

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading _____	Waiver 3-Reading Rule _____
ORDINANCE NO: 2017-12-20	Yes <u>X</u>	Second Reading _____	Yes _____
INTRODUCED BY <u>R. FENN</u>	No _____	Third Reading <u>X</u>	No <u>X</u>

**AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA IN THE VILLAGE OF BOSTON HEIGHTS, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM; AND DECLARING AN EMERGENCY.**

WHEREAS, this Council desires to pursue all reasonable and legitimate incentive measures to assist and encourage residential development in the crosshatched area depicted on **Exhibit A** attached hereto (the "Community Reinvestment Area"), which has not enjoyed reinvestment from remodeling or new construction of residential structures;

WHEREAS, a survey of housing, a copy of which is on file in the office of the Clerk of Council as required by Section 3735.66 of the Ohio Revised Code, has been prepared by inSITE Advisory Group, LLC for the area to be included in the proposed Community Reinvestment Area;

WHEREAS, the maintenance of existing and construction of new residential structures in such area would serve to encourage economic stability and maintain real property values; and

WHEREAS, the remodeling of existing structures or the construction of new residential structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted.

NOW THEREFORE, BE IT ORDAINED by the Village of Boston Heights, Ohio, Summit County, Ohio, that:

**Section 1:** The area designated as the "Village of Boston Heights – Boston Heights Community Reinvestment Area" constitutes 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 Village of Boston Heights – Boston Heights Community Reinvestment Area shall consist of all parcels of land depicted as the crosshatched area on the map attached hereto as **Exhibit A**.

**Section 3:** All residential properties identified in **Exhibit A** as being within the designated Village of Boston Heights – Boston Heights Community Reinvestment Area that comply with applicable zoning regulations are eligible for this incentive.

**Section 4:** That the construction of new residential structures in areas where the dwellings are in compliance with applicable zoning regulations within the Village of Boston Heights – Boston Heights Community Reinvestment Area are declared to be a public purpose for which exemptions of real property taxation, at 85% of the dollar amount by which the new construction and/or rehabilitation/remodeling increased the assessed value of the property, shall be granted in the following manner in accordance with ORC Section 3735.67:

The owner of any such real property in the Village of Boston Heights – Boston Heights Community Reinvestment Area may file an application with the Housing Officer (as described in Section 5 below) for an exemption from real property taxation for a period of 15 years for 100% of the increase in assessed taxes attributable to the new construction of residential structures. Notwithstanding the foregoing, the Housing Officer (as defined below) shall not approve any application for exemption pursuant to this Section 4 unless such owner has previously entered into a Development Agreement with respect to the construction of residential structures, which Development Agreement shall be in form and substance satisfactory to the Village.

For the purposes of the Village of Boston Heights – Boston Heights Community Reinvestment Area, structures, including but not necessarily limited to apartment buildings/complexes, used for residential purposes, regardless of number of units, shall be classified as residential structures so long as said classification is consistent with applicable zoning restrictions.

**Section 5:** That to administer and implement the provisions of this ordinance and the activities described in ORC Section 3735.65 et seq. of the Revised Code, the Village Engineer is hereby designated as the Housing Officer for purposes of the Village of Boston Heights – Boston Heights Community Reinvestment Area (the "Housing Officer").

**Section 6:** That the Community Reinvestment Area Housing Council (the "Housing Council") created by Ordinance No. 10-2008 passed September 10, 2008 shall act as Housing Council with respect to the Village of Boston Heights – Boston Heights Community Reinvestment Area pursuant to ORC Section 3735.69.

**Section 7:** That pursuant to ORC Section 3735.68, the Housing Officer may terminate the tax exemption at any time after the first year of the exemption if he/she finds that the subject property is (a) not being properly maintained or repaired due to the neglect of the owner and/or (b) has not been developed in substantial compliance with the Development Agreement entered into with the Village. Once terminated, the tax exemption shall not be reinstated except for good cause shown.

**Section 8:** That the Housing Council shall make an annual inspection of the properties within the Village of Boston Heights – Boston Heights Community Reinvestment Area for which an exemption has been granted under ORC Section 3735.67. The Housing Council shall also hear appeals under ORC Section 3735.70.

**Section 9:** This Council reserves the right to re-evaluate the designation of the Village of Boston Heights – Boston Heights Community Reinvestment Area after December 31 of each year, 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:** The Clerk of Council shall, no later than 15 days after the adoptions of this Ordinance, petition the Director of the Ohio Development Services Agency for the Director to confirm the findings set forth in this Ordinance. The petition shall be accompanied by a copy of this Ordinance and a map of the Village of Boston Heights – Boston Heights Community Reinvestment Area in sufficient detail to denote the specified boundaries of the area and to indicate zoning restrictions applicable to the area.

**Section 11:** The 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, if any, which resulted in formal action were

taken in meetings open to the public, in full compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revise Code.

**Section 12:**

The provisions of this Ordinance are hereby declared to be severable and independent divisions and sub-divisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said divisions, or the application thereof to any person or circumstance is held to be invalid, the remaining divisions or sub-divisions and the application of such provision to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such divisions and sub-divisions would have been passed independently of such division or sub-division so known to be invalid

**Section 13:**

This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the necessity of providing incentives so that orderly development may proceed in the Village as soon as possible and/or before inclement weather sets in once again, thereby providing for the creation of jobs and employment opportunities and improving the economic welfare of the people of the Village; wherefore, this ordinance shall take effect and be in force from and after its passage.

PASSED:

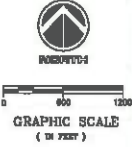
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BILL GONCY, MAYOR

ATTEST:

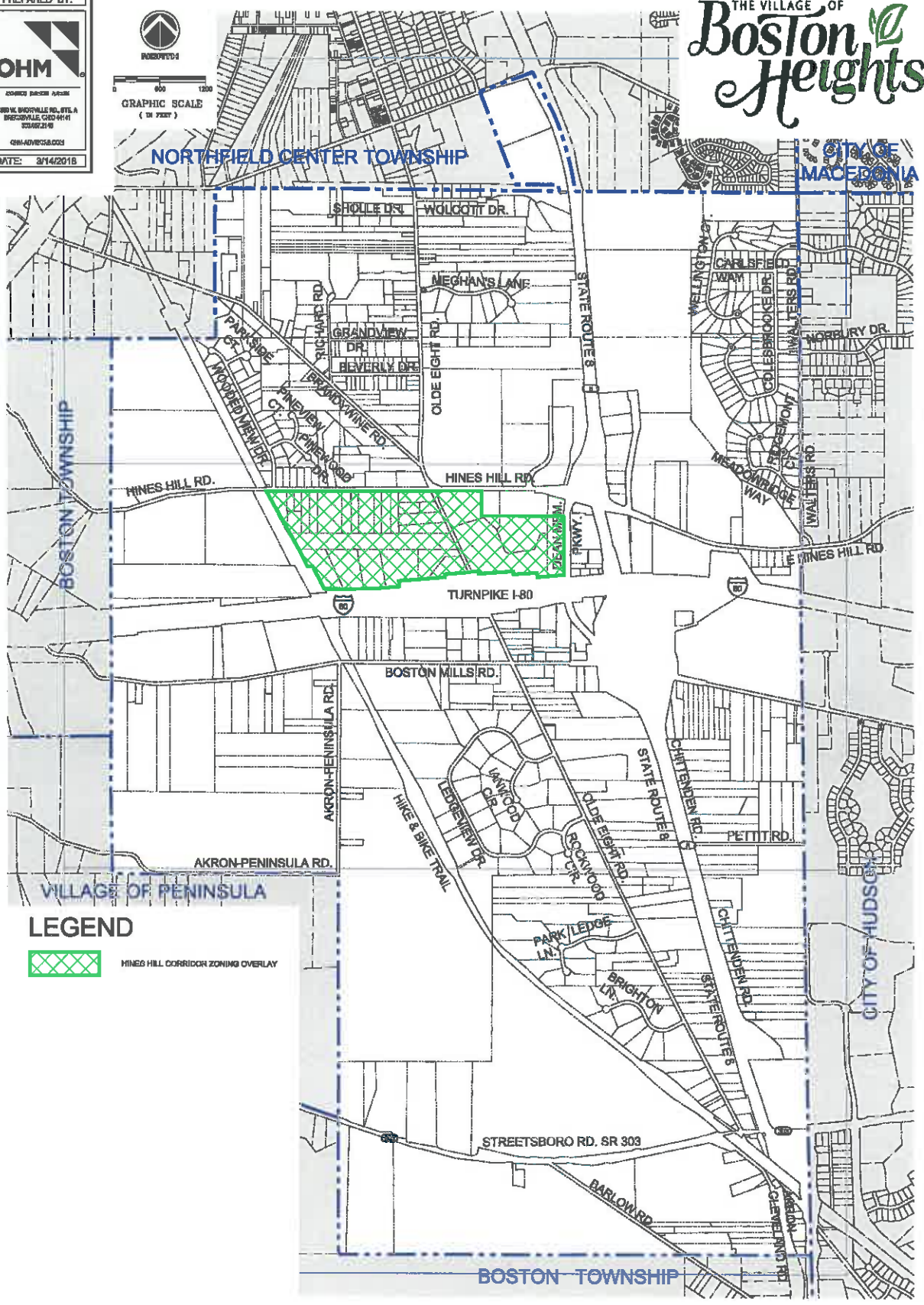
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BETTY KLINGENBERG, FISCAL OFFICER

I, Betty Klingenberg, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing **Ordinance 2017-12-20** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **13<sup>th</sup> day of March, 2018**.

PREPARED BY:  
  
 OHM  
 43000 BUCKINGHAM AVE  
 COLUMBIANA, OHIO 43001  
 614.891.2100  
 OHM-AD-1505-0001  
 DATE: 2/14/2018



THE VILLAGE OF  
**Boston Heights**



**LEGEND**  
 HINES HILL CORRIDOR ZONING OVERLAY

**EXHIBIT A - CRA  
 ORD. 2017-12-20  
 VILLAGE OF BOSTON HEIGHTS**

THE VILLAGE OF BOSTON HEIGHTS, OHIO, HAS ADOPTED THIS ORDINANCE AS PART OF THE 2017-2018 BUDGET.