

Business Impact Estimate

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's website by the time notice of the proposed ordinance is published.

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA ESTABLISHING A TEMPORARY MORATORIUM WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF FLAGLER BEACH ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, SITE PLANS, ZONING APPROVALS, SPECIAL EXCEPTIONS, AND DEVELOPMENT ORDERS THAT WOULD ALLOW NEW DEVELOPMENT TO USE EXCEPTIONS TO THE THIRTY-FIVE FOOT HEIGHT LIMITATION FOR MECHANICAL AND ARCHITECTURAL ELEMENTS; DIRECTING STAFF TO STUDY AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO EXCEPTIONS TO THE THIRTY-FIVE FOOT HEIGHT LIMITATION FOR MECHANICAL AND ARCHITECTURAL ELEMENTS; PROVIDING FOR EXPIRATION AND EXTENSION OF THE MORATORIUM; PROVIDING STANDARDS FOR RELIEF FROM THE APPLICATION OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

¹ See Section 166.041(4)(c), Florida Statutes.

- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance:

Ordinance 2023-XXXX imposes a temporary moratorium on the processing of new development applications that would use the exemption existing in the City's land development regulations for architectural and mechanical elements of buildings to exceed the City's thirty-foot height limitation. The ordinance specifically provides that properties for which site plans have already been approved shall not have building permits or other necessary approvals delayed as a result of this moratorium. The ordinance also provides an administrative relief process for any applicant who asserts this moratorium creates a material hardship.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

The Ordinance creates a narrow temporary moratorium related to building height for new development. There is no expected direct economic impact of the ordinance on existing private, for-profit businesses located in the City.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The City does not expect any businesses to be negatively impacted by the proposed ordinance.