



CITY OF CLERMONT
ORDINANCE NO. 2023-020

BUSINESS IMPACT ESTIMATE

TO: Mayor Murry and Council Members
FROM:
DATE: July 11, 2023
SUBJECT: Ordinance No. 2023-20 – Business Impact Estimate

Section 166.041, *Florida Statutes*, effective July 1, 2023, requires the City prepare (or cause to be prepared) a business impact estimate prior to final consideration of an ordinance, subject to exemptions noted in the Law. The new law requires that the business impact estimate be posted on the City’s website at the time of the published notice of the City Council’s final consideration of the ordinance, or ten (10) days prior to the adoption public hearing, whichever is longer. Ordinance No. 2023-20 is proposed to be adopted by the City on August 8, 2023, and is subject to this new requirement. Following are the categories required to be addressed for the proposed ordinance based on the new legislation:

1. Summary of proposed Ordinance 2023-20

The proposed ordinance amends Section 125.526 “Sidewalk cafes” of the Land Development Code to provide as follows:

- Deletes the requirement that all furniture be stored within the permitted establishment;
- Requires the permit holder/operator to provide and maintain trash receptacles/containers;
- Requires the permit holder/operator to monitor and timely empty the receptacles/containers to prevent overflow;
- Requires the permit holder/operator to pick-up and collect any trash on a timely basis; and
- Provides that the sidewalk café permits shall be valid for one year and requires reapplication annually.

2. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the city

a. Estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.

A direct cost to businesses is the cost of the receptacle/container required. The proposed ordinance does not specify the type, number or size of the receptacle/container and therefore, each permit holder/operator can choose whatever is necessary based on their permitted operation. As a result, although the cost is minimal, it could vary depending on the business’ need. The monitoring and collection requirements should be able to be completed by existing staff so there will be minimal, if any, increased direct staff costs.

b. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.

The cost for the receptacle/container. See above.

c. An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

The proposed ordinance does not add enforcement requirements for City staff beyond that which are in the existing code, therefore there are no additional regulatory costs.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

The proposed ordinance is expected to impact less than ten (10) businesses.

4. Any additional information the board determines may be useful.

The ordinance is primarily intended to require timely collection of trash generated by sidewalk cafes.