



**ORDINANCE 2023-10**

**AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE DOWNTOWN COMMUNITY REINVESTMENT AREA IN THE CITY OF POWELL, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL, AND DECLARING AN EMERGENCY**

**WHEREAS,** the Ohio Community Reinvestment Area Act, under Section 3735.65 through Section 3735.70 of the Ohio Revised Code (collectively, the “Act”), authorizes cities to designate areas as Community Reinvestment Areas; and

**WHEREAS,** the City Council of the City of Powell (hereinafter “Council”) desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in areas of the City of Powell that have not enjoyed reinvestment from remodeling or new construction; and

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

**WHEREAS,** the survey of housing shows the facts and conditions relating to existing housing and commercial facilities and undeveloped areas, including, among other things, evidence of deterioration and lack of new construction or repair or rehabilitation of substantial portions of the proposed Community Reinvestment Area; and

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

**WHEREAS,** the remodeling of existing structures or the construction of new 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 CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

**SECTION 1:** Designation of Community Reinvestment Area. The area designated as the Downtown Community Reinvestment Area constitutes an area in which housing facilities are located, and in which new construction or repair of existing facilities has been discouraged.

**SECTION 2:** Establishment of Community Reinvestment Area. Pursuant to Section 3735.66 of the Ohio Revised Code, the Downtown Community Reinvestment Area, is hereby established to include the following parcels as identified by the Delaware County Auditor and listed in Exhibit A attached thereto and incorporated herein.

An approximate map of the Downtown Community Reinvestment Area is attached to the Ordinance as Exhibit B and is incorporated by reference herein.

**SECTION 3: Eligible Parcels.** The entire area within the existing parcels identified in Section 2 as being within the designated Community Reinvestment Area are eligible for this incentive.

**SECTION 4: Duration and Percentage of Tax Exemption.** Within the Downtown Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial 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 3765.67 of the Ohio Revised Code. The results of the negotiation as approved by this Commission 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 ORC Section 3735.67 shall be granted upon application by the property owner and certification thereof by the designated Housing Officer for the following periods:

- a. Fifteen (15) years, for the construction of every residential dwelling unit as described in ORC Section 3735.67, with such exemption being one hundred percent (100%) for each of the fifteen (15) years.
- b. Fifteen (15) years, for the remodeling of every residential dwelling unit upon which the cost of remodeling is at least \$5,000, as described in ORC Section 3735.67, and with such exemption being (100%) for each of the fifteen (15) years.
- c. Up to, and including, fifteen (15) years, and up to, and including, one hundred percent (100%) for the remodeling of existing commercial facilities and upon which the cost of remodeling is at least \$5,000, as described in ORC Section 3735.67, the term and percentage of which shall be negotiated on a case-by-case basis in advance of remodeling occurring.
- d. Up to, and including, fifteen (15) years, and up to, and including, one hundred percent (100%) for the construction of new commercial facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction occurring.

For the purposes of the Downtown Community Reinvestment Area, structures or portions thereof exclusively used for residential purposes with three units or less shall be classified as residential structures. Structures and portions thereof used for residential purposes with four units or more, shall be classified as commercial structures.

If remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption, the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

**SECTION 5. Appointment of Housing Officer.** To administer and implement the provisions of this Ordinance, the Director of Community Development or his designee, is designated as the Housing Officer as described in the Act.

**SECTION 6. Creation of Housing Council.** That this Council shall cause a Housing Council as described in Section 3735.69 of the Ohio Revised Code composed of seven members to be appointed: two members appointed by the Mayor, two members appointed by this Council, and one member appointed by the planning commission of the municipal corporation. The majority of the foregoing members shall then appoint two additional members who shall be residents of the City of Powell.

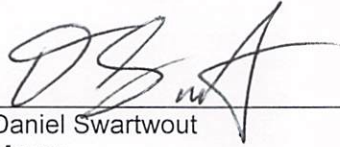
**SECTION 7. Duties of Housing Council.** The Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The Housing Council shall also hear appeals under Section 3735.70 of the ORC.

SECTION 8. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.


SECTION 9. Further Authorizations. This Council authorizes the Director of Community Development or his designee to process on its behalf an Ohio CRA Program Petition for Area Certification, within 60 days after the adoption of this Ordinance, including without limitation a certified copy of this Ordinance, and all other supporting documentation, to the director of the Ohio Department of Development for the director to confirm the findings described in this Ordinance. No exemption from taxation under section 3735.67 of the Ohio Revised Code shall be granted until the director forwards the director's determination/CRA Confirmation Certificate to this Council that the findings contained in this Ordinance are valid, and that the classification of structures or remodeling eligible for exemption under this Ordinance is consistent with applicable zoning restrictions applicable to Downtown Community Reinvestment Area.

SECTION 10. Non-Discriminatory Hiring Policy. In accordance with Section 5709.832 of the Ohio Revised Code, this Council hereby determines that no employer located upon any Parcel shall deny any individual employment based solely on the basis of race, religion, sex, disability, color, national origin or ancestry.

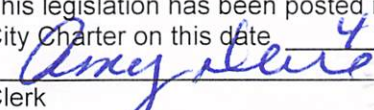
SECTION 11: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that this Ordinance must be immediately effective so that the work can begin on the construction and/or remodeling of residential and commercial structures within the Downtown Community Reinvestment Area; WHEREFORE, this Ordinance shall take effect and be in force from and immediately after its adoption.

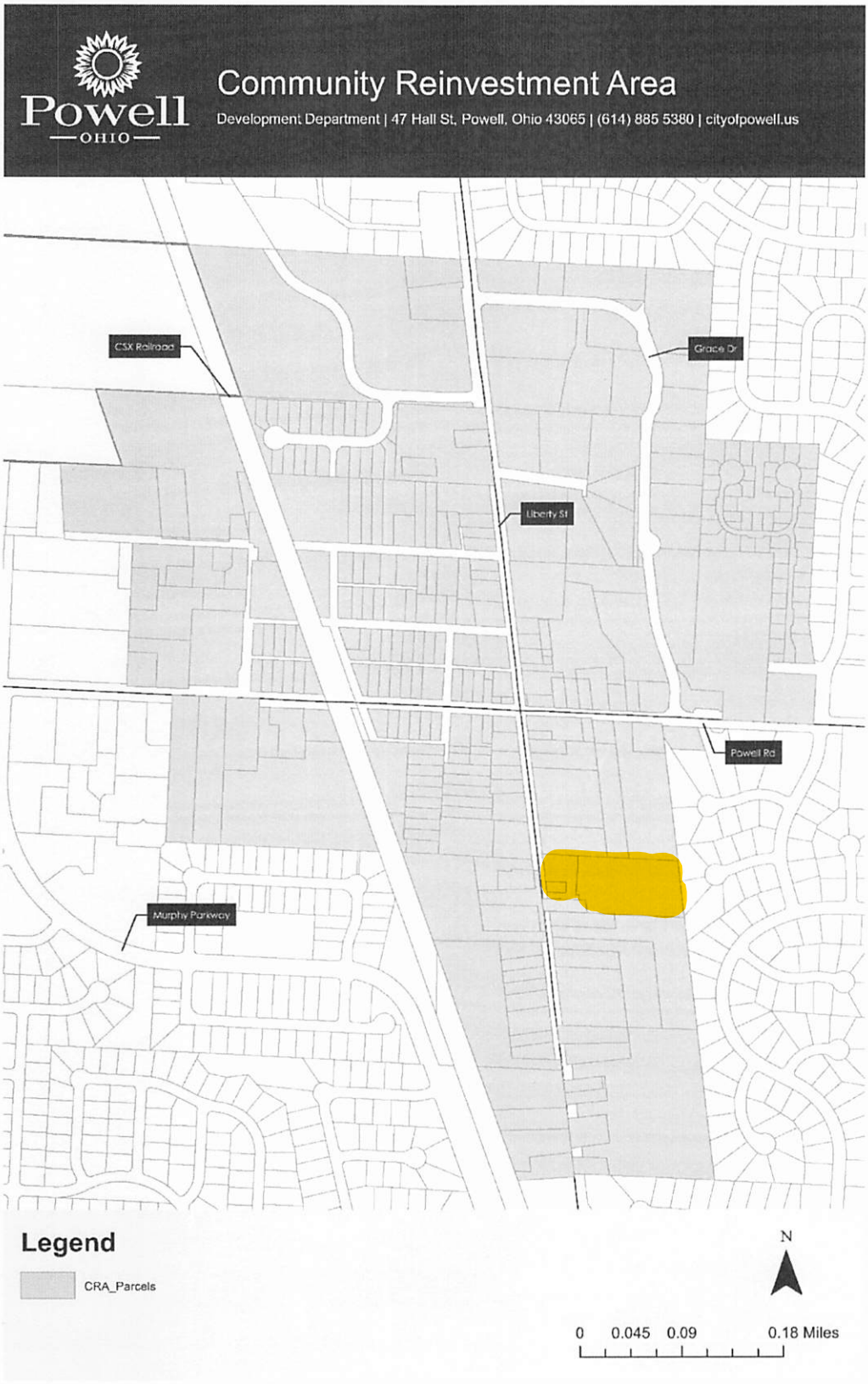
  
Daniel Swartwout  
Mayor

4-4-23  
Date

  
Amy Deere  
City Clerk

EFFECTIVE DATE: **March 21, 2023**

This legislation has been posted in accordance with the City Charter on this date 4-4-23  
  
City Clerk



City Council  
Daniel Swartwout, Mayor  
Ferzan Ahmed    Jon C. Bennehoof    Tom Counts    Christina Drummond    Heather Karr    Brian Lorenz