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RESOLUTION 09-XX**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BELLEVUE, FLORIDA ESTABLISHING AMENDING SYSTEM DEVELOPMENT CHARGES FOR WATER AND SEWER FOR A PERIOD OF SIX MONTHS; ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Chapter 86, Article III of the City Code was enacted regarding system development charges regarding water and sewer, based on the equitable portion of the cost of financing the replacement or expansion of the city's sewer and water facilities, based upon the highest average daily flow anticipated from the buildings responsible for the daily impact of demands on the existing and future city facilities; and

WHEREAS, the City Commission of the City of Bellevue, after holding public hearings regarding economic issues facing the City and its citizens, has made the following findings of fact, to wit:

1. There are significant economic difficulties impacting the City of Bellevue, particularly its businesses and prospective businesses within our community.
2. There are parcels of land within our City, designated for commercial use, which are not being utilized or are under-utilized due to the cost of developing them, particularly given the current economic circumstances.
3. The development of new businesses or expansion of existing businesses will benefit the City of Bellevue and its residents.
4. These benefits include the creation of new jobs, additional sales tax revenues for the City, and increased ad valorem tax revenues for the City.
5. Encouraging the development of new businesses and the expansion of existing business would result in economic benefits to the City of Bellevue, including the creation of jobs, additional sales tax revenue to the City, additional ad valorem tax revenue to the City, additional revenues from water and sewer customers.
6. The benefits of anticipated new jobs and additional revenues out-weigh the negative economic impact of the anticipated loss of system development charges occurring as

012809FL

a result of a six (6) month moratorium on their collection, provided that the increased jobs and revenues occur in the near future and are not remote in time.

7. The anticipated benefits from a moratorium on system development charges for parcels designated for residential use would not result in significant creation of jobs or significant additional sales tax revenues; the potential for increased ad valorem tax revenues is reduced by the potential for homestead exemption on residential properties; and the negative economic impact from the anticipated loss of system development charges for residential parcels is not out-weighted by the potential benefits.
8. The anticipated benefits from a moratorium on system development charges for parcels located outside the City of Belleview would not result in significant additional sales tax revenues or increased ad valorem tax revenue for the City; and the negative economic impact, from the anticipated loss of system development charges for parcels located outside the City of Belleview, is not out-weighted by the potential benefits.
9. The anticipated benefits from a moratorium on system development charges for particularly high capacity usage parcels, such as those utilized as a school or a car wash would not outweigh the economic impact of the anticipated loss of system development charges for such parcels.
10. In the interest of the general welfare of the citizens of the City of Belleview and in the interest of preserving the economic viability of the City of Belleview and its businesses, the City must take action to stimulate growth, utilization of commercial property, and the expansion of businesses within the City of Belleview.
11. The most viable method to stimulate business growth, the utilization of commercial property, and the expansion of businesses within the City of Belleview, is to implement a moratorium on system development charges for connection to the City's water and sewer facilities for business or commercial use within the corporate limits of the City of Belleview for a period of six (6) months.
12. Our primary goal is to effect an economic stimulus that will have immediate benefit to the City rather than benefits that are remote in time.

012809FL

13. Certain projects may require substantial periods of time to commence construction or for completion, once started; therefore, we should balance these needs with our primary goal of immediate economic benefit and our need to avoid committing infrastructure capacity to projects with remote completion dates and possibly denying capacity to future, viable projects.

Section 86.86 of the City Code provides that the City Commission may amend the fee schedule which imposes system development charges for connection to the City's water and sewer facilities by resolution.

14. It is in the best interest of the public welfare to adopt a resolution amending system development charges for connection to the City's water and sewer facilities, as set forth herein, for parcels designated for commercial use (zoning designation B-1, B-2, B-3, B-4, B-5, M-1, M-2, and CPD), within the corporate limits of the City of Belleview, to provide a six (6) month moratorium on the collection of system development charges for connection to the City water and sewer system.

WHEREAS, the City Commission finds it is in the best interest of the public welfare to adopt this resolution amending system development charges by imposing a moratorium on collecting system development charges for connection to the City's water and sewer facilities, as set forth herein, for parcels within the corporate limits of the City of Belleview and designated for commercial use (zoning designation B-1, B-2, B-3, B-4, B-5, M-1, M-2, and CPD).

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Belleview as follows:

"Section 1. The amount of payment for system development charges shall continue to be calculated based upon the methodology established in Chapter 86, Article III of the City Code, using the rate established by Resolution of the Belleview City Commission EXCEPT as follows:

a. There shall be no system development charge imposed for connections to or expansions of use of the City water and sewer facilities for parcels within the corporate limits of the City of Belleview and designated for commercial use (zoning designation B-1, B-2, B-3, B-4, B-5, M-1, M-2, and CPD), where the daily anticipated flows are 1,000 gallons per day or less;

b. For connections to or expansions of use of the

012809FL

City water and sewer facilities, regarding parcels within the corporate limits of the City of Belleview which are designated for commercial use (zoning designation B-1, B-2, B-3, B-4, B-5, M-1, M-2, and CPD), where the anticipated flows are greater than 1,001 gallons per day, but equal to or less than 2000 gallons per day, the system development charge shall only be imposed based upon the flows in excess of 1000 gallons per day;

c. For connections to or expansions of use of the City water and sewer facilities, regarding parcels within the corporate limits of the City of Belleview which are designated for commercial use (zoning designation B-1, B-2, B-3, B-4, B-5, M-1, M-2, and CPD), where the anticipated flows are greater than 2,000 gallons, the system development charge shall be reduced by fifty (50) percent;

d. This six (6) month moratorium on the collection of system development charges for commercial parcels shall not apply to parcels developed for use as a school or a car wash.

Section 2. The City Public Works Director may establish reasonable periods of time for the commencement of any project and/or the completion of any project which must be met if the developer is to receive the benefit of the reduction in system development charges provided herein. If phasing is provided for, time limits for the completion of each phase of the development may also be established.

a. Any such time limit may be extended by the City Commission for reasonable periods upon the petition of an applicant for an amendment to the development plan and based upon good cause as determined by the Public Works Director; provided, however, that such extension of time shall not automatically extend the normal expiration date of a building permit, site plan approval or other development order. If time limits contained in the approved development plan are not complied with and not extended for good cause, upon expiration of the moratorium granted herein, the City Commission may impose system development charges as provided in Chapter 86, Article III of the City Code.

b. Should any developer desire to dispute the time period established for commencement, the time period established for completion, or the denial of an extension of time, they shall request, within three business days, a hearing before the City Commission. The City Clerk shall schedule a hearing before City Commission at the next regular Commission meeting or at a special meeting to consider the matter, and shall issue a written notice of such meeting to the person requesting the hearing.

c. In making a good cause determination, as required in "Section 2a and 2b" above, the Public Works Director or City

012809FL

Commission shall consider whether the anticipated economic benefits of the new or expanded commercial enterprise will outweigh the negative economic impact of the anticipated loss of system development charges occurring as a result of extending the moratorium on their collection for the affected parcel.

Section 3. This resolution for the adjustment of water and sewer system development charges shall be effective for a period of six (6) months from the of adoption of this resolution and shall automatically cease to have effect ("sunset") six months from the date of adoption.

EFFECTIVE DATE. This Resolution shall be effective upon its adoption by the City Commission of the City of Belleview.

ADOPTED AND RESOLVED by a _____ vote of the City Commission of the City of Belleview, Florida on this _____ day of January, 2009.

TAMMY C. MOORE
Mayor/Commissioner

ATTEST:

SANDI McKAMEY, MMC, CPM
City Clerk/Administrator

APPROVED AS TO FORM AND LEGALITY:

FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF POSTING

012809FL

I HEREBY CERTIFY that three copies of the foregoing Resolution were posted at City Hall, and the Chamber of Commerce, in the City of Belleview, Florida, this ____ day of _____, 2009.

MARGARET DeGENNARO, CMC, CPS
Deputy City Clerk