



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of Key Colony Beach, Florida's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

Ordinance No. 2023-487 - Amending Chapter 101 to establish regulations relating to the protection of sea turtles.

The City of Key Colony Beach, Florida (hereinafter "City") is of the view that the following exception(s) to the Business Impact Estimate requirement apply that are checked off in a box below apply to the above-referenced proposed ordinance, although the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- 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
- 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

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 (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance No. 2023-487 amends Land Development Regulations Chapter 101 to establish regulations relating to the protection of sea turtles and sea turtle nesting sites. The City is committed to protecting native wildlife. These animals fall victim to various beach activities. Horseback riding, campfires, vehicle traffic, and storage materials are not permitted on the beach in nesting areas during nesting season. Artificial lighting, which can have a disorienting effect on sea turtles, must be positioned according to the proposed ordinance and follow artificial lighting standards, this includes beach front properties and properties that are cumulatively visible from the beach. Mechanical Beach Cleaning shall be completed during the day and remain compliant with regulations on their size and profile. Mechanical Beach Cleaning Equipment shall not penetrate the substrate. Pets who have the potential to be disruptive or cause damage to nesting sites or turtles are not permitted in nesting areas. Additionally, feeding other wildlife is prohibited. Development, of any kind, shall be set back a minimum of 50 feet from any active or potential nesting sites during nesting season.

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

Ordinance No. 2023-487 has the potential to boost tourism in the City. The proposed ordinance will protect and increase the population of sea turtles in the area. Tourists are likely to want to witness the nesting season. With a larger turtle population, tourists are more inclined to visit the City during their travels.

3. Estimate of direct compliance costs that businesses may reasonably incur:

The proposed ordinance applies to existing and new artificial lighting in the City, including businesses. The proposed ordinance calls for changing light fixtures, securing extra labor to remove storage from nesting areas, and ensuring mechanical beach cleanup equipment is within regulation. Increasing costs to businesses is not ideal, the City of Key Colony Beach has a moral obligation to protect threatened and endangered species that reside in our jurisdiction. The tourism benefit the City will receive will offset any negligible economic impact to the City's businesses.

4. Any new charge or fee imposed by the proposed ordinance:

There are no fees or charges associated by this proposed ordinance. However, future noncompliance may be subject to a \$250 code enforcement violation issued pursuant to the applicable provisions of Sec. 1-10 of the City Code of Ordinances.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

Potential Code Enforcement fees and costs which may be subject to recoupment under the Code of Ordinances Cost Recovery Mechanism.

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

1. Glunz Hotel, 351 W. Ocean Drive, Key Colony Beach, FL 33051
2. Havana Jacks Restaurant, 401 W. Ocean Drive, FL 33051

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: the City staff solicited comments from businesses in the City 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's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from 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 impose costs only upon businesses.):

The proposed ordinance could result in minor costs to residents and businesses alike. Costs associated with this proposed ordinance are meant to ensure the safety of endangered and threatened sea turtle species, so that they may thrive in their habitat. Sea turtles benefit seagrass beds and coral reefs, and in turn, increase the City's tourism. Additionally, in sea turtle nesting areas the by products left by turtles provide support for coastal vegetation. Maintaining native sea turtle populations is vital to the health of our oceans.