

# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING ARTICLE III, "DEVELOPMENT REVIEW," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-66, "OTHER REQUIREMENTS" TO ALLOW A HARD SURFACE TO ENCROACH BEYOND THE PROPERTY LINE FOR PROPERTIES ABUTTING A WATERWAY, CANAL OR LAKE IN ORDER TO PROVIDE ACCESS TO A SEAWALL, DOCK, OR ABUTTING INTRACOASTAL WATERWAY BEACH AREA AND AMENDING SECTION 30-68, "SUPPLEMENTAL DISTRICT REGULATIONS," TO CLARIFY THE MEASUREMENT OF THE WIDTH OR LENGTH OF A DOCK WHEN COMBINED WITH A SEAWALL CAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; 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 Town is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed Ordinance, but the Town 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. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
  - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.
  - c. Sections 190.005 and 190.046;
  - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

- e. 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 Town hereby publishes the following information:

**1. Summary of the proposed ordinance including a statement of the public purpose to be served, such as serving the public health, safety, morals and welfare of the municipality.** This Ordinance includes an amendment to the encroachments permitted into setbacks regulations provided in Chapter 30 (Zoning Code) of the Town Code of Ordinances to allow hard surfaces to encroach beyond the property line (for properties abutting a waterway, canal or lake) in order to provide access to a seawall, dock, or abutting Intracoastal Waterway beach area. On August 14, 2025, the Planning Board (“Board”) made a recommendation that such concept be considered by the Town Commission. On February 3, 2026, the Town Commission agreed to refer the issue to the Planning Board so that they can study/review it and provide their recommendation to the Town Commission. As part of the Town’s Ordinance Process Flowchart, once a proposal for a new Ordinance is introduced and approved (in concept) by the Town Commission, Town staff then researches and drafts an Ordinance. The Town Code currently allows hard surfaces abutting a waterway, canal, or lake to encroach up to the property line or seawall abutting the water, whichever is further landward so long as there is adequate onsite drainage. The proposed Ordinance would allow a hard surface beyond the property line in order to access a seawall, dock, or abutting intracoastal waterway beach area. Such a hard surface will allow for a more easily accessible walkway surface from the property line.

**2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:**

**(a) An estimate of direct compliance costs that businesses may reasonably incur if the Ordinance is enacted;**

**(b) Identification of any new charge or fee on businesses, or for which businesses will be financially responsible; and**

**(c) An estimate of the Town’s regulatory costs, including estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.**

The Ordinance will have no direct economic impact on the one (1) existing private, for-profit business in the Town.

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

The Town has one (1) existing private business (Delray Sands Resort).

**4. Additional information the governing body deems useful (if any):**