

ORDINANCE NO. 2536

AN ORDINANCE OF THE CITY OF ERLANGER CREATING A COMMONWEALTH AREA PROFESSIONAL DISTRICT CAPITAL IMPROVEMENT (CAP) INCENTIVE AND GRANT

WHEREAS it is the intent of the City of Erlanger to create incentives to certain qualified City of Erlanger businesses located in the Residential to Office Conversion (ROC) Zone and the Mixed-Use Zone (MU); and

WHEREAS the CAP incentive is available to promote job creation and capital improvements in the Commonwealth Avenue area within the City; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ERLANGER, KENTON COUNTY AND THE STATE OF KENTUCKY THAT

SECTION ONE: Eligibility

To be eligible, businesses shall meet all the following:

- Be a new business or an expanding business converting a residential structure into a commercial office (change of use) or constructing a new commercial building in the Residential to Office Conversion (ROC) Zone or the Mixed-Use Zone (MU) within the City of Erlanger.
- Be a business in good standing and licensed by the Secretary of State, Kenton County and the City of Erlanger.
- Have a minimum of two full-time employees or equivalent.
- Not be receiving state incentives involving city occupational license fees.
- Not have received an Erlanger Small Business Grant or Incentive within the current fiscal year (Businesses may qualify for one, but not both incentives within a fiscal year).
- The building must be owned by the occupying business or leased to a business operation with a minimum of a three-year lease agreement. The building must not have residential occupancy at the time of reimbursement of grant funds.

SECTION TWO: Incentive Details

Businesses may request a reimbursement of up to 50% of capital improvement expenses up to \$40,000 (\$20,000 maximum reimbursement) associated with conversion of a structure from residential to commercial or for construction of a new commercial building. Those expenses eligible for the reimbursement include visible exterior improvements such as signs, parking lots, exterior lighting and walkways. Fixed interior improvements such as removal or replacement of walls, flooring, cabinets, bathroom and break room fixtures are also eligible.

Furniture, kitchen equipment and other movable equipment is not eligible for consideration in the total qualifying expenses.

SECTION THREE: Application Requirements

All applications shall include the following information and be submitted to the Director of Economic Development:

- A completed application form
- Cost estimates and description of the proposed improvements or construction activities.
- A description of the business including the business activity to be conducted on premise as well as verification of licenses to conduct business
- A copy of the deed or lease agreement
- A W-9

SECTION FOUR: Provisions Severable

The provisions of this Ordinance are severable; and the invalidity of any provision of this Ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect if they remain valid in the absence of those provisions determined to be invalid.

SECTION FIVE: Conflicting Ordinances Repealed

All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION SIX: Effective Date

This ordinance shall be effective as soon as possible according to law.

SECTION SEVEN: Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

Adopted this 1st day of March, 2022.

First Reading- February 1, 2022

Second Reading- March 1, 2022 Votes Cast 11 Yes, 0 No

JESSICA FETTE, MAYOR

DATE: March 1, 2022