

Business Impact Estimate Guidance and Form

Last Updated September 13, 2023

Background

- CS/SB 170 <https://www.flsenate.gov/Committees/BillSummaries/2023/html/2933> requires local governments to produce a “Business Impact Estimate” prior to passing an ordinance that does not qualify for an exemption.
- The business impact estimate must include certain information, such as the proposed ordinance’s purpose, estimated economic impact on businesses, and regulatory costs.
- The business impact estimate must be posted on the local government’s website at least ten days before the public hearing for the proposed ordinance. However, if the legal notice for the proposed ordinance is published earlier than ten days before the public hearing, the business impact estimate must be posted on the day that the legal notice is published or earlier.

Process

1. Before Legistar review for an Ordinance is initiated, complete the Exemption Checklist directly below.
2. If an Exemption does apply, cite the Exemption(s) in the Legistar Staff Report (under “Recommended Action”); no further action is needed and do not advance to Step 3. If an Exemption does not apply, advance to Step 3.
3. Alert Board Records and Communications that a Business Impact Estimate is being prepared. Then complete the Business Impact Estimate Form on Page 2.
4. Attach the completed Business Impact Estimate to the Legistar File. Ensure that OMB is on the Legistar review sequence. Then Legistar review may be initiated.
5. After Legistar review is completed, promptly forward the approved Business Impact Estimate to Board Records and Communications. Board Records and Communications must receive the Business Impact Estimate at least fifteen days before the public hearing for the Ordinance.

Exemption Checklist (see F.S. § 125.66(3)(c)):

** If one or more boxes is checked below, a business impact estimate is not legally required. If no boxes are checked below, a business impact estimate is legally required. Please consult with the CAO if you are uncertain whether a box should be checked.*

- The Ordinance is required for compliance with Federal or State law or regulation;
- The Ordinance relates to the issuance or refinancing of debt;
- The Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The 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 County;
- The Ordinance is an emergency ordinance; or
- The Ordinance relates to procurement.

Business Impact Estimate Form (see F.S. § 125.66(3)(a))

For:

Land Development Code amendments pertaining to accessory dwelling units (ADUs).

This Ordinance amendment is scheduled for first reading for consideration for adoption by the Pinellas County Commission on May 21, 2024, at 6:00 P.M. at 333 Chestnut Street, Palm Room, Clearwater, Florida 33756.

** Unless an attachment is expressly referenced, the content in this Form encompasses the entire Business Impact Estimate for the Ordinance.*

1. Summary of the Ordinance, including a statement of the public purpose to be served by the Ordinance, such as serving the public health, safety, morals, and welfare of the County: *[This Section does not need to be lengthy. The Recitals (“WHEREAS” Clauses), or the “Purpose” or “Legislative Intent” Sections of the Ordinance, may be helpful to reference.]*

This is an Ordinance amending Chapter 138 of the Pinellas County Land Development Code, providing revised definitions and standards for accessory dwelling units (ADUs). The intent of this proposal is to further enhance flexibility, provide additional clarification and incentives, and ultimately provide increased opportunity for new ADUs and overall housing options that can be more affordable.

Background:

An accessory dwelling unit (ADU) is a smaller, independent dwelling unit on the same lot as a primary single family detached home. They contain their own kitchen, bathroom and sleeping area. ADUs provide options for affordable housing, extended family/multigenerational living arrangements, and income sources for the property owner. They have been allowed in unincorporated Pinellas County for many years. The intent of this Ordinance is to enhance flexibility for ADUs, provide additional clarification and incentives, and provide increased opportunities for new ADUs and overall housing options that can be more affordable.

WHEREAS Clauses:

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, (“BCC”) adopted the Land Development Code in 1990; and

WHEREAS, in 2018, the BCC approved Ordinance No. 18-36, which constituted the first major rewrite of the Pinellas County Land Development Code since 1990; and

WHEREAS, the purpose of this Ordinance is to amend and update the provisions of Chapter 138 of the Land Development Code, specifically modifying the regulations related to accessory dwelling units; and

WHEREAS, in accordance with Section 138-83 of the Land Development Code the Development Review Committee held a duly noticed public meeting on March 11, 2024, as to the proposed Ordinance and recommends approval of the proposed amendments contained therein; and

WHEREAS, the Local Planning Agency held a duly noticed and advertised public hearing on April 10, 2024, as to the proposed Ordinance and recommends that the Board of County Commissioners approve the proposed amendments contained therein; and

WHEREAS, the Board of County Commissioners finds that proposed amendments to the Land Development Code as set forth herein are consistent with the Comprehensive Plan and the review requirements set forth in Section 138-83 of the Land Development Code.

2. An estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the County, including the following, if any:

The proposed ordinance amendment will have no new direct costs to local businesses, no new fees on local businesses, and will incur no new regulatory costs or revenues to Pinellas County.

3. A good faith estimate of the number of businesses likely to be impacted by the Proposed Ordinance:

The proposed amendment is not expected to have new impacts on local businesses.

4. Any additional information the BCC deems useful: *[This Section is not legally required.]*

In residential zoning districts, an ADU is a smaller, independent dwelling unit located on the same property as a primary single-family detached home. ADUs contain their own kitchen, bathroom, and sleeping area. They provide opportunities for affordable housing and extended family/multigenerational living arrangements. ADUs have been allowed in unincorporated Pinellas County for many years. The major update to the Pinellas County Land Development Code in 2019 provided some increased flexibility for them. The intent of this current proposal is to further enhance flexibility, provide additional clarification and incentives, and ultimately provide increased opportunity for new ADUs and overall housing options that can be more affordable.

This ordinance proposal is anticipated to have no fiscal impact to Pinellas County or any new business impacts.