

ORDINANCE NO. 16-3504

AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE MIXED-USE COMMUNITY REINVESTMENT AREA IN THE VILLAGE OF SILVERTON, AND DECLARING AN EMERGENCY.

WHEREAS, this Council of the Village of Silverton, Ohio (the “Village”), desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in the Village, which has suffered from a lack reinvestment from remodeling or new construction; and

WHEREAS, pursuant to Section 3735.66 of the Ohio Revised Code, a survey of housing has been prepared with respect to the proposed Village of Silverton Mixed-Use Community Reinvestment Area (the “Mixed-Use CRA”) and is set forth in *Exhibit B*, attached hereto and incorporated herein; and

WHEREAS, the maintenance of existing and construction of new structures in the Mixed-Use CRA would serve to encourage economic stability, maintain real property values, and generate new employment opportunities in the Village; and

WHEREAS, the remodeling of existing structures or the construction of new structures in the Mixed-Use CRA constitutes a public purpose for which real property exemptions may be granted;

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE VILLAGE OF SILVERTON, HAMILTON COUNTY, OHIO, THREE-FOURTHS OF THE MEMBERS ELECTED THERETO CONCURRING:

SECTION 1. The area designated as the Mixed-Use CRA (as defined in the preambles hereto) is an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged.

SECTION 2. Pursuant to Section 3735.66 of the Ohio Revised Code, the Mixed-Use CRA is hereby established in the following described area:

The boundaries of the Mixed-Use CRA are approximately as depicted on the map attached hereto as *Exhibit A* and incorporated herein by reference.

Only properties consistent with the applicable zoning regulations and variances thereto within the Mixed-Use CRA will be eligible for exemptions.

SECTION 3. All properties identified in *Exhibit A* as being within the Mixed-Use CRA are eligible for real property tax exemptions. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the Village has previously and intends to further undertake supporting public improvements in the designated area.

SECTION 4. Within the Mixed-Use CRA, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in the Section 3735.67 of the Ohio Revised Code. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in Section 3735.671 of the Ohio Revised Code. For residential property, a tax exemption on the increase in the assessed valuation resulting from the improvements, as described in Section 3735.67 of the Ohio Revised Code, shall be granted upon application by the property owner and certification thereof by the designated Housing Officer for the following periods:

- (a) Ten (10) years, for the remodeling of every residential dwelling containing not more than two housing units and upon which the cost of remodeling is at least \$2,500, as described in Section 3735.67 of the Ohio Revised Code, and with such exemption being one hundred percent (100%) for each of the ten (10) years;
- (b) Twelve (12) years, for the remodeling of every residential dwelling containing more than two housing units, and upon which the cost of remodeling is at least \$5,000, as described in Section 3735.67 of the Ohio Revised Code, and with such exemption being one hundred percent (100%) for each of the twelve (12) years;
- (c) Fifteen (15) years, for the construction of every new residential dwelling, including dwellings containing multiple housing units, as described in Section 3735.67 of the Ohio Revised Code, and with such exemption being one hundred percent (100%) for each of the fifteen (15) years;
- (d) Up to twelve (12) years, and up to one hundred percent (100%), for the remodeling of every commercial or industrial structure, and upon which the cost of remodeling is at least \$5,000, as described in Section 3735.67 of the Ohio Revised Code, the term and percentage of which shall be negotiated on a case-by-case basis in advance of remodeling occurring.
- (e) Up to fifteen (15) years, and up to one hundred percent (100%), for the construction of every new commercial or industrial structure, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction occurring.

For the purposes of Sections 3735.65 through 3735.70 of the Ohio Revised Code, rental housing within the Mixed-Use CRA, including without limitation rental housing located in a structure containing multiple residential housing units, is classified as residential and is eligible for the exemptions described in subsections (a)-(c) of this Section 4.

The foregoing dwellings, housing and structures may be included in part of a larger structure containing other uses. Abatements may be claimed for, and will apply to, any portion of a structure meeting the required criteria; the entire structure does not need to be abated or qualify for abatement in order for the abatement to apply to the qualifying portions of the structure.

SECTION 5. All commercial and industrial projects are required to comply with the state application fee requirements of Section 3735.672(C) of the Ohio Revised Code and the local

annual monitoring fee of one percent (1%) of the amount of taxes exempted under the agreement, such amount being a minimum of \$500 up to a maximum of \$2,500 annually, unless waived.

SECTION 6. To administer and implement the provisions of this Ordinance, the Village Manager or the Village Manager's designee is designated as the Housing Officer, as described in Sections 3735.65 through 3735.70 of the Ohio Revised Code.

SECTION 7. Pursuant to Section 3735.69 of the Ohio Revised Code, there is hereby established the Mixed-Use CRA Housing Council (the "Housing Council"), consisting of two members appointed by the Mayor, two members appointed by this Council and one member appointed by the Planning Commission. The majority of the members shall then appoint two additional members who shall be residents of the Village. Terms of the members of the Housing Council shall be for three (3) years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council shall make an annual inspection of the properties within the Mixed-Use CRA for which an exemption has been granted under Section 3735.67 of the Ohio Revised Code. The Housing Council shall also hear appeals under Section 3735.70 of the Ohio Revised Code.

SECTION 8. In order to comply with the provisions of Section 5709.85 of the Ohio Revised Code, the Village has previously established a Tax Incentive Review Council in connection with the granting of other tax incentives authorized under the Ohio Revised Code. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Section 3735.671 of the Ohio Revised Code within the Mixed-Use CRA, and make written recommendations to this Council as to continuing, modifying or terminating any such agreement based upon the performance thereof. The Tax Incentive Review Council shall also undertake any additional duties and responsibilities set forth in Section 5709.85 of the Ohio Revised Code.

SECTION 9. This Council reserves the right to re-evaluate the designation of the Mixed-Use CRA after December 31, 2017, at which time the Council may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the Ohio Revised Code.

SECTION 10. That the City Manager is hereby directed and authorized to petition the Director of the Ohio Development Services Agency to confirm the findings in this Ordinance.


SECTION 11. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

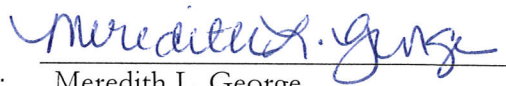
SECTION 12. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare, and safety of the inhabitants of the Village, which requires the immediate creation of the Mixed-Use CRA in order to facilitate economic development in the Village, all in accordance with and in furtherance of the current development plan of the Village. The Ordinance shall take effect immediately upon adoption.

[Remainder of page intentionally left blank]

ADOPTED: May 5, 2016.

CERTIFIED:

Signature: 
Printed Name: John A. Smith
Title: Mayor

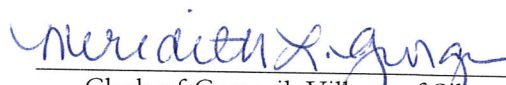
Signature: 
Printed Name: Meredith L. George
Title: Clerk of Council

Approved as to form only:

Signature: 
Printed Name: Bryan E. Pacheco
Title: Village Solicitor

CERTIFICATE

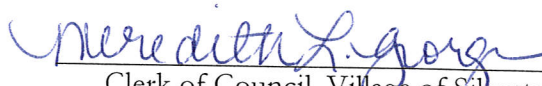
The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 16-3504.



Clerk of Council, Village of Silverton,
Hamilton County, Ohio

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing Ordinance was certified this day to the Director of the Ohio Development Services Agency.



Clerk of Council, Village of Silverton,
Hamilton County, Ohio

Dated: May 6, 2016