

**ORDINANCE NO. 75-2023**

**TITLE: PROJECT IMPACT POLICY**

**AN ORDINANCE AMENDING ORDINANCE NO. 109-2015 (SALE OF LAND BANK PROPERTIES) TO SELL PROPERTIES THAT HAVE BEEN PLACED INTO THE CITY LAND BANK IN ACCORDANCE WITH THE CITIES PROJECT IMPACT POLICY, AND DECLARING AN EMERGENCY.**

**SECTION 1.** That Council hereby authorizes the Mayor to sell properties that have been placed into the City Land Bank in accordance with the City’s Project Impact Policy. To be eligible, properties are deemed to NOT be strategic for flood mitigation or banked for Economic Development.

**SECTION 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to market the various properties previously approved by City Council, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed May 22, 2023

\_\_\_\_\_  
Clerk of Council

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

Approved \_\_\_\_\_ 2023

\_\_\_\_\_  
Mayor

## Overview.

The City of Barberton (**City**) has acquired ownership of vacant lots through various means. When the **City** acquires ownership of these lots, one objective is to allow adjacent owners to purchase the lot to increase the size of their own lot (which may be under-sized under modern standards) another is to sell the lot to a homebuilder for new home construction.

The sale of these lots allows property to increase value to the neighborhood; releases the **City** from the burden of maintenance and returns the property to tax-generating status.

The vacant lots may have been acquired under the Community Development Program or the Land Reutilization Program (acquired by the **City** via foreclosure for non-payment of taxes).

## Evaluation

The **City**, through its Planning Department, evaluates each lot to determine whether the lot is suited for:

1. Storm water/flood mitigation;
2. Economic development;
3. Reducing building density; or
4. Any other long-range municipal purpose.

Once the evaluation has been completed, and it has been determined that the lot has not met one of the three criteria, the lot will be offered for sale under two (2) categories: Buildable and Unbuildable.

Buildable: a “buildable lot” is defined as a parcel of land that meets all the required zoning standards for the specific location of that parcel as set forth in the **City’s** applicable zoning law. A “buildable lot” may be offered to a private developer and/or non-profit group (i.e. Habitat for Humanity) for new home construction) prior to being offered to an adjacent owner. To be eligible, the purchaser must submit compliant building plans prior to sale and construction must commence within 180 days of closing.

Unbuildable: an “unbuildable lot” is defined as a parcel of land that does not meet all required zoning standards for that specific location of that parcel as set forth in the **City’s** applicable zoning law.

## Conditions of Sale

### Buildable Lot

Sales of “Buildable lots” are subject to the following:

1. The purchaser must obtain all necessary permits from the **City** prior to commencing construction.
2. The purchaser must submit building plans for design approval to the **City’s** Building Department and Planning Department. All construction shall comply with applicable State and **City** zoning and building code and regulations.
3. Construction shall commence within 180 days from the day of closing. Completion of construction shall occur within twelve months of closing. **Failure to meet the twelve-month requirement shall result in title to the property together with all improvements made or erected shall automatically be forfeited and revert to and vest with the City, which shall have the right to re-enter and take possession of the property.** One (1), sixty (60) day extension may

be granted upon written request from the Purchaser, to the Planning Department and the Building Department, both of whom which must agree to the extension.

4. The sale price of “buildable lots” shall be \$1.00/square foot or a minimum of \$4,500. In addition, the purchaser shall be responsible for all costs incurred by the **City** to acquire the property including closing costs and recording fees.
5. All sales of “buildable lots” shall be approved by **City** Council ordinance.

#### Unbuildable Lot

Sales of “Unbuildable lots” are subject to the following:

1. An “unbuildable lot”, located between two (2) existing structures, may be offered 50% to each of the adjoining property owners for purchase. If either party declines, the entire lot shall be offered to the other adjoining property owner.
2. An “unbuildable lot” shall be transferred with deed restrictions prohibiting construction of additional dwelling units and limiting construction/usage to ancillary structures (i.e. garage) and/or structural additions.
3. The purchaser’s property must be occupied and maintained in a safe and sanitary condition and without **City** building code violations within the last thirty-six (36) months.
4. Situations not anticipated, nor herein defined, shall be resolved at the discretion of the **City’s** Planning Department.
5. The sale price of “unbuildable lots” shall be \$0.15/square foot. In addition, the purchaser shall be responsible for all costs incurred by the City to acquire the property including closing costs, recording fees and lot combination fees.
6. All sales of “unbuildable lots” shall be approved by City Council ordinance.