



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

Proposed ordinance's title/reference:

*Ordinance 24-40 Amending Chapter 6 "Alcoholic Beverages" of The City of Winter Garden Code of Ordinances.*

This Business Impact Estimate is provided in accordance with Section 166.041(4), *Florida Statutes*. If one or more of the boxes are checked below, the checked exception(s) to the Business Impact Estimate requirement apply to the above-referenced proposed ordinance, although, the City is implementing the procedure otherwise required by 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 24-40 provides a series of amendments to the City's Code of Ordinances Chapter 6 – Alcoholic Beverages. These changes include adding and clarifying definitions of terms such as restaurant and fine dining establishment, modifying permitted hours of sale and consumption, adding a new section on policies and procedures related to a new Extension of Hours Permit for after-midnight alcohol sales, clarifying regulations about alcohol sales and consumption on public property and unlicensed venues, amending requirements for restaurant Business Tax Receipt issuance and annual renewals, and adding provisions for incidental package sales associates with grocery stores.*

*The City is proposing amendments to Code of Ordinances Chapter 6 to improve the health, welfare, and safety of our community. City Staff, particularly the Winter Garden Police Department, have received persistent complaints from the public regarding deleterious effects related to the sale, serving, and/or consumption of alcoholic beverages at bars and restaurants after midnight. It has been observed that the sale, serving, and/or consumption of alcoholic beverages after midnight gives rise to a number of negative effects including, but not limited to: loud and raucous behavior by patrons; causing a shift in patronage from shopping, dining, and family entertainment to purchasing and consuming alcohol; requiring the City to expend increased resources upon police patrols and other law enforcement actions; and creating an environment inconsistent with a healthy environment and family-oriented focus. Ordinance 24-40 provides solutions to mitigate these issues without placing undue regulatory or financial burdens on local businesses.*

*In addition, these amendments will make the City's Code of Ordinances more compliant with State alcohol regulations, as well as better align the Code with the City's Charter.*

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

*The City anticipates the economic impacts to private, for-profit businesses will be minimal. Some additional oversight measures are included in Ordinance 24-40 such as a new optional Extension of Hours Permit for late night alcohol service, and new requirements for Business Tax Receipt renewal. However none of these requirements should affect existing business operations or provide an undue financial or regulatory burden for local establishments. Furthermore, some of the proposed regulations will provide more opportunities for local restaurants to expand their business offerings. For example, the new Fine Dining Establishment provision gives quality local restaurants a pathway to use their outdoor seating to meet their minimum requirements for liquor sales.*

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

*Any restaurant or bar that elects to serve alcoholic beverages for on-site consumption after midnight (12:00 am) will be required to apply for an Extension of Hours Permit. The application fee for this permit will be \$250 and it is required to be renewed annually. In addition, the City may also require a restaurant or bar provide private security or police protection for the purpose of traffic control and public safety. The cost of the police protection or private security will vary depending on the level required by the City's Chief of Police and the hourly rates of protection.*

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

*As stated previously, the optional Extension of Hours Permit fee will be \$250. There will also be an application fee associated with the Fine Dining Establishment application to cover Staff review costs. None of these fees or applications are required for every establishment that serves alcohol - they only apply if an establishment elects to be open later than midnight or be classified as a Fine Dining Establishment.*

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

*The City will incur new regulatory costs to create and review the new permits as described in this ordinance, including the new Extension of Hours Permit and the new Fine Dining Establishment application. The Extension of Hours Permit will cost \$250, and this will cover the expenses of City Staff time needed to review and process the applications. The fee for the Fine Dining Establishment application has not yet been determined, but it will be set at a rate to cover the expenses of Staff time needed for the review.*

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

*While the ordinance is comprehensive and contains regulations that impact any establishment that sells alcoholic beverages, the requirements for the Extension of Hours Permit for establishments that serve after 12:00 am will have the most direct economic impacts on bars and restaurants in the City. It is anticipated that six (6) restaurants and one (1) bar would likely be impacted by the proposed ordinance as it relates to requiring the new permit for late night service.*

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: 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 City 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 City has met with a number of local bar and restaurant owners to determine whether Ordinance 24-40 will have any deleterious effects on their businesses. Ordinance 24-40 has gone through several iterations based on the feedback we received from those establishments. The final draft provides a balanced solution to target the negative impacts of alcohol sales and consumption on the community's health, safety, and welfare, but it does not impose an undue financial or regulatory burden on local businesses.*