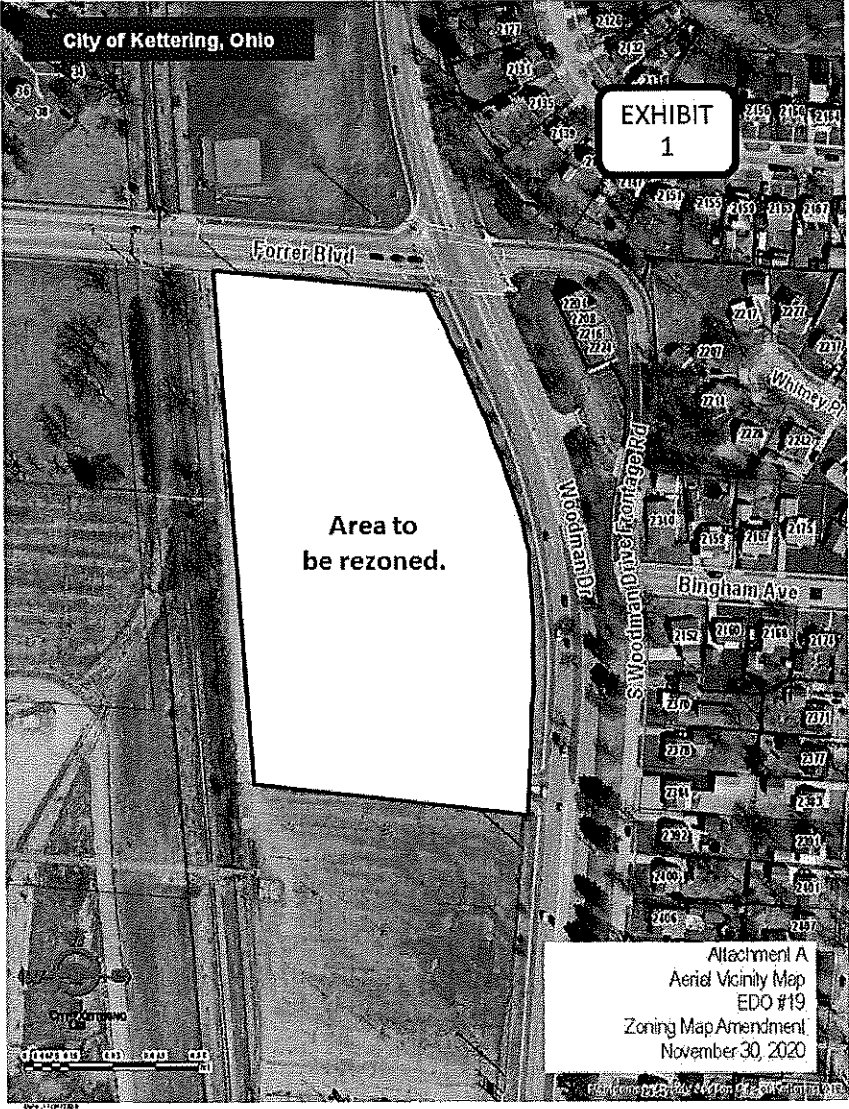
Area to  
be rezoned.

Ferrer Blvd

Woodman Dr  
S Woodman Dr  
Frontage Rd

Bingham Ave

Attachment A  
Aerial Vicinity Map  
EDO #19  
Zoning Map Amendment  
November 30, 2020



CITY OF KETTERING, OHIO

AN ORDINANCE

By:

No.

**TO REZONE ALL OF LOT 5 AND A PORTION OF LOT 2 OF THE  
VILLAS AT KETTERING POINTE SECTION ONE (2222-2298 S.  
SMITHVILLE ROAD; PLANNING COMMISSION CASE NO. 20-  
019)**

WHEREAS, on November 30, 2020, after publication and issuance of notice as required by the zoning regulations of this City, a public hearing was conducted by the City of Kettering Planning Commission concerning an application to rezone all of Lot 5 and a portion of Lot 2 of The Villas At Kettering Pointe Section One Record Plan (2222-2298 S. Smithville Road) as recorded in Plat Book 202, page 33 of the Montgomery County, Ohio Recorder's Office.

WHEREAS, the Planning Commission recommended approval of the proposed zoning changes; and

WHEREAS, on January 12, 2021, after publication and issuance of notice as required by the zoning regulations of this City, this City Council held a public hearing with evidence presented by the Planning and Development Department along with the recommendation of the Planning Commission to approve the application, and all parties were afforded the opportunity to be heard and present evidence in support of their positions; and

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

Section 1. Having considered 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, the testimony and evidence presented at the public hearing, sound planning and zoning practices, the City's adopted plans, goals, and policies, the intent of the Kettering Zoning Code, and the public health, safety and welfare requirements underlying the Zoning Code, City Council finds that the application for rezoning should be approved.

Section 2. Based on the foregoing, all of Lot 5 and a portion of Lot 2 of The Villas At Kettering Pointe Section One Record Plan, as recorded in Plat Book 202, page 33 of the Montgomery County, Ohio Recorder's Office, and as depicted and described on the attached Exhibit 1, are rezoned to B-Business District.

Section 3. As appropriate and necessary, the official Zoning Map of the City of Kettering, Ohio is hereby revised and amended to reflect the zone change(s) referred to in Section 2 above; and Section 1133.02 of the Kettering Codified Ordinances, which adopts the Zoning Map by reference, is hereby reenacted effective as of the first effective date of this Ordinance so as to include the map revision in the Zoning Code. The Director of the Planning and Development Department is directed to make such appropriate revisions on the official Zoning Map of the City.

Section 5. As provided in Section 4-8 of the City Charter, this Ordinance shall be effective two weeks after adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Planning and Development Department)

EXHIBIT

1

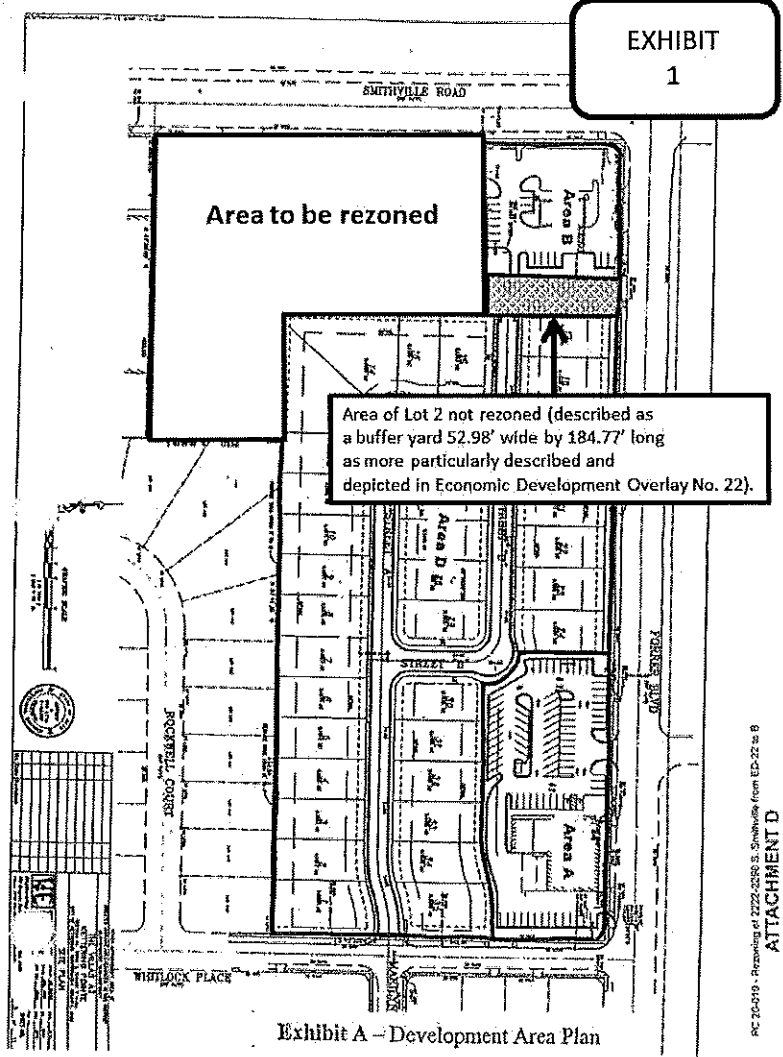


Exhibit A - Development Area Plan

PC 20-019 - Rezoning of 2222-0296 S. Smithville from ED-22 to B  
ATTACHMENT D  
Excerpt of ED-22 (Area Delineations)  
Planning Commission Meeting - November 30, 2020



**CITY OF KETTERING, OHIO**

**AN ORDINANCE**

**By:**

**No.**

**TO AMEND SUBSECTION 1104.401.4.3 OF THE  
CITY OF KETTERING CODIFIED ORDINANCES  
REGARDING FLOOD DAMAGE PREVENTION**

WHEREAS, on September 23, 1980, this Council adopted the Flood Damage Prevention Ordinance of Chapter 1104 of the Planning and Zoning Code for the preservation of the health, welfare, and safety of the City; and

WHEREAS, the City of Kettering has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; and

WHEREAS, structures that are inadequately elevated, flood-proofed, or otherwise protected from flood damage also contribute to the flood loss; and

WHEREAS, Kettering participates in the Community Rating System of the National Flood Insurance Program administered by the Federal Emergency Management Agency; and

WHEREAS, Kettering property owners benefit from Kettering's participation in the Community Rating System through lower flood insurance premiums and through reduced flood damage; and

WHEREAS, an amendment to Subsection 1104.401.4.3 is necessary to comply with regulations promulgated by the Federal Emergency Management Agency so that Kettering and its property owners can continue to participate in the Community Rating System and National Flood Insurance Program;

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

Section 1. Subsection 1104.401.4.3 of the Codified Ordinances is amended to read as follows:

1104.401.4.3 New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities elevated to or above the flood protection elevation.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or Codified Ordinance Chapter 1104 is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. As provided in Section 4-6 of the City Charter, this expedited Ordinance shall be effective two weeks after adoption. The Clerk of this Council shall publish a summary of this ordinance within two weeks after its adoption.

Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
DONALD E. PATTERSON, Mayor

ATTEST:

CERTIFICATE OF APPROVAL

\_\_\_\_\_  
LASHAUNAH D. KACZYNSKI,  
Clerk of Council

\_\_\_\_\_  
THEODORE A. HAMER III,  
Law Director

(Requested by: Planning and Development)