

ORDINANCE NO. 2023 - DCo

AN ORDINANCE AMENDING SECTION 2, SECTION 3, AND SECTION 4 OF ORDINANCE 1998-05, AS THE SAME HAS BEEN AMENDED PREVIOUSLY BY ORDINANCE 2012-03 AND ORDINANCE 2018-03 ENTITLED "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 ENTIRE VILLAGE OF LEWISBURG, PREBLE COUNTY, OHIO, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, CREATING A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL, AND ESTABLISHING A TAX INCENTIVE REVIEW COUNCIL."

WHEREAS, the Village Council of the Village of Lewisburg (the "Village"), Preble County, Ohio, (hereinafter "Council") has previously established a Community Reinvestment Area ("CRA") pursuant to Ordinance No. 1998-05, adopted on June 4, 1998 (the "Original CRA Ordinance"), which was approved and confirmed on June 10, 1998, by Joseph C. Robertson, Director of the Ohio Department of Development, as Area No. 135-2185-01, and designated as the Lewisburg CRA; and,

WHEREAS, Council enacted Ordinance 2012-03, adopted on April 5, 2012, which was approved and confirmed on May 31, 2012 by Christiane Schmenk, Director, through M. Beth Trombold, Assistant Director, Ohio Department of Development, amending certain provisions of Section 4 of the Original CRA Ordinance in order to update certain self-imposed limitations on tax exemption incentives available within the Lewisburg CRA and to give the Council greater flexibility in negotiating CRA Agreements in connection with such tax exemption incentives; and

WHEREAS, Council enacted Ordinance 2018-03, adopted on May 17, 2018, which was approved and confirmed on July 10, 2018 by David Goodman, Director, through Matt Deters, Assistant Director, Ohio Development Services Agency, amending certain provisions of Section 2 of the Original CRA Ordinance by amending the original geographic boundary of the Lewisburg CRA from the entire incorporated area of the Village as existing and recorded as of April 2, 1998, to the entire incorporated area of the Village as existing and recorded as of April 2, 2018 to include additionally annexed property into the Village territorial limits; and

WHEREAS, Council now wishes to further amend Section 2 of the Original CRA Ordinance, further changing the geography of the Lewisburg CRA from the entire incorporated area of the Village as existing and recorded as of April 2, 2018, to the entire incorporated area of the Village as existing and recorded as of April 28, 2023, noting that multiple annexations of land into the Village have occurred over the last 5 years, and also now wishes to specifically allow for residential use structures to be eligible for tax exemption incentives within certain guidelines; and

WHEREAS, Council now wishes to amend Section 3 of the Original CRA Ordinance to specifically allow for residential use structures to be eligible for tax exemption incentives within certain guidelines; and

WHEREAS, Council now wishes to further amend Section 4 of the Original CRA Ordinance to specifically allow for residential use structures to be eligible for tax exemption incentives within certain guidelines.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LEWISBURG, PREBLE COUNTY, OHIO, AS FOLLOWS:

Section 1: Section 2 of Ordinance 1998-05, as amended by Ordinance 2018-03, currently reads as follows:

Section 2. Pursuant to Ohio Revised Code Section 3735.66, The Village of Lewisburg Community Reinvestment Area is hereby established in the following described area and attached map (Exhibit "B"):

Being in the Township of Harrison, County of Preble, and State of Ohio, and being the entire incorporated area of the Village of Lewisburg, Preble County, Ohio, as existing and recorded as of April 2, 2018.

Note: The accompanying map marked Exhibit "B" as prepared by the Village Surveyor, Kramer & Associates, is an approximation of said area; however, the official records of the Village territorial limits take precedence over any map errors.

The Community Reinvestment Area is the entire Village Corporate limits as of April 2, 2018, as approximately depicted on the map attached to this Ordinance, marked as Exhibit "B", and by this reference incorporated herein.

Only commercial and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program. No properties in which people reside or properties available for residential usage can receive exemptions under this Program, including but not exclusive of other properties, single-family residences, multi-family residences, apartments, condominiums, chattel housing, hotel or other transient housing, townhouses, or recreational housing. It is the express legislative intent in establishing the Program that by improving the commercial and industrial climate of the Village of Lewisburg, Ohio, that the effects will indirectly trickle down to an improved residential climate without the need of residential exemptions under this Program.

Section 2: Section 2 of Ordinance 1998-05, as amended by Ordinance 2018-03, is herein amended to read as follows:

Section 2. Pursuant to Ohio Revised Code Section 3735.66, The Village of Lewisburg Community Reinvestment Area is hereby established in the following described area and attached map (Exhibit "B"):

Being in the Township of Harrison, County of Preble, and State of Ohio, and being the entire incorporated area of the Village of Lewisburg, Preble County, Ohio, as existing and recorded as of April [28], 2023.

Note: The accompanying map marked Exhibit "B" as prepared by the Village Surveyor, Brumbaugh Engineering & Surveying, is an approximation of said area; however, the official records of the Village territorial limits take precedence over any map errors.

The Community Reinvestment Area is the entire Village Corporate limits as of April 28, 2023, as approximately depicted on the map attached to this Ordinance, marked as Exhibit "B", and by this reference incorporated herein.

Commercial, industrial, and residential properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this program. Notwithstanding the foregoing, exemptions for residential properties shall only be available for new construction of residential properties, and not available for any remodeling of existing residential properties. For purposes of this Ordinance, new construction and remodeling of buildings with four (4) or more residential housing units shall be eligible for exemptions under this program as commercial properties. Additionally, exemptions are expressly allowed for residential properties that are single family residences and structures with less than two (2) residential housing units.

Section 3: Section 3 of Ordinance 1998-05 currently reads as follows:

Section 3. All industrial and commercial properties within the designated Community Reinvestment Area are eligible for this incentive. 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 of Lewisburg, intends to make available supporting public services in the designated area.

Section 4: Section 3 of Ordinance 1998-05 is herein amended to read as follows:

Section 3. All industrial and commercial properties, and those specific residential properties eligible for exemptions as identified in Section 2 hereof, are eligible for this incentive. 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 of Lewisburg, intends to make available supporting public services in the designated area.

Section 5: Section 4 of Ordinance 1998-05, as amended by Ordinance 2012-03, currently reads as follows:

Section 4. Within the Community Reinvestment Area, 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 Ohio Revised Code Section 3765.67. The results of the negotiation as approved

by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in Ohio Revised Code Section 3735.671. The following additional rules shall govern and limit this tax exemption process:

- (A) The tax exemption under this Program will be given for real property taxation purposes only.
- (B) The maximum percentage of tax exemption available under this Program is one hundred percent (100%). The written consent of the Tri-County North Local School District Board of Education or its successor in interest shall be required on all Community Reinvestment Area Agreements involving a percentage exceeding fifty percent (50%).
- (C) Tax exemptions will only be given on commercial and industrial real property improvements and not residential real property improvements.
- (D) For remodeling existing commercial or industrial structures, the maximum to be negotiated term of tax exemption shall be up to twelve (12) years, and for new construction of commercial or industrial structures, the maximum to be negotiated term of tax exemption shall be up to, fifteen (15) years.
- (E) To be eligible for tax exemption, the real property improvement for the construction of new commercial or industrial structures and/or remodeling of existing commercial or industrial structures, must meet other minimum qualifications, as follows:
 - (1) The actual cost of the real property improvement, and therefore, estimated increase in tax valuation, must equal or exceed \$100,000.00.
 - (2) The negotiated tax exemption and Community Reinvestment Area Agreement must be approved in advance of construction and/or remodeling.
- (F) If remodeling qualifies for a tax exemption, during the period of the tax 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 a tax exemption, during the period of the tax 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 6: Section 4 of Ordinance 1998-05, as amended by Ordinance 2012-03 is herein amended to read as follows:

Section 4. Within the Community Reinvestment Area, 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 Ohio Revised Code Section 3765.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in Ohio Revised Code Section 3735.671. Subject to Section 2 of this Ordinance,

hereof, on the application of an owner of residential property, after the review and verification of the new construction, and the review and verification of the facts asserted in the application, by the Housing Officer, he/she shall determine if the construction of the residential property meets the requirements for an exemption under this program. The following additional rules shall govern and limit this tax exemption process:

(A) The tax exemption under this Program will be given for real property taxation purposes only.

(B) Tax exemptions will be given on any commercial and industrial real property improvements, and only on new construction projects for residential real property improvements. Remodeling exemptions for residential projects are not eligible under this program.

(C) The maximum percentage of tax exemption available under this Program for commercial and industrial properties is one hundred percent (100%). The written consent of the Tri-County North Local School District Board of Education or its successor in interest shall be required on all Community Reinvestment Area Agreements for commercial and industrial properties involving a percentage exceeding seventy-five percent (75%).

(D) For remodeling existing commercial or industrial structures, the maximum to be negotiated term of tax exemption shall be up to twelve (12) years, and for new construction of commercial or industrial structures, the maximum to be negotiated term of tax exemption shall be up to, fifteen (15) years.

(E) For new construction of residential structures allowed under Section 2 of this Ordinance, hereof, the percentage of tax exemption available under this Program shall be fifty percent (50%). The term of the tax exemption shall be for five (5) years.

(E) To be eligible for tax exemption, the real property improvement for the construction of new residential, commercial or industrial structures and/or remodeling of existing commercial or industrial structures, must meet other minimum qualifications, as follows:

- (1) The actual cost of the real property improvement, and therefore, estimated increase in tax valuation, must equal or exceed \$100,000.00.
- (2) The negotiated tax exemption and Community Reinvestment Area Agreement must be approved in advance of construction and/or remodeling.

(F) If remodeling qualifies for a tax exemption, during the period of the tax exemption, the exempted percentage of the dollar amount of only the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for a tax exemption, during the period of the tax 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 7: The remaining provisions of Ordinance 1998-05 shall remain unchanged.

Section 8: 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 Revised Code.

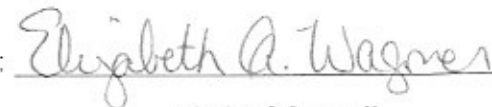
Section 9: This Ordinance shall take effect and be in full force from an after the earliest period allowed by law and upon confirmation by the Director of the Ohio Department of Development of the findings in this Ordinance.

Section 10: The Mayor and Municipal Manager of the Village of Lewisburg, Ohio, are hereby directed and authorized to send a copy of this Ordinance, by certified mail, to the Director of the Ohio Department of Development with a map of the updated Community Reinvestment Area in sufficient detail to denote the specific boundaries of the area.

Dated: 05-04-2023



Mayor

ATTEST: 

Clerk of Council

EXHIBIT 'B'

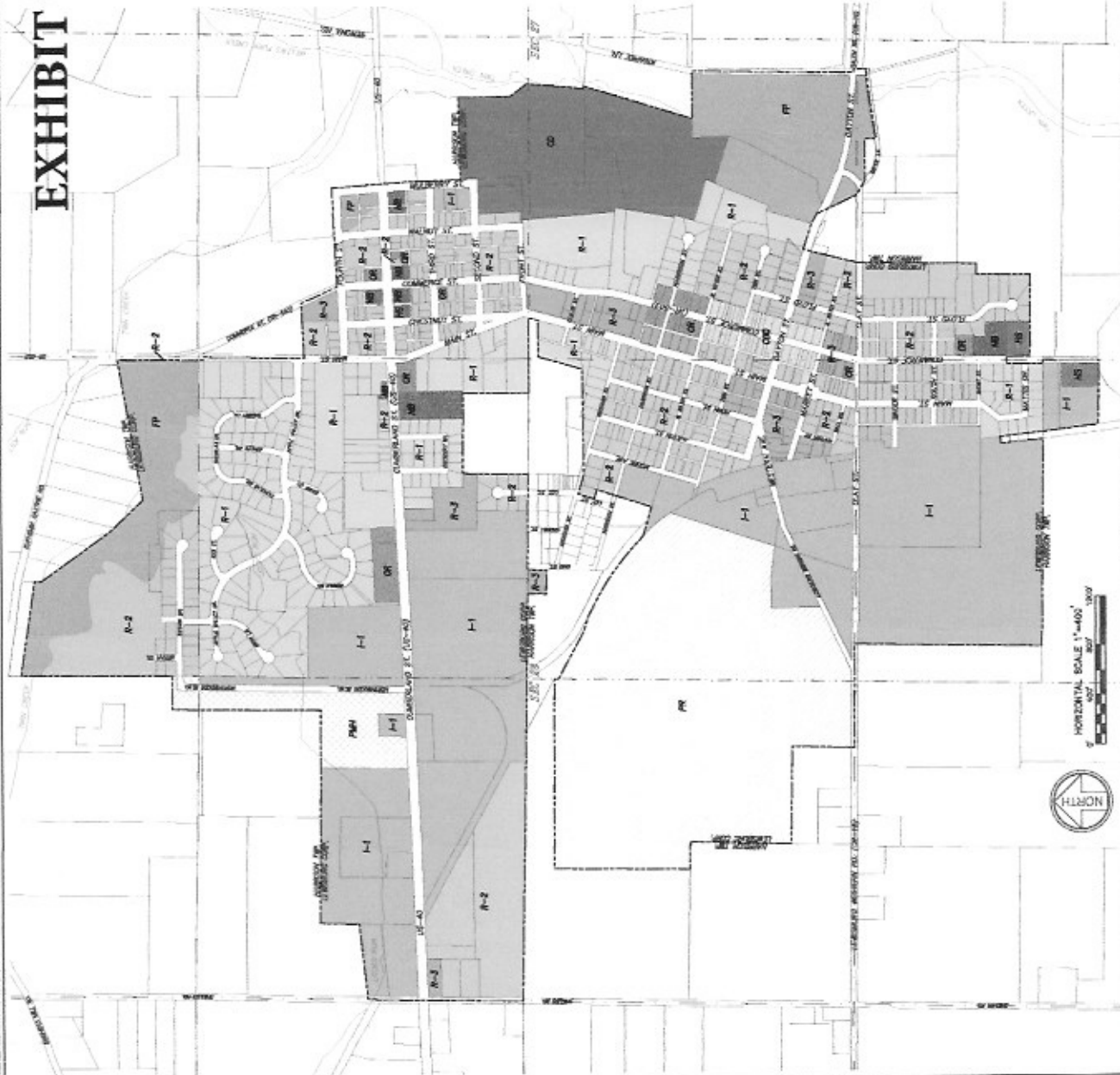
VILLAGE OF LEWISBURG PREBLE COUNTY, OHIO OFFICIAL ZONING MAP

LEGEND OF ZONING DISTRICTS

- R-1 SUBURBAN RESIDENTIAL
- R-2 URBAN RESIDENTIAL
- R-3 URBAN RESIDENTIAL
- OR OFFICE RESIDENTIAL
- NB NEIGHBORHOOD BUSINESS DISTRICT
- HS HIGHWAY SERVICE COMMERCIAL DISTRICT
- CBD CENTRAL BUSINESS DISTRICT
- I-1 LIGHT INDUSTRIAL - COMMERCIAL DISTRICT
- PR PLANNED RESIDENTIAL DISTRICT
- PMH PLANNED MOBILE HOME RESIDENTIAL DISTRICT
- PC PLANNED COMMERCIAL DISTRICT
- PI PLANNED INDUSTRIAL DISTRICT
- CD CONSERVATION DISTRICT
- FP FLOOD PLAIN DISTRICT

LEWISBURG COUNTY HAS AS AN JURISDICTION PERSON AND UPDATE OF THE ZONING DISTRICT MAP RETURNED TO IN THE LEWISBURG ZONING ORDINANCE NO. 1992-1, PASSED 2-18-92.

LEWISBURG COUNTY HAS AS AN JURISDICTION PERSON AND UPDATE OF THE ZONING DISTRICT MAP RETURNED TO IN THE LEWISBURG ZONING PLANNING COMMISSION.



HORIZONTAL SCALE 1"=400'
VERTICAL SCALE 1"=200'

MAYOR _____
CLERK OF COUNCIL _____
DATE: _____

CHAIRMAN OF PLANNING COMMISSION _____
SECRETARY _____
DATE: _____

NO.	DATE	BY	REVISION
1	02/18/92	PLANNING COMMISSION	ADOPTED
2	02/18/92	PLANNING COMMISSION	ADOPTED
3	02/18/92	PLANNING COMMISSION	ADOPTED
4	02/18/92	PLANNING COMMISSION	ADOPTED
5	02/18/92	PLANNING COMMISSION	ADOPTED
6	02/18/92	PLANNING COMMISSION	ADOPTED
7	02/18/92	PLANNING COMMISSION	ADOPTED
8	02/18/92	PLANNING COMMISSION	ADOPTED
9	02/18/92	PLANNING COMMISSION	ADOPTED
10	02/18/92	PLANNING COMMISSION	ADOPTED

DWG SOURCE: MAP OF LEWISBURG ZONING DISTRICTS FROM LEWISBURG ZONING ORDINANCE NO. 1992-1, PASSED 2-18-92.

PREPARED BY:
BRUMBAUGH ENGINEERING & SURVEYING, LLC
3220 SOUTH MAIN STREET
WEST MILTON, OHIO 43083
PHONE: (614) 688-3000
FAX: (614) 688-3028
EMAIL: jbrumbaugh@brumbaugh.com