

ORDINANCE 2025-06

AN ORDINANCE AMENDING CHAPTER 45 TO ADD ARTICLE II. REGARDING ECONOMIC INCENTIVES; PROVIDING INTENT AND PURPOSE, DEFINITIONS AND APPLICABILITY; PROVIDING FOR AN ECONOMIC DEVELOPMENT EXPENDABLE TRUST FUND AND USE OF SAID TRUST FUNDS; PROVIDING FOR AUTHORIZED INCENTIVES; PROVIDING FOR SPECIAL INCENTIVES, PROVIDING CRITERIA FOR JOB CREATION; PROVIDING CRITERIA FOR GRANTING INCENTIVES AND ADMINISTRATIVE CRITERIA; PROVIDING FOR GRANT AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 45 of the City Code provides for Grants.

WHEREAS, the City Commission finds that it is in the public interest to attract businesses and thereby increase the tax base of commercial property within the City and thereby benefit the public welfare by broadening the distribution of the burden of taxes.

WHEREAS, the City Commission finds that it is in the public interest to provide certain economic incentives to attract business and commercial entities to the City as provided hereinafter.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Belleview, Florida that Chapter 45 regarding Grants of the City Code is amended to add Article II to establish economic incentives, which Article shall read as follows:

CHAPTER 45. GRANTS

“ARTICLE II. ECONOMIC DEVELOPMENT INCENTIVES

Sec. 45-09. Title

Sec. 45-10. Name.

This ordinance shall be known and may be cited as the "City of Belleview Economic Development Incentives Ordinance."

Sec. 45-11. Intent and purpose.

(a) The intent of this Article is to establish a sound business tax base in the City of Belleview and promote the increase of said tax base to benefit all residents in the City by broadening the distribution of the burden of said taxes.

(b) The purposes of this chapter are as follows:

(1) To create an economic development incentives program to attract, retain, and provide favorable conditions for the growth of businesses that provide high-quality employment opportunities for the citizens of the City of Belleview and enhance the economic foundations of the city.

(2) To promote public support of economic projects to foster, promote, and enhance economic development and redevelopment efforts in the city and the

Community Redevelopment Agency (CRA) area (in which development is challenged by blight, history), and changes in growth patterns over the years.

(3) To establish an expendable incentives trust fund to assist in attracting and retaining said businesses.

(4) To establish criteria for the City of Bellevue to enter into an agreement with a person, firm or corporation that undertakes a development or redevelopment project consistent with the city's Downtown Bellevue Redevelopment Plan and/or comprehensive plan and the provisions herein.

(5) To provide the criteria to be considered by the city commission in its analysis of projects seeking incentives.

Sec. 45-12. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where context clearly requires otherwise:

(a) *Average wage* means the average of all wages and salaries in the Ocala MSA. The average wage will be that wage estimated or calculated by the most recent state Department of Labor statistics.

(b) *Base wage* means compensation received by an employee for fulfilling job functions. Compensation may include benefits such as, but not limited to, medical insurance and employer-funded retirement plans. Compensation shall not include benefits such as payment of any mandatory federal employer contribution, state employer contribution, vacations, holidays, or sick leave.

(c) *Business or industry* means any business entity authorized to do business in the state, city, or county, including all members of an affiliate group of corporations.

(d) *Capital investment* is defined as an activity that adds value to the city's tax base by the acquisition and/or improvement of real property.

(e) *Claw-back obligation* is defined as a provision for repayment of all or part of an incentive grant.

(f) *Cumulative capital investment* is defined as the capital investment in the development of multiple real properties during a maximum period of five years.

(g) *Community Redevelopment Agency area* means the area created by the Downtown Bellevue Community Redevelopment Plan, to revitalize the historic area of Bellevue, defined as 'Downtown Bellevue'.

(h) *Development* is defined as the activity of improving a real property to the extent of adding value to the tax base through real property improvements, and the creation and/or retention of employment opportunities.

(i) *Economic development expendable trust fund* is a trust fund to be funded from various sources and utilized to implement programs established or supported by the City Commission that assist in creating a healthy and vibrant economy in the City of Bellevue.

(j) *Expansion of an existing business or industry* means the expansion of a business or industry by or through additions to real and personal property on a site owned by the same owner, relocation to a larger facility within the city or an expansion of a business operation presently existing within the city.

(k) *Incentive* is defined as a grant of any inducement having monetary value by the City of Bellevue that is offered to a person, firm, or corporation to pursue a development that encourages private investment and/or the creation /retention of jobs. The incentive may also include grants from other public entities that the City of Bellevue may obtain.

(l) *Incentive recipient* shall mean the private parties receiving the incentives from the city.

(m) *Incremental increase* is the difference in the real property value at the beginning of the incentive period and the real property value upon completion of the new development.

(n) *Jobs* means full-time equivalent positions, as such terms are consistent with terms used by the state department of labor and employment security and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation. Jobs shall not include temporary construction jobs involved with the construction of facilities for the project, or temporary, part-time, or contract employees, or any jobs that have previously been included in any application for benefits in this chapter.

(o) *New business* means a business or industry that heretofore did not exist within the city, first begins its operations on a site located within the city, and is separate from any other operation owned by the same business or industry.

(p) *Metropolitan Statistical Area (MSA)* means a geographical region with a relatively high population density at its core and close economic ties throughout the area. Such areas are not legally incorporated. For purposes of this article, the MSA means the Ocala, FL MSA.

(q) *Project* means the creation or attraction of a new business or industry or the expansion of an existing business or industry.

(r) *Real property value* is defined according to the value assigned by the Marion County Property Appraiser's Office.

Sec. 45-13. Applicability.

(a) The city commission may, at its discretion and on a case-by-case basis, and according to available funding, enter into an agreement with a person, firm, or corporation for the purpose of providing an economic development incentive.

(b) The provision of incentive(s) shall be made only after an agreement has been entered into between the person, firm, or corporation setting forth the particulars of the development and the proposed incentives. Such agreement shall be executed upon approval by resolution of the city commission.

Sec. 45-14. Economic development expendable trust fund.

(a) The "economic development expendable trust fund" is hereby established and hereinafter referred to as the "trust fund".

(b) The trust fund shall be utilized to implement programs established or supported by the city commission that assist in creating a healthy and vibrant economy. Such uses may include, but not be limited to, incentive programs, partnerships with other governmental economic development agencies, grants or annual dues for private economic development agencies, economic development consultants employed by the city, marketing, and assistance in the development and improvement of commercial areas within the city.

(c) The trust fund may be funded by whatever incomes or transfers from other funds the city commission deems appropriate and allowed by law. If at any time the city commission chooses to retire the trust fund, the remaining balance of the trust fund shall be transferred back to the appropriate City contributing fund(s).

Sec. 45-15. Use of trust funds.

(a) Trust funds can be used for any expense pertaining to a new location or expansion of a business or business development area. Eligible expenses include, but are not limited to,

impact and permit fees, relocation costs, land acquisition, on-site and off-site improvements, building construction, loan interest pay-down, lease-hold improvement, employee training programs, or any other legitimate business expense.

(b) Proposed use of trust funds shall be stated in the application for said grant and incorporated in the grant agreement, which must be approved by adoption of a resolution of the City Commission.

(c) The maximum distribution of trust fund monies shall be the balance in the trust fund at the time of distribution. This paragraph shall not be interpreted to restrict the City Commission from authorizing an appropriate transfer to the trust fund account prior to distribution or the city's ability to access other economic development accounts that may be available to the city.

Sec. 45-16. Authorized incentives.

(a) *Multiple incentives.* The City Commission may provide to an incentive recipient any combination of incentives provided for herein; provided, however, that the total amount of incentives given to a development must be in keeping with the goals of the city, and the value of the benefits accruing to the city (and its citizens) must be greater than the financial value of the incentives to an incentive recipient.

(b) *Incentives of the city.* All direct incentives of the city shall be granted in the form of reimbursements and refunds of fees and taxes that have been duly paid to the city. No upfront abatements of fees or taxes shall be permitted. Where incentives continue for a period of more than one year, such incentives may be graduated to increase or decrease year-to-year as the commission sees fit, and will be subject to monitoring by the city to ensure compliance with the terms of any incentive agreement. The commission may, at its discretion and on a case-by-case basis, enter into an incentive agreement to reimburse or refund any person, firm, or corporation the following fees and taxes up to the amounts and percentages provided for herein:

(1) *Building permit fees*

*Up to 60% of the city's portion of building permit fees collected by the city.

Investment Amount	
\$250,000.00—\$999,999.99	Up to 10%
\$1,000,000.00—\$1,999,999.99	Up to 20%
\$2,000,000.00—\$2,999,999.99	Up to 30%
\$3,000,000.00—\$3,999,999.99	Up to 40%
\$4,000,000.00—\$4,999,999.99	Up to 50%
\$5,000,000.00 or more	Up to 60%

(2) *Police impact fees*

*Up to 100% of the applicable police impact fees collected by the city.

Investment Amount	
\$250,000.00—\$999,999.99	Up to 50%
\$1,000,000.00—\$1,999,999.99	Up to 60%
\$2,000,000.00—\$2,999,999.99	Up to 70%
\$3,000,000.00—\$3,999,999.99	Up to 80%
\$4,000,000.00—\$4,999,999.99	Up to 90%
\$5,000,000.00 or more	Up to 100%

(c) Other. Such incentives that the commission, at its discretion, on a case-by-case basis determines are appropriate given the amount of/type of investment made by the incentive recipient.

(d) *Job credits.* The creation and/or retention of jobs shall be considered to be the equivalent of a \$100,000.00 investment per 20 jobs created or retained in calculating the level of reimbursement available for items (1) and (2) in section 45-15. Proof of employment will be required for reimbursement.

(e) *Business Tax Receipts.* The city may waive 100% of the business tax receipt fees for up to five (5) years for the original incentive recipient.

Sec. 45-17. Other incentives.

(a) The city may, from time to time, create a custom incentive plan that is not defined or described in this chapter for an individual business, industry, or development, if it is determined by the City Commission to further the purposes of this Article and be a benefit to the city as a whole.

(1) Such incentive plans may include, but not be limited to, cash awards, the financing of impact fees, or supplying additional infrastructure needs.

(2) Such custom incentive plans should be for businesses and industries that supply services or products that fill public need, or such commercial projects that will have a major economic impact on the city.

(b) Such custom incentive plans shall follow all application and approval processes provided for in this Chapter.

Sec. 45-18. Criteria for jobs creation.

(a) The city may award a grant in an amount determined by section 45-15(c) per new job created or an existing job retained for projects which are for the purpose of relocation of an existing industry or business or the establishment of a new industry or business within the city or CRA area. This grant may be in addition to grants awarded by Ocala MSA or any other federal or State of Florida agency grants.

(b) In addition to any other applicable requirement or criteria as may be set by law or agreement, the following criteria will be applied in awarding grants for job creation and retention from the trust fund or other funds deemed appropriate by the city commission:

(1) New or retained jobs must be permanent, full-time or full-time equivalent jobs paying a minimum base wage of 115 percent of the Ocala average wage.

(2) In addition to the minimum base wage as stated above, the employer must offer paid benefits to include, but not be limited to, medical insurance to full-time employees.

(3) A minimum of ten new jobs meeting the above qualifications must be created or retained.

(4) New jobs must be created within one year of the award of the grant. New and retained jobs must be maintained for a minimum of three years or a longer period as determined by the city commission at the time of the grant award.

(c) Other factors may be considered by the City Commission, such as, but not limited to, a willingness to hire Belleview and Marion County residents, the purchase of locally produced products, the use of local contractors for construction and maintenance of facilities, and providing job training for the local resident hires.

Sec. 45-19. General eligibility criteria.

The following criteria shall be considered in the analysis of the eligibility of any proposed project for incentives hereunder and in determining the size and type of incentives to be approved:

- (a) The proposed project must be consistent with the City of Bellevue Downtown Bellevue Community Redevelopment Plan and/or Comprehensive Plan.
- (b) The proposed project must be located within the City of Bellevue.
- (c) The proposed project must have a minimum threshold of at least \$250,000.00 of capital investment in the CRA area and a minimum of \$1,000,000.00 of capital investment outside of the CRA area, which may be comprised of a combination of physical improvements and acquisition costs, and such threshold investment may be comprised of a single real property investment or a cumulative investment. The amount of any incentive approved shall consider the size of the cumulative capital investment involved in the proposed project, the anticipated economic impact of the project, and the anticipated revenue impact on the City of Bellevue
- (d) The proposed project must be for one or more of the following purposes or uses:
 - (1) Retail uses as identified in the zoning ordinance of the City of Bellevue;
 - (2) Industrial uses as identified in the zoning ordinance of the City of Bellevue;
 - (3) Tourism and hospitality-related business or activity;
 - (4) Cultural arts activities and associated businesses;
 - (5) Corporate headquarters and financial institutions;
 - (6) Research and development;
 - (7) High technology growth business;
 - (8) Commercial apartments or other non-owner-occupied housing as designated in the specific eligibility criteria;
 - (9) Other uses as may be determined by the City of Bellevue, which carry out the intent of this article and are identified more specifically according to the adopted community redevelopment plans and/or comprehensive plan applicable in the respective areas.
- (e) The entity seeking the incentive shall ensure that it and its prime contractors shall make good faith efforts as described herein to provide equal opportunity to and to actively invite local and minority business enterprises (MBE) to participate in the incentivized activities.

Sec. 45-20. Review of economic development incentives applications.

- (a) Applicants may apply for grant funds with the city administrator's office or whatever office or department the city administrator may designate. A staff-level review team appointed by the city administrator will review the application and make recommendations concerning the application. Additional information, if any, shall be requested of the applicant in writing following the initial staff review. A report shall be prepared as to whether the grant application should be approved, and if so, any award amounts, what fund the awards should be taken from, conditions to be placed on the award, and any monitoring to be done by the city after the award is made. The recommendation and report shall then be forwarded to the city commission for approval.
- (b) The grant application shall be made on an application form made available by the city and shall include, but not be limited to, the following information:
 - (1) A complete description of the project.
 - (2) The location of the existing or proposed facility, any applicable development activity, and the project commencement date.

- (3) The amounts and proposed use of grant funds requested.
- (4) Proposed utility usage if applicable.
- (5) Complete information on existing employment and any new employment created by the project.
- (6) An annual impact statement.
- (c) The above application procedure may be required by the city for any other incentive programs, such as impact fee credits, which are provided by the city by separate ordinance or resolution.

Sec. 45-21. Administration criteria and terms of delivery.

- (a) The person, firm, or corporation must apply for the economic development incentives program, provide sufficient documentation to the city showing financial viability of the proposed project, and agree to furnish good faith estimates on projected sales tax, assessed valuation, and other information as may be needed to determine the incentives that may be provided and the amount of the incentive.
- (b) The incentive amount shall be determined based on the amount of the capital investment and new revenue generated as a result of the capital investment. The incentive term shall commence with the issuance of the certificate of occupancy, issuance of a business tax receipt, and/or other criteria corresponding to the eligibility factors. The incentive shall require annual monitoring by the City of Bellevue to ensure continued program compliance; monitoring during the incentive period shall include benchmarks such as, but not limited to, the completion of the first taxable year of occupancy and first year of operation of the identified business use; benchmarks shall be monitored for each year of the incentive period.
- (c) The total incentive amount shall not be greater than the value received by the city and derived from the capital investment during the term of the incentive.
- (d) The City of Bellevue may, in its discretion, extend the incentive period if deemed warranted based upon the continuing benefit created by the investment.
- (e) The City of Bellevue may increase or decrease the amount of the incentive based upon actual development, real property values, and/or employment figures as determined through the monitoring process.
- (f) If at any time during the incentive period the development's use does not meet the eligibility criteria, then the city may deem the agreement null and void.
- (g) If at any time during the incentive period the development is sold, the benefits of the incentive may be assigned to the new owner only upon written consent of the city. Consent by the city will not be withheld unreasonably. A change of control shall be considered an assignment requiring the city's consent.
- (h) If at any time during the incentive period the real property value is appealed, then the incentive amount may be renegotiated or voided.
- (i) The administration of the application process, specifically including the drafting of any proposal, and continuous monitoring of developments under applicable incentive agreements, shall be the responsibility of the city administrator and any person designated by the city administrator to oversee such process.
- (j) Each project shall be subject to claw-back obligations, which shall require the repayment of some or all of the incentives if the agreed-upon investment and job creation requirements are not satisfied and/or maintained.

Sec. 45-22. Grant agreements.

Each applicant approved for a grant or incentive program shall execute a grant agreement. The said agreement shall include, but not be limited to, the following:

- (a) All criteria specific to the grant or incentive plan approved by the city commission.
- (b) An expenditure schedule for any cash awards.
- (c) The date or schedule for the issuance of funds by the city.
- (4) A schedule of company records or reports as required for auditing and monitoring purposes by the city to ensure all criteria for the grant or incentive plan are met by the recipient.
- (d) Terms of repayment of the grant or benefits of the incentive plan in the event the recipient fails to perform under the terms and conditions of the grant award or incentive plan.
- (e) If the location of the project is not currently located within the city limits but will connect to the City's water and sewer system, but cannot be annexed due to state statutory regulation, an agreement for future annexation shall be required, unless this provision is specifically waived by the city commission."

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict with this ordinance are to the extent of such conflict, repealed.

BE IT FURTHER ORDAINED that It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Belleview, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon adoption.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved upon **First Reading** by a ____ to ____ vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on _____, 2025. Said Ordinance was duly read, passed, and adopted upon **Final Reading** by a ____ to ____ vote of the City Commission of the City of Belleview, Florida at a Public Hearing held on _____, 2025.

CHRISTINE DOBKOWSKI,
Mayor

Attest:

LEZLI MERRITT,
City Clerk

Approved as to Form and Legal Sufficiency
For the use and Benefit of the City of Belleview Only:

FREDERICK E. LANDT, III,
City Attorney

CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that foregoing Ordinance was advertised for a Public Hearing in the ____ of the Voice of South Marion newspaper in accordance with Florida Statutes.

LEZLI MERRITT
City Clerk