

Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance #10-26 AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF CAPE CORAL, FLORIDA, SECTION 1.15. MEASUREMENTS, AS SET FORTH WITHIN ARTICLE 1, GENERAL PROVISIONS; AND SECTION 3.3.6. ADMINISTRATIVE DEVIATIONS, AS SET FORTH WITHIN ARTICLE 3, DEVELOPMENT REVIEW, CHAPTER 3, SPECIFIC REVIEW PROCEDURES-ADMINISTRATIVE PERMITS AND APPROVALS; AND SECTION 5.1.12. AS SET FORTH WITHIN ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 1, GENERAL REQUIREMENTS FOR ALL DEVELOPMENT, REGARDING HEIGHT RESTRICTIONS FOR BOTH BUILDINGS AND STRUCTURES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

In accordance with the provisions of controlling law, the City of Cape Coral hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The purpose of the ordinance is to amend Articles 1, 3, and 5 of the Land Development Code (LDC) that regulate height. These changes will eliminate an inconsistency in the LDC, clarify how height will be measured for structures that are not defined as buildings, and provide modest relief to owners from maximum height requirements subject to review by the Development Services Director. This ordinance will also eliminate height requirements for structures on City-owned sites.

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

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Cape Coral regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Since this ordinance does not impose any new or more burdensome regulations, no new compliance costs incurred by businesses are anticipated.

This ordinance will not result in any new fees that business owners will incur.

Owners that voluntarily request relief from height requirements through a deviation process will pay an application fee of \$55. This fee is identical to an existing fee for similar deviation requests that include setback relief and parking. This fee is standard for all deviation requests and is not based on full cost-recovery.

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

The number of businesses anticipated to seek height deviations is anticipated to be less than five per year.

4. Additional information the governing body deems useful (if any):

In summary, the proposed amendment will eliminate an existing inconsistency appearing in the LDC involving the measuring of building height, provide needed clarity on how structures not meeting the City definition of a building will be measured, and offer flexibility to property owners seeking minor relief from height requirements subject to the review and approval of the Director. This amendment will also exempt structures constructed on City properties from minimum height requirements where such standards currently exist.