

**ORDINANCE NO. 2572**

**AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AMENDING ERLANGER ORDINANCE NUMBER 2519 ESTABLISHING AN ECONOMIC INCENTIVE AND GRANT FOR SMALL BUSINESSES TO REMAIN IN THE CITY OF ERLANGER AND TO RELOCATE TO THE CITY OF ERLANGER AND MAKE CAPITAL IMPROVEMENTS TO THEIR BUILDINGS AND USING MATCHING DOLLARS FOR FAÇADE AND EXTERIOR IMPROVEMENTS**

**WHEREAS**, Mayor Jessica Fette created the Small Business Task Force consisting of councilmembers, business owners and city staff;

**WHEREAS**, after several years of success, City of Erlanger desires to modify the prior Ordinance;

**WHEREAS**, businesses with payroll under \$750,000 are eligible for said grant; and

**WHEREAS**, all grants require the businesses to match the City of Erlanger's contribution; and

**WHEREAS**, it is the intent of Mayor Fette and the Erlanger City Council to open the grant program to all businesses currently located in Erlanger or moving to Erlanger; and

**WHEREAS**, the Small Business Façade and Exterior Improvement Program is an incentive available to commercial businesses located in any commercial zone for aesthetic and structural improvements to the exterior of a commercial building and site. The intent of the program is to assist tenants and/or property owners to preserve and enhance existing buildings in the City of Erlanger.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:**

*Underlined portions are added, and items struck through [A]are deleted*

**Section 1.0**

**DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AESTHETIC AND STRUCTURAL IMPROVEMENTS.** Façade improvements, structural improvements, White Boxing with significant exterior improvement if being actively marketed, roofs visible to the public, painting of the building, paving, installation of awnings, and new doors/windows are examples of approved improvements.

**GRANT.** An amount of matching fund provided by the City of Erlanger not to exceed \$10,000.

**ELIGIBLE BUSINESS.** Any franchise, trade, occupation, profession or other business within the meaning and context of KRS 92.280, 92.281 and § 181 of the Kentucky Constitution, that has less than \$750,000 in annual payroll (Defined as W-2 wages or K-1 wages) other than:

- A. Those business activities of sexually oriented businesses or sexual encounter establishments as elsewhere defined and regulated in other ordinances of the city; and
- B. Those business activities which receive incentives from the Commonwealth that involve occupational license fees for which the City already is contributing to those incentives.~~[-and]~~

**WHITE BOXING.** A lettable space with a minimally finished interior that may contain ceilings, lighting, plumbing, HVAC, interior walls, electrical outlets, and a concrete floor.

### **ESTABLISHMENT OF SMALL BUSINESS FAÇADE AND EXTERIOR IMPROVEMENT GRANT**

In order to promote and induce new and existing Eligible Businesses to engage in new or expanded eligible business activities in the city that increase the property values of all businesses in the City of Erlanger, there is hereby established the Small Business Façade and Exterior Improvement Program for Legacy Businesses as described in this chapter for ~~[are]~~ an Eligible Business that makes Aesthetic and Structural improvements to their buildings certified by the Economic Development Director, as qualified for the Grant in conformity with the provisions of this chapter.

### **DESCRIPTION OF SMALL BUSINESS FAÇADE AND EXTERIOR IMPROVEMENT GRANT**

The Small Business Façade and Exterior Improvement Grant shall be awarded annually to all Eligible Businesses in an amount not to exceed ~~[\$5,000]~~ \$10,000 per Eligible Business. All Grants are matching grants and would require the Eligible Business to make improvements to their Building and all matching dollars would be used for Aesthetic and Structural Improvements to the exterior

of their building.

### **GRANT QUALIFICATIONS AND CERTIFICATION.**

- A. No Eligible Business shall receive a grant established by this chapter without a valid certification by the Economic Development Director that the proposed Aesthetic and Structural improvements are qualified for the Grant.
- B. An Eligible Business may qualify for a Grant established in this chapter by submitting a written application for it to the [e]City with all the information required by the City, which shall include, without limitation:
  1. Information about the organizational structure of the business and the owners thereof;
  2. The business history of the employer;
  3. An explanation of the improvements;
  4. Proof of ownership of the building or business;
  5. An explanation for how the improvements of the business meets any of the following factors:
    01. Directly increase future revenue/job creation in the City of Erlanger;
    02. Significantly decrease blight within the City of Erlanger; and
    03. The businesses aesthetic and structural improvements will significantly increase the property tax value.
  6. A commencement date for the proposed improvements;
  7. The anticipated cost of the proposed improvements and the amount requested by the Business; and
  8. Requests for reimbursement shall be submitted within ninety (90) days of the completion of work.
  9. All applications shall be a business in good standing with an occupational license and all applicable taxes up-to-date.
- C. An application for Grant established in this chapter shall be reviewed by the Mayor, City Administrative Officer, and the Economic Development

Director of the ~~[e]City~~ for completeness, accuracy and compliance with this chapter~~;~~. ~~[but] [t]~~The Economic Development Director shall certify that said Grant will benefit the citizens of Erlanger and improve the property values of the City of Erlanger.

- D. Prior applicants shall not receive additional funds from the prior applications and shall be paid out pursuant to the Ordinance in effect at the time of application. New applications for new work may be submitted only once per fiscal year.

### **REIMBURSEMENT OF EXPENSES PURSUANT TO THE GRANT**

The approved business shall submit documentation satisfying the City of Erlanger Economic Director, showing proof of the approved Aesthetic and Structural improvements and the City of Erlanger shall match the expenses, up to \$10,000.

#### **Section 2.0**

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 3.0**

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

#### **Section 4.0**

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

#### **Section 5.0 - Publication**

This ordinance shall be published according to law.

Adopted this 7th day of May, 2024.

First Reading April 16, 2024  
Second Reading May 7, 2024

Votes Cast 6 Yes, 0 No

**JESSICA FETTE, Mayor**