

## **ORDINANCE NO. 7-17**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF SAFETY-SERVICE TO WAIVE UP TO \$46,912.50 OF THE CITY WATER AND SEWER SYSTEM CAPACITY AND CONNECTION CHARGE FEES AND PLAN REVIEW FEES FOR A PROPOSED DEVELOPMENT KNOWN AS SHEPARD CROSSING AND DECLARING AN EMERGENCY**

WHEREAS, the owner of a vacant parcel of property located on South Madison Street, Port Clinton, Ohio, identified as Auditor's Permanent Parcel No. 021-16630-08607-000 has requested a waiver of the City's Water and Sewer System Capacity/Connection Charges (Water and Sewer System Connection Charges) for the development of its property as an affordable housing development; and

WHEREAS, the proposed development to be known as Shepard Crossing is located inside the City boundaries and in the Residential-4 zoning district; and

WHEREAS, the City seeks to encourage the development of vacant property within the City; and

WHEREAS, the proposed Shepard Crossing development plans to construct safe, decent, accessible, affordable housing units within the City; and

WHEREAS, the Director of Safety and Service (the "Director") has reviewed the proposed Shepard Crossing development specifications and has determined that the development creates a potential Water and Sewer System Connection Charge for 51 Equivalent Dwelling Units ("EDU's") pursuant to City Ordinances, which number of EDU's totals a Water and Sewer System Connection Charge of \$90,825.00 plus plan review costs of \$750.00, for the development of the project, all as detailed on Exhibit A attached to this ordinance; and

WHEREAS, this Council finds that the City is committed to encouraging the production of safe, decent, accessible, affordable housing units within the City; and

WHEREAS, in order to provide an incentive to the production of safe, decent, accessible, privately developed affordable housing units, the City desires to provide a measure of relief in the form of a reduced Water and Sewer System Connection Charges and fees for the Shepard Crossing development; and

WHEREAS, this Council finds that the City should waive an amount up to \$46,912.50 in fees and charges calculated for the Water and Sewer System Connection Charges and related fees as an incentive and inducement for the developer to apply for funding credits through the State of Ohio to construct an affordable housing development within the City of Port Clinton; and

WHEREAS, if approved, the waiver of the Water and Sewer System Connection Charges will be valid for three years from the effective date of this ordinance; and

WHEREAS, if approved, the waiver of the Water and Sewer System Connection Charges are specifically assigned to the location of the development of Shepard Crossing and cannot be transferred by the recipient to any other land or development.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

**Section 1.** The Director is hereby authorized and directed to waive an amount of up to \$46,912.50 of Water and Sewer System Connection Charges and related plan review fees, as shown on Exhibit A attached to this Ordinance, for the affordable housing development proposed as Shepard Crossing on Auditor's Permanent Parcel No. 021-16630-08607-000 located within the city. The Director is not authorized to waive any other fees or charges related to this development.

**Section 2.** The waiver of the Water and Sewer System Connection Charges and review fees authorized by this ordinance is valid for a period of three years commencing on the effective date of this Ordinance, and if water and sewer service connections to the City's water distribution system and sewer collection system are not requested and physically made within the two-year time period then this waiver of Water and Sewer System Connection Charges shall lapse and no longer be effective.

**Section 3.** The waiver of the Water and Sewer System Connection Charges authorized by this ordinance is specifically awarded to the affordable housing project proposed as Shepard Crossing on Auditor's Permanent Parcel No. 021-16630-08607-000, the waiver shall not be assigned or transferred to any other property, or used for any property development other than an approved affordable housing development on the identified parcel of land, and the final amount of the connection charges waived will be computed and approved by the Director at the time of the affordable housing project's application for connection to the City Water and Sewer Systems.

**Section 4.** 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 or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

**Section 5.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective due to the developer's application for State of Ohio funding of its proposed affordable housing development is required to be submitted to the State of Ohio on or before March 16, 2017; **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_, 2017

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_

Clerk of Council

Approved \_\_\_\_\_,  
2017

\_\_\_\_\_  
Mayor