

# **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.*

Ordinance No. 2026-003 title: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, CONSOLIDATING AND UPDATING THE TOWN'S REGULATIONS FOR THE PROTECTION OF THE OCEAN RIDGE; AMENDING ARTICLE V, "SEAWALLS; BULKHEADS; RETAINING WALLS," OF CHAPTER 6, "BUILDINGS AND STRUCTURES," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6-127, "CONSTRUCTION," TO REMOVE CONFLICTING REGULATIONS; AMENDING ARTICLE V, "NATURAL RESOURCES," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-83, "BULKHEADS, SEAWALLS, AND GROINS," TO CLARIFY AND UPDATE THE REGULATIONS APPLICABLE TO ALL CONSTRUCTION ACTIVITIES EAST OF STATE ROAD A1A; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR 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.

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

- c. Sections 190.005 and 190.046;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- 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 amends the Town Code to remove language set forth in Chapter 6 of the Town Code that would render certain oceanfront lots east of State Road A1A unbuildable due to a prohibition against construction east of the Coastal Construction Control Line (CCCL) and to remove a mandatory seawall requirement that is inconsistent with currently Florida Department of Environmental Protection (FDEP) permitting policy. The Ordinance removes the conflicting ocean ridge construction standards from Chapter 6 and amends Section 30-83 of Chapter 30 to establish FDEP CCCL permit approval as the governing standard for removal of materials from the ocean ridge and for construction east of State Road A1A.

**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 (Delray Sands Resort) and would actually facilitate potential redevelopment of that property if the current structure was demolished or destroyed.

**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):** None