



## Legislation Details (With Text)

**File #:** 1877-2022      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/22/2022      **In control:** Housing Committee

**On agenda:** 7/25/2022      **Final action:** 7/27/2022

**Title:** To amend the Fifth by Northwest Community Reinvestment Area to align with the recent changes contained in Chapter 4565 of the Columbus City Codes; and to amend the geographic boundaries of the Fifth by Northwest Community Reinvestment Area.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Housing Survey, 2. Exhibit B Fifth by Northwest 2022 map, 3. Exhibit C Fifth by Northwest parcels v3

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 7/27/2022 | 1    | CITY CLERK            | Attest                  |        |
| 7/26/2022 | 1    | ACTING MAYOR          | Signed                  |        |
| 7/25/2022 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 7/25/2022 | 1    | Columbus City Council | Taken from the Table    | Pass   |
| 7/25/2022 | 1    | Columbus City Council | Approved                | Pass   |
| 7/11/2022 | 1    | Columbus City Council | Tabled Indefinitely     | Pass   |
| 6/27/2022 | 1    | Columbus City Council | Read for the First Time |        |

In 2018, the City adopted a new residential Community Reinvestment Area policy based on the 2016 study from HR&A that evaluated the effectiveness of real property tax abatements. Chapter 4565 of the City Code was established by Ordinance 2184-2018 that outlines the eligibility requirements to apply for and receive a tax abatement on property used for residential purposes. Chapter 4565 of the City Code also requires the City to evaluate the policy and CRA categorization every 3 years. The Fifth by Northwest CRA needs to be updated to reflect the recent changes made to Chapter 4565 of the City's Code. This ordinance will modify the Fifth by Northwest Community Reinvestment Area by adjusting its boundaries; modifying the percentage and term of abatements to correspond with certain housing designations; includes a provision to address lot combinations; and modifies the start date for certain area designations. These changes also align with the updates approved by Council to Chapter 4565 of the Columbus City Code.

To amend the Fifth by Northwest Community Reinvestment Area to align with the recent changes contained in Chapter 4565 of the Columbus City Codes; and to amend the geographic boundaries of the Fifth by Northwest Community Reinvestment Area.

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

**WHEREAS**, Resolution No. 1698-78, approved August 3, 1978, authorized the Department of Development to carry out a Community Reinvestment Program, pursuant to Sections 3735.65 to 3735.70 of the Ohio Revised Code, and approved certain administrative procedures for the program; and

**WHEREAS**, Ordinance 0479-2011 created the Fifth by Northwest Community Reinvestment Area and authorized real property tax exemptions within it, as provided per Ohio Revised Code; and

**WHEREAS**, the City of Columbus has established a goal of fostering private sector investment to build mixed income neighborhoods dispersed throughout the City; and

**WHEREAS**, in 2018 the City developed an incentive policy to encourage development of affordable housing through targeted economic development incentives, including real property tax abatements, throughout the City; and

**WHEREAS**, the Fifth by Northwest CRA, created in 2015, must be updated to reflect the 2022 changes made by Council to Chapter 4565 of the City's Code per Ordinance 1843-2022; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** Council finds and determines that the area within the Fifth by Northwest CRA is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged. Council also finds and determines that amending the Fifth by Northwest CRA is in the City's best interest and will incentivize the construction or remodeling of affordable housing within this area designation. Hereafter, additions of new language to prior legislation are underlined, and deletions are marked as stricken.

**Section 2.** That Section 1 of Ordinance 1209-2015, as amended by Ordinance 1543-2016, is hereby amended with additional language underlined and deletions marked as stricken, which shall hereafter read as follows:

Pursuant to ORC Section 3735.66, ~~the Fifth by Northwest Community Reinvestment Area boundary is hereby amended to include established in~~ the following ~~described~~ area, as depicted in the Map attached hereto as Exhibit B:

**North:** Bounded by Kinnear Road (including rear property lines on the North side of Kinnear Road)

**South:** Bounded by W. Third Avenue (including rear property lines on the South side of W. Third Avenue)

**West:** Bounded by North Star Road (including rear property lines on the West side of North Star Road)

**East:** Bounded by Olentangy River Road (including rear property lines on the East side of Olentangy River Road)

The Community Reinvestment Area is approximately depicted as the area on the maps in Exhibit ~~CB~~, attached to this Ordinance; on the list of parcel numbers marked Exhibit ~~BC~~, and removing parcels 010-203994, 010-204007, 010-204022, 010-227126, 010-255274, and 010-259866.

In the event that an owner of a parcel within the Community Reinvestment Area combines a parcel within the Community Reinvestment Area with an adjoining parcel(s) outside the Community Reinvestment Area, the resultant combined parcel shall be deemed to be within the Community Reinvestment Area only if: (1) the parcel that was within the Community Reinvestment Area prior to the parcel combination constitutes at least fifty percent of the total parcel area of the combined parcel; (2) the parcels were combined into the parcel number listed in Exhibit C to be included in the Community Reinvestment Area; and (3) the parcel(s) that were combined with the parcel inside of the Community

Reinvestment Area are all contiguous with and adjacent to the parcel within the Community Reinvestment Area.

~~Only residential properties consistent with the applicable zoning regulations and variances thereto within the designated Community Reinvestment Area will be eligible for exemptions under this Program.~~

Only properties that are residentially zoned pursuant to Columbus City Codes, or are located on a parcel for which a variance permitting residential use has been granted, are eligible for exemptions under this program. For purposes of ORC Sections 3735.65 to 3735.70, rental housing, including without limitation rental housing located in a structure containing multiple residential housing units, is classified as residential.

The housing survey for the area described hereinabove is attached to this Ordinance and marked as Exhibit A. The area of the Fifth by Northwest CRA is approximately depicted on the map attached to this Ordinance, marked as Exhibit B. The parcels within the Community Reinvestment Area are listed in Exhibit C. Each of these Exhibits by their reference are incorporated herein.

**Section 3.** That Section 3 of Ordinance 0479-2011, as amended by Ordinance 2186-2018, is hereby amended with additional language underlined and deletions marked as stricken, which shall hereafter read as follows:

A tax exemption on the increase in the assessed valuation resulting from improvements as described herein shall be granted upon proper application by the property owner, filed with the Housing Officer no later than two years after construction completion, and certification thereof by the designated Housing Officer for the following periods:

(a) For a Development Project involving the remodeling of a dwelling structure (i) containing not more than two (2) family units, upon which the cost of remodeling is at least two thousand five hundred dollars (\$2500) or twenty percent (20%) of the assessed value of the structure, whichever is more; or (ii) containing not more than three (3) family units, upon which the cost of remodeling is at least five thousand dollars (\$5000) or twenty percent (20%) of the assessed value of the structure, whichever is more:

- One hundred percent (100%) for fifteen (15) years for Affordable Housing Units (as defined in Columbus City Code (“CCC”) Section 4565.02) in areas designated Ready for Opportunity Areas, Ready for Revitalization Areas, and Market Ready Areas, subject to and contingent upon the owner of the structure and the City entering into a written agreement as described in CCC Section 4565.07, or 4565.08, prior to the commencement of construction or within an extended time-frame thereafter subject to the approval of the Development Director. The abatement is revocable upon the first owner transferring title to the structure to a third party following the first owner’s initial occupancy.

- One hundred percent (100%) for fifteen (15) years in areas designated Ready for Opportunity Areas.

(b) For a Development Project involving the construction of a new dwelling structure containing not more than three (3) family units:

- One hundred percent (100%) for fifteen (15) years in areas designated Ready for Opportunity Areas ~~and Ready for Revitalization Areas.~~

- One hundred percent (100%) for fifteen years for Affordable Housing Units (as defined in CCC Section 4565.02(A)) in areas designated Ready for Revitalization Areas and Market Ready Areas, subject to and contingent upon the owner of the structure and the City entering into a written agreement as described in CCC Section 4565.07, or 4565.08, prior to the commencement of construction or within an extended time-frame thereafter subject to the approval of the Development Director. The abatement is revocable upon the first owner transferring title to the structure to a third party following the first owner’s initial occupancy.

(c) For a Development Project involving the remodeling of a dwelling structure or construction of a new dwelling structure containing four (4) or more family units:

~~One hundred percent (100%) for fifteen (15) years in areas designated Ready for Opportunity Areas.~~

· One hundred percent (100%) for fifteen (15) years in areas designated Ready for Opportunity Areas, Ready for Revitalization Areas and Market Ready Areas, subject to and contingent upon the owner of the ~~dwelling~~ structure and the City entering into a written agreement as described in CCC Section 4565.07, or 4565.08, or 4565.09, prior to the commencement of construction or within an extended time-frame thereafter subject to the approval of the Development Director.

Designation of the Fifth by Northwest Community Reinvestment Area as a Ready for Opportunity Area, a Ready for Revitalization Area, or a Market Ready Area shall be made by the Development Director pursuant to CCC Section 4565.03.

The tax exemptions provided for herein shall further be governed by the terms and conditions contained in Chapter 4565 of the Columbus City Codes, including any amendments thereto, as well as the requirements contained in Sections 3735.65 to 3735.70 of the Ohio Revised Code, including the minimum investment requirements set forth herein.

To receive an abatement as provided herein, the applicant for the Development Project must provide documentation that it has received a Certificate of Appropriateness, or other similar approval from the City, ensuring the residential project meets the City subdivision standards for the type of residential project being constructed or remodeled.

The tax exemption provided hereunder is senior to any tax exemption provided pursuant to ORC Sections 5709.40 or 5709.41.

**Section 4.** That transition to the amendments to Section 3 of Ordinance 0479-2011, as amended by Ordinance 2186-2018, as provided in Section 3 of this Ordinance, shall occur on the following schedule:

The Provisions of Section 3 of Ordinance 0479-2011, as amended by Ordinance 2186-2018, as it existed prior to the effective date of this Ordinance, shall apply to all projects that have an executed agreement or memorandum approved by City Council prior to the effective date of this ordinance, or that adhere to the following timeline:

- A. Obtains all necessary building permits on or before August 31, 2023; or has closed on all project construction financing and obtained at least 50% of the project's building permits by August 31, 2023. All applicable approvals from the following list have been obtained on or before September 30, 2018:
  - ~~historic, architectural, or design review body approvals for all project elements; and~~
  - ~~any required approvals from City Council or the Board of Zoning Adjustment.~~
- B. Have final site compliance submitted and reviewed, and foundation permit approval on or before December 31, 2018. No extension will be given for an expiring foundation permit.
- C. Obtains a final Certificate of Occupancy on or before December 31, 2020, or within a reasonable period of time thereafter as determined by the Development Director.

**Section 5.** All other provisions of Ordinance 0479-2011, as amended by Ordinance 2186-2018, regarding the Fifth by Northwest CRA remain effective as adopted prior to this ordinance.

**Section 6.** That a Community Reinvestment Area Housing Council shall be created, consisting of two members appointed by the Mayor of the City of Columbus, two members appointed by the Council of the City of Columbus and one member appointed by the Planning Commission of Columbus. The majority of those members shall then appoint an additional member who resides within the CRA. Terms of the members of the Council shall be for three years. An unexpired term resulting from a vacancy in the Council shall be filled in the same manner as the initial appointment was made for the remainder of the term of the vacated seat. Pursuant to R.C. 3735.66, Council designates the City's Development Director as the Housing Officer as defined in R.C. 3735.65(A).

**Section 7.** The Community Reinvestment Area Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under R.C. Section 3735.66. This Council shall also hear appeals under R.C. 3735.70.

**Section 8.** Upon passage, the Clerk of this Council is directed to forward a copy of this Ordinance to the Franklin County Auditor for information and reference. The Clerk of this Council is further directed to cause notice of the passage of this Ordinance in a newspaper of general circulation in the City once a week for two consecutive weeks immediately following its passage, as required by Section 3735.66 of the Ohio Revised Code.

**Section 9.** Not later than sixty days after passage of this Ordinance, the Director shall petition the State Director of Development Services to confirm the findings described in this Ordinance. The petition shall include all documents and information required by R.C. 3735.66

**Section 10.** This Council further authorizes and directs the Mayor, the Clerk of Council, the Director of Development and/or other appropriate officers of the City, to prepare and sign all agreements and documents and to take any other actions as may be appropriate or necessary to implement this Ordinance.

**Section 11.** That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.