

**AN ORDINANCE AMENDING § 153.14: “APPLICATION FEES”
OF CHAPTER 153: PLANNING AND DEVELOPMENT OF THE
FORT WAYNE MUNICIPAL CODE OF ORDINANCES**

WHEREAS, Ind. Code § 6-1.1-12.1-2 permits a local unit to declare certain areas within its jurisdiction economic revitalization areas; and

WHEREAS, if an area is designated as an economic revitalization area, property owners may apply to receive a tax phase in/deferral on any increase in assessed value to the property that results from the rehabilitation or redevelopment of real property or the installation of certain types of new equipment; and

WHEREAS, Fort Wayne Code §153.13 (B) and (C) allows for Common Council to change the administrative procedures related to the orderly application, administration, and monitoring of economic revitalization areas; and

WHEREAS, Fort Wayne Code §153.13 (B) and the City of Fort Wayne Administrative Procedures for Economic Revitalization Area Designation (“ERA Policies and Procedures”) promulgate and explain that the administration of a tax phase in by the Community Development Division includes processing application, processing annual required compliance documents processing and facilitating waivers of non-compliance, communicating with business owners, and Common Council; and

WHEREAS, in order to be a business-friendly community, significant time and effort from a sub-committee of members of Common Council, have investigated this process worked with the Community Development Division and County Council members and county staff to ensure comprehensive reform that is fair to all involved parties; and

WHEREAS, Council seeks to ensure that compliant recipients of tax phase-ins are not adversely impacted by any changes and that any fees resulting from reform are an outcome of non-complaint behavior as defined under state and local laws; and

WHEREAS, Common Council must balance economic development incentives with fiscal responsibility by employing guidelines that will result in the greatest return on investment; and

WHEREAS, Common Council believes it is in the best interest of the City to amend its ordinance on tax phase ins in an effort to accomplish the foregoing objectives.

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

3 **SECTION 1.** That § 153.14: "Application Fees" within Chapter 153: "Planning and
4 Development" shall be amended to read as follows:

5 **§ 153.14 APPLICATION FEES.**

6 In order to defray costs incurred by the city in processing applications for designation
7 of economic revitalization areas the following shall apply:

8 (A) Applicants for projects not within a designated economic development target
9 area shall pay a non-refundable filing fee of .1% of the total project cost not to exceed
10 \$1500 for projects involving both real property and personal property improvements.

11 (B) Applicants for projects not within a designated economic development target
12 area shall pay a non-refundable filing fee of .1% of the total project cost not to exceed
13 \$1000 for projects involving real property or personal property improvements.

14 (C) Applicants for projects within a designated economic development target area
15 shall pay a reduced non-refundable filing fee of \$200 as an added inducement to
16 recapitalization by private investors in certain areas of the city.

17 (D) Applicants for amendments to a Statement of Benefits Form to extend a non-
18 expired designation period previously allowed shall pay a non-refundable filing fee of
19 \$300.

20 (E) Applicants filing a waiver of non-compliance in conjunction with an initial
21 application and/or Statement of Benefits Form shall pay a non- refundable filing fee of
22 \$1000, in addition to all other application and approval requirements or fees.

23 (F) Applicants for a waiver of non-compliance to correct late-filed phase-in
24 compliance paperwork shall, on the first instance, pay a non-refundable filing fee of
25 \$1000. On all subsequent instances for a waiver of non-compliance to correct late-filed
26 phase-in compliance paperwork, applicants shall pay a non-refundable filing fee of
27 \$2000.

28 (G) Indiana State law (IC 1.1-12.1-11.3) prohibits any redevelopment or rehabilitation
29 on property prior to submitting an application for a tax phase-in. Any applicant who
30 applies for a phase-in after initiating a project by applying for a Improvement Location
31 Permit or a structural or other permit with the Allen County Building Department will be
32 assessed an non-refundable late-filer fee of \$1000 and the applicant shall remain
33 subject to waiver and all other application and approval requirements or fees.

34 (H) The applicant may be responsible for additional legal fees, should legal fees in
35 excess of 5 billable hours associated with the administration of the phase-in application
36 or compliance be incurred by the city.

37 (I) All filing fees shall be made payable to the "City of Fort Wayne" at the time the
38 application is submitted to the city Community Development Division.

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.

Glynn Hines

Russ Jehl

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Attorney for City Council