



## Business Impact Estimate

**Pursuant to F.S. 166.041(4), this form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Sarasota's website by the time notice of the proposed ordinance is published.**

As approved as part of SB170 and effective October 1, 2023, pursuant to Section 166.041(4), Florida Statutes, the City is required to prepare a business impact estimate prior to enacting an ordinance, subject to exemptions noted in the Law. It adds to the process for local governments passing ordinances and gives certain additional rights to those challenging local ordinances. The bill requires a "business impact estimate" before passing an ordinance, with exceptions.

Effective October 1, 2024, updated laws will go into effect during the 2024 State Legislative Session. Senate Bill 1628 was signed by Florida's Governor on May 6, 2024. The bill eliminates the exemption from the requirement to file a business impact estimate for ordinances relating to a comprehensive plan amendment or land development regulation initiated by a municipality or county.

### Proposed Ordinance – Title / Reference

ORDINANCE NO. 25-5552

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE ZONING CODE (2002 EDITION), ARTICLE II, DEFINITIONS AND RULES OF CONSTRUCTION, TO ADD COMMUNITY GARDENS WITHIN THE DEFINITION OF A PARK, AND TO MODIFY THE DEFINITION OF FOOD PANTRY, AS WELL AS TO CLARIFY THE CHARACTERISTICS AND ACCESSORY USES TO A RELIGIOUS INSTITUTION; AND ARTICLE VII, REGULATIONS OF GENERAL APPLICABILITY, SO AS TO RAISE THE ELEVATION OF A SEAWALL IN ORDER TO REDUCE FLOODING RISKS ASSOCIATED WITH SEA LEVEL RISE; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

#### 1. Summary of the Proposed Ordinance (must include a statement of the public purpose, such as service the public health, safety, orals, and welfare).

The proposed Zoning Text Amendment (ZTA) consists of three different items:

1. **Community gardens within the downtown zone districts:** Currently community gardens are only permitted outside of the downtown zone districts. The Zoning Text Amendment proposes to also allow community gardens within the downtown zone districts including Downtown Neighborhood, Downtown Neighborhood Edge, Downtown Edge, Downtown Core, and Downtown Bayfront.
2. **Accessory uses for religious institutions:** The current language in the Zoning Code does not clearly identify numerous accessory uses that should be permitted to religious institutions. Religious institutions are commonly considered community gathering spaces that may hold events or community services. This has been reflected in the proposed Zoning Text Amendment.
3. **Permitted height for seawalls and bulkheads:** The existing language in the Zoning Code limits the height of the seawalls and bulkheads to plus five feet above the mean low watermark. The Zoning Text Amendment proposes to increase the maximum permitted height to 7.27 ft North American Vertical Datum of 1988 (NAVD 88), based on future water level associated with 2022 National Oceanic and Atmospheric Administration (NOAA) 2070 projections, consistent with the proposed Engineering Design Criteria Manual (EDCM). Any proposed seawall shall be reviewed by the city engineer to ensure there are no adverse effects on neighboring properties.

<p><b>1) An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Sarasota if any:</b></p> <p><b>A. An estimate of direct compliance costs that businesses may reasonably incur;</b></p>
<ol style="list-style-type: none"> <li>1. Community gardens within the downtown zone districts - None</li> <li>2. Accessory uses for religious institutions - None</li> <li>3. Permitted height for seawalls and bulkheads – Undetermined, as this ordinance changes update accounts for scientific projections on sea level rises (SLR) those businesses who voluntary choose to utilize the additional height may result in higher cost for design and construction</li> </ol>
<p><b>B. Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and</b></p>
<ol style="list-style-type: none"> <li>1. Community gardens within the downtown zone districts - None</li> <li>2. Accessory uses for religious institutions - None</li> <li>3. Permitted height for seawalls and bulkheads - None</li> </ol> <p>No new charges or fees are introduced by this Ordinance.</p>
<p><b>C. An estimate of the City of Sarasota regulatory costs, including estimated revenues from any new charges or fees to cover such costs.</b></p>
<ol style="list-style-type: none"> <li>1. Community gardens within the downtown zone districts – None</li> <li>2. Accessory uses for religious institutions - None</li> <li>3. Permitted height for seawalls and bulkheads – None</li> </ol> <p>No regulatory cost to the City of Sarasota are associated with this Ordinance.</p>
<p><b>2) Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance.</b></p>
<ol style="list-style-type: none"> <li>1. Community gardens within the downtown zone districts – None</li> <li>2. Accessory uses for religious institutions - None</li> <li>3. Permitted height for seawalls and bulkheads – Undetermined, as it is unknow which businesses would utilize the new provision.</li> </ol>
<p><b>3) Additional information the governing body deems useful (if any):</b></p> <p>You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of Sarasota staff solicited comments from businesses in the City of Sarasota as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on the City of Sarasota’s website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.</p>
<p>The Development Review Committee (DRC) has reviewed the proposal for technical compliance and the petition received full DRC sign-off on September 4, 2024</p> <p>The Planning Board recommended to the City Commission to approve the Ordinance with a 5-0 vote on October 9, 2024.</p>