BUSINESS IMPACT ESTIMATE[1]

Meeting Date: 11/4/ 2026	**Date Posted**: 10/22/2026	**Agenda Item Number**: 13C

Title of Proposed Ordinance:

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING SECTION 8.17.M, "SWIMMING POOLS, SPAS, AND HOT TUBS" OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO MEASURE THE REAR SETBACK FOR SWIMMING POOLS, SPAS, AND HOT TUBS FROM THE REAR PROPERTY LINE ONLY, RATHER THAN FROM THE EASEMENT OR REAR PROPERTY LINE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Applicable Exemptions[2]:

This Business Impact Estimate is not required for ordinances that fall under the following exemptions:

- ☐ 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 proposed ordinance relates to procurement.
- ☐ The proposed ordinance is enacted to implement the following:
  - ☐ 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;
  - ☐ Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
  - ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

The amendment to Section 8.17.M.2.b of the ULDC removes the term "Easement" from the rear setback requirement applicable to swimming pools, spas, and hot tubs. The existing "Rear or Easement" setback standard would be revised to "Rear," thereby establishing the rear property line as the applicable point from which the required 7.5-foot setback is measured. Specifically, the amendment provides:

- Elimination of a separate setback measurement from an easement when an easement is located within the rear portion of the property.
- Clarification that the required 7.5-foot rear setback for swimming pools, spas, and hot tubs is measured from the rear property line.
- Clarification and simplification of the setback standard to provide for more consistent application of the ULDC.

[1] This Business Impact Estimate is provided to comply with the requirements of Section 166.041(4), Florida Statutes. Please note that this Business Impact Estimate may be revised following its initial posting as new information or feedback becomes available.

[2] If one or more boxes are checked under this section, it indicates that the Village has determined that a business impact estimate is not required by state law for the proposed ordinance, but the Village is providing the business impact estimate as a courtesy.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

a. Estimate of Direct Business Compliance Costs:

None.

b. New Charges/Fees on Businesses Impacted:

None.

c. Estimate of Regulatory Costs:

None.

Good Faith Estimate of Number of Businesses Likely Impacted:

This amendment primarily impacts residential-zoned districts; however, businesses such as hotels may also be impacted. The Village estimates that the amendment will impact one business.

Any Additional Information:

The proposed amendment eliminates an unnecessary setback measurement, as swimming pools are prohibited within easements. The existing 7.5-foot setback from the rear property line is sufficient to maintain adequate separation between swimming pools and adjacent properties.