

**An ORDINANCE amending Chapter 153:
Planning and Development
of the Fort Wayne Municipal Code of Ordinances**

WHEREAS, the Fort Wayne Common Council (“Common Council”) periodically reviews certain policies that affect the fiscal impact of commerce and government including property-tax phase-ins for redevelopment projects in Economic Revitalization Areas and Residentially Distressed Areas; and

WHEREAS, property tax phase-ins are given careful scrutiny to balance the need to encourage growth and development with the need to maintain government revenues; and

WHEREAS, the City of Fort Wayne (“City”) has codified its procedures for the orderly application, administration, and monitoring of economic revitalization areas and the related tax phase-ins in Chapter 153 of the City’s Municipal Code (the “City Code”); and

WHEREAS, significant portions of Ind. Code § 6-1.1-12.1 *et seq.* were incorporated into the current version of Chapter 153 of the City Code; and

WHEREAS, effective July 1, 2013, certain provisions of Ind. Code § 6-1.1-12.1 *et seq.* were amended by the state legislature; and

WHEREAS, among other things, the amendments to Ind. Code § 6-1.1-12.1 *et seq.* eliminated the deduction schedule set forth in the state code for residentially distressed areas and enabled local government units to establish their own deduction schedules within certain parameters; and

WHEREAS, the County Auditor’s office relies on the deduction schedule adopted by the Common Council when calculating the amount of the deduction for a qualifying project located in a residentially distressed area; and

WHEREAS, pursuant to the provisions of Ind. Code § 6-1.1-12.1 *et seq.*, as amended, the Common Council desires to establish a deduction schedule for qualifying projects located in a residentially distressed area.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 153: “Planning and Development” shall be amended to delete Section 153.02 and create a new section 153.26 titled “Designating Residentially Distressed Areas,” which shall state as follows:

§ 153.26 DESIGNATING RESIDENTIALLY DISTRESSED AREAS.

(A) Upon appropriate request, the Common Council will designate as “residentially distressed areas” those parcels of property which are located within the corporate limits of the City and meet all the following criteria specified in Ind. Code § 6-1.1-12.1-2(b):

(1) The area is comprised of parcels that are either unimproved or contain only one- or two- family dwellings or multi-family dwellings designed for up to four families, including accessory structures for those dwellings;

(2) Any dwellings in the area are not permanently occupied and are either (i) the subject of an order issued under Ind. Code § 36-7-9 or (ii) evidencing significant building deficiencies; and

(3) Parcels of property in the area either (i) have been sold and not redeemed under Ind. Code § 6-1.1-25 or (ii) are owned by a unit of local government.

(B) As an alternative to the findings required by subsection (A) above, the Common Council will designate as “residentially distressed areas” those parcels of property which are located within the corporate limits of the City and meet all the following alternative criteria specified in Ind. Code § 6-1.1-12.1-2(c):

(1) A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land;

(2) A significant number of dwelling units within the area are either (i) the subject of an order issued under Ind. Code § 36-7-9 or (ii) evidencing significant building deficiencies;

(3) The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the area is owned by Indiana or the United States; and

(4) The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within Common Council's jurisdiction.

(C) Any property designated as a residentially distressed area under subsection (A) or (B) above must also fulfill the following obligations for the property owner to receive a deduction:

(1) Dwellings built or rehabilitated on the property must meet local code standards for habitability.

(2) Dwellings must be built or rehabilitated on the property within two years of the date of designation as a residentially distressed area.

(D) The deduction awarded for property located in a residentially distressed area shall be available for a period of five years. The amount of the deduction the owner of the property is entitled to receive for each particular year equals the product of:

(1) The increase in the assessed value resulting from the rehabilitation or redevelopment; multiplied by

(2) The following percentages for each year that the deduction may be taken:

Year	Percentage of Increase in Assessed Value
1	100%
2	80%
3	60%
4	40%
5	20%

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

John Crawford, Council Member

APPROVED AS TO FORM AND LEGALITY:

Joseph G. Bonahoom, City Council Attorney