



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 24-46 – Lake Apopka Natural Gas Energy Choice Ordinance.

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 24-46 would amend City of Winter Garden Code Section 78 – Utilities to create a new section 78-3 “Natural Gas Installation”. The new section would require all new platted subdivisions and re-plats of existing subdivisions over 5 lots to install natural gas lines and facilities if gas mains are already available or are located within 100’ of the proposed subdivision.

The purpose of this ordinance is to provide more options for City residents to meet their energy needs. Natural gas provides a reliable source of energy after hurricane and storm events that may affect the safety and well-being of the residents. The costs of installing natural gas infrastructure in already developed subdivisions, and retrofitting existing homes to allow homeowners to use natural gas appliances may prove prohibitively expensive for residents. However, the costs of installing natural gas infrastructure in subdivisions up-front, as they are being constructed, are significantly lower than the costs of retrofitting developments after-the-fact.

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

The only businesses that would be affected by the proposed ordinance are land development companies and housing development businesses, who would be required to pay any costs associated with natural gas installation, including construction and materials, of all natural gas distribution lines and appurtenances within the proposed subdivision property.

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

The cost for land developers to install natural gas infrastructure within their proposed subdivisions will vary significantly depending on the size of the subdivision, the design and layout of the lots, the distance of the subdivision property to existing natural gas mains, the cost of materials, etc.

It should be noted that the cost to extend or improve an existing natural gas main that is more than one hundred feet to the boundaries of a proposed subdivision property will be borne by the Lake Apopka Natural Gas District. New platted subdivisions or re-plats of existing subdivisions will not be required to install natural gas lines where the City of Winter Garden and Lake Apopka Natural Gas District have jointly determined that natural gas service is not and will not be reasonably available to such development.

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

The developer or applicant shall dedicate public utility easements as necessary within the subdivision to accommodate the constructing, operating and maintaining the natural gas pipeline distribution system within the property. Public utility easements are already required in the subdivision process to accommodate other utilities required to service the subdivision so this is not necessarily a new burden.

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

Land development businesses will likely be the only businesses impacted by the ordinance. Many of these businesses are large national homebuilders whose corporate offices reside outside the City of Winter Garden. The exact number of businesses that will be impacted in the future is unknown.

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.):

Construction of natural gas distribution line installation and main extension will be performed by the Lake Apopka Natural Gas District and/or its designee pursuant to an agreement between the applicant or developer and the Lake Apopka Natural Gas District. Before the Lake Apopka Natural Gas District and/or its designee commences any natural gas installation and/or main extension construction, the cost for labor and materials, as estimated by the Lake Apopka Natural Gas District's engineer, must be paid by the developer or applicant to the Lake Apopka Natural Gas District in cash or a bond sufficient to cover the cost of construction. The cost will be determined from the point of the nearest available natural gas supply to the subdivision. Any excess payment or underpayment will be refunded or invoiced upon completion of installation.