

ORDINANCE NO. 14-97

BY: Earl Williams

Enacting new Section 173.11 of the Administrative Code of the Codified Ordinances of the City of Shaker Heights to create the Transit Village Community Reinvestment Area pursuant to State law where real property tax exemption shall be granted where significant investment in new construction on vacant land is made by property owners.

WHEREAS, Chapter 173 of the Codified Ordinances, was enacted by Ordinance 04-11, on February 9, 2004, establishing a Housing Council and the position of Housing Officer to implement the provisions of the Ohio Revised Code authorizing the designation of Community Reinvestment Areas in municipalities in the State; and

WHEREAS, this Council adopted amendments to Chapter 173 in Ordinance No. 06-92, enacted on October 23, 2006, to designate certain areas in the City as Community Reinvestment Areas pursuant to state law where certain real property tax exemptions may be granted when significant investment is made by property owners, as described in said ordinance, and said ordinance had an expiration provision resulting in the expiration of Sections 173.01 through 173.06, and 173.09, as of December 31, 2008; and

WHEREAS, this Council further amended Chapter 173 in Ordinance 06-113, enacted on November 13, 2006, in order to clarify Section 173.09 to make it consistent with Ohio Revised Code Section 3735.65 *et seq.*, which requires the length of time a property may be exempted from taxes to be established by Council, and to clarify the authority of the Housing Officer; and

WHEREAS, this Council, in Ordinance 10-68, adopted on May 24, 2010, re-enacted Sections 173.01 through 173.06, and 173.09; and

WHEREAS, Ohio Revised Code Section 3735.65 *et seq.* authorizes municipalities to designate Community Reinvestment Areas in which certain real property tax exemptions may be permitted when certain criteria have been met in order to promote significant investment in such areas by property owners; and

WHEREAS, this Council has reviewed and hereby approves the Transit Village Community Reinvestment Area Housing Survey conducted and presented by the Director of Planning pursuant to Ohio Revised Code Section 3735.66, which is attached to this ordinance and incorporated herein; and

WHEREAS, as a result of the Transit Village Community Reinvestment Area Housing Survey, this Council has determined that the area of the City encompassing the parcels listed in the Housing Survey, including all parcels on Sutton Road, all parcels on Sutton Place, not including those properties that front onto Westbury and Colwyn Roads, the properties on the south side of Milverton Road from the southeast corner of Milverton and Sutton Roads, at Parcel No. 735-14-012, north and west to the City border with Cleveland, at Parcel No. 731-14-016, the properties on the north side of Milverton Road from Parcel No. 735-14-018 on the south east to the City border, at Parcel No. 731-18-028, and the parcels at the corner of Onaway Road, Van Aken Boulevard and Sutton Road from Parcel No. 731-18-021 on the west to 731-18-028 on the east, contains housing facilities or structures of historical significance, and new housing construction and repair of existing facilities or structures are discouraged by market conditions and, therefore, under Ohio Revised Code Sections 3735.65 and 3735.66, said area is appropriate for designation as a Community Reinvestment Area; and

WHEREAS, the City finds that the construction of new single family homes in the Transit Village CRA would serve to encourage neighborhood stability, investment in housing, and maintain real property values, and constitutes a public purpose for which real property exemptions may be granted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Chapter 173 of the Administrative Code of the Codified Ordinances is hereby amended by the enactment of new Section 173.11 as follows:

173.11 TRANSIT VILLAGE COMMUNITY REINVESTMENT AREA

(a) Council finds that the area designated as the Transit Village Community Reinvestment Area ("CRA") within the boundaries described in this Section, which area is illustrated in the "Map of Transit Village CRA" and includes the parcels listed in the "Statement of Findings" on file with the Housing Officer and in the Transit Village Community Reinvestment Area Housing Survey, constitutes an area within which housing facilities or structures of historical significance are located and within which new housing construction or repair of existing facilities or structures has been discouraged by market conditions.

(b) The Transit Village CRA shall be defined as the area in the City that includes: all parcels on Sutton Road; all parcels on Sutton Place, not including those properties that front onto Westbury and Colwyn Roads; the properties on the south side of Milverton Road from the southeast corner of Milverton and Sutton Roads, at Parcel No. 735-14-012, north and west to the City border with Cleveland, at Parcel No. 731-14-016; the properties on the north side of Milverton Road from Parcel No. 735-14-018 on the south east to the City border, at Parcel No. 731-18-028; and the parcels at the corner of Onaway Road, Van Aken Boulevard and Sutton Road from Parcel No. 731-18-021 on the west to 731-18-028 on the east.

(c) Pursuant to Ohio Revised Code Section 3735.66, the Transit Village Community Reinvestment Area, as defined in this Section, is hereby established.

(d) Properties within the Transit Village Community Reinvestment Area on which new construction of residential-only, for-sale, single family homes occurs, with a minimum investment of \$125,000, are eligible for tax exemption. A tax exemption of 100% of the increase in the assessed valuation of the property resulting from new construction, as defined in Ohio Revised Code Section 3735.67 and in this Chapter, shall be granted for a period of ten years, upon proper application by the property owner and certification of such application thereof by the Housing Officer. The initial sale of any new single family home must be to an owner occupant. Applications must be filed with the Housing Officer no later than six months after completion of the new construction. The Housing Officer shall determine whether an application meets the requirements of this Chapter, State law and the rules and regulations for the implementation of this Chapter.

Section 2. This Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, that all deliberations of this Council and of its committees, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements, including the City's Charter and Chapter 115 of the City's Codified Ordinances.

Section 3. A summary of this Ordinance shall be published by the Department of Planning in a newspaper of general circulation in the City for two consecutive weeks as soon as practicable following its adoption.

Section 4. Upon passage by this Council, a copy of this ordinance shall be transmitted by the Department of Planning to the Director of the Ohio Department of Development for his or her determination in accordance with the provisions set forth at Ohio Revised Code Section 3735.66.

Section 5. This Ordinance shall take effect from and after the earliest time allowed by law.

Enacted February 23, 2015.

Approved this ____ day of _____, 20__.

EARL M. LEIKEN, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

coun14/1209TransitVillageCRA-CODORD173.11