

ADDENDUM: SID GUIDEBOOK

SIDS THAT INCLUDE SPECIAL ENERGY IMPROVEMENT PROJECTS OR SHORELINE IMPROVEMENT PROJECTS

Ohio law treats special energy improvement projects and shoreline improvement projects included in a Special Improvement District with recognition of the capital nature of these projects, allowing for differences from some of the requirements for Special Improvement Districts that encompass a business district. This section highlights how the state of Ohio regulates these projects in a SID.

SPECIAL ENERGY IMPROVEMENT PROJECT

A special energy improvement project is defined as any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, whether such real or personal property is publicly or privately owned, energy efficiency technologies, products, and activities that reduce or support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy and that are or will be permanently fixed to real property.

SHORELINE IMPROVEMENT PROJECT

A shoreline improvement project is defined as acquiring, constructing, installing, equipping, improving, maintaining, or repairing real or tangible personal property necessary or useful for making

improvements to abate erosion along the Lake Erie shoreline. Coastal management considerations for a shoreline improvement project are subject to the regulations of Chapter 1506 of the Ohio Revised Code.

Consultation with the Director of the Ohio Department of Natural Resources regarding the compliance of a proposed Shoreline Improvement Project with the state's coastal management program document is necessary to ensure that the project is consistent with the policies set forth by the state of Ohio.

PROPERTIES MAY BE NONCONTIGUOUS

The area of a Special Improvement District may be noncontiguous if all parcels of real property included within the SID contain at least one special energy improvement project or shoreline improvement project. The Special Improvement District may include any number of parcels of real property as determined by the legislative authority of each participating political subdivision in which the proposed Special Improvement District is to be located.

PETITION MUST BE SIGNED BY 100 PERCENT OF PROPERTY OWNERS IN SID

If a Special Improvement District is being created for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects, the petition

required shall be signed by one hundred per cent of the owners of the area of all real property located within the proposed Special Improvement District. At least one special energy improvement project or shoreline improvement project shall be designated for each parcel of real property within the SID, and the SID may include any number of parcels of real property as determined by the legislative authority of each participating political subdivision in which the proposed SID is to be located.

PETITIONS SIGNED BY CONDOMINIUM OWNERS FOR SHORELINE IMPROVEMENT PROJECTS

The owner of real property that is part of a planned community or condominium development is deemed to have signed the petitions required with respect to a SID being created to implement a shoreline Improvement project if the district and projects have been approved through an alternative process prescribed by bylaws, declarations, covenants, and restrictions governing the planned community or condominium development.

SPECIAL ASSESSMENT LEVIED ONLY UPON BENEFITED PROPERTY

The services or improvements included in the initial plan shall be deemed a special benefit to the property owners within the district. Each owner of real property within a Special Improvement District is a member of the district, and the real property of each member of the district is subject to special assessment under ORC 1710.06C. Each participating political subdivision shall levy, by special assessment upon specially benefited property located within the district, the costs of any public improvements or public services plan contained in a petition approved by the participating political subdivisions.

PERIOD OF ASSESSMENT

After the initial plan is approved by all municipal corporations and townships to which it has been submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. If the proceeds of the levy are to be used to pay the costs of a special energy improvement project or shoreline improvement project, the levy of a special assessment shall be for no more than thirty years from the date of approval of the initial plan.

TERRITORY CAN BE ADDED TO SIDS THAT INCLUDE SPECIAL ENERGY IMPROVEMENT PROJECTS OR SHORELINE IMPROVEMENT PROJECTS

Additional territory may be added to a Special Improvement District for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects if at least one special energy improvement project or shoreline improvement project, respectively, is designated for each parcel of real property included within such additional territory and the addition of territory is authorized by the initial plan adopted by the board of directors of the Special Improvement District. The special assessment to be levied with respect to such additional territory shall commence not earlier than the date such territory is added and shall be for no more than thirty years from such date.

EXEMPTION FROM SPECIAL ASSESSMENT OF STATE-OWNED TERRITORY FOR SHORELINE IMPROVEMENT PROJECTS ON LAKE ERIE

A shoreline improvement project may extend into the territory of Lake Erie. The state shall remain exempt from any special assessment that may be levied against that territory. The ORC Chapter 1506.10 defines the Lake Erie boundary lines as the waters of Lake Erie consisting of the territory within the boundaries of the state, extending from the southerly shore of Lake Erie to the international boundary line between the United States and Canada, together with the soil beneath and their contents belong to the state as proprietor in trust for the people of the state.

APPLICABLE LAWS AND REGULATIONS FOR SHORELINE IMPROVEMENT PROJECTS

A shoreline improvement project must comply with all applicable local zoning requirements, all local, state, and federal environmental laws and regulations and all applicable requirements established in Chapter 1506 of the Ohio Revised Code.