



Business Impact Estimate

City of Sanibel

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT, CODE, CHAPTER 126, ZONING, ARTICLE V, NONCONFORMANCES, DIVISION 5, STANDARDS FOR BUILDING-BACK (RECONSTRUCTION) OF STRUCTURES SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER, SECTION 126-212, NONCONFORMING STRUCTURES, TO ALLOW AN EXCEPTION TO HEIGHT LIMITATION FOR RESILIENCY SPECIFIC TO THE BUILD-BACK (RECONSTRUCTION) OF NONCONFORMING STRUCTURES, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with [Section 166.041\(4\)](#), Florida Statutes. If one or more boxes are checked below, this means the City of Sanibel is of the view that a business impact estimate is not required by state law¹ for the proposed Ordinance, but the City of Sanibel is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed Ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ 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 municipal government;
- ☐ 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;

¹ See Section 166.041(4)(c), Florida Statutes.



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- 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 of Sanibel hereby publishes the following information:

1. Summary of the proposed Ordinance:

The purpose of Ordinance 25-005, which has been recommended by the Planning Commission, is to amend Sanibel's Land Development Code to adopt exceptions to height standards for applicants proposing build-back (reconstruction) of a lawfully-existing nonconforming structure to improve resiliency from future storms under the following conditions:

- When reconstruction or elevation of a nonconforming structure to comply with minimum flood elevation requirements does not conform or increases the degree of nonconformity with applicable height standards; or
- For the purpose of resiliency from potential storm surge, the height of the lowest habitable floor of a nonconforming structure may be elevated up to ten feet above existing grade and exceed applicable height limitations proportionally.

2. Estimate of the direct economic impact of the proposed Ordinance on private, for-profit businesses in Sanibel, including the following, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur.

There are no direct compliance costs for businesses.

(b) Any new charge or fee imposed by the proposed Ordinance or for which businesses will be financially responsible.

There are no new charges or fees imposed on businesses.

(c) An estimate of the City of Sanibel's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are no new regulatory costs or revenues created by the proposed Ordinance.



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3. Good faith estimate of the number of businesses likely to be impacted by the proposed Ordinance:

No businesses are impacted negatively by the proposed Ordinance.

4. Additional information the City of Sanibel deems useful (if any):

For additional background information, please [click here](#) to review the staff Agenda Memorandum (AGM) for Ordinance 25-005 First Reading (April 17, 2025).