



BUSINESS IMPACT ESTIMATE

Before the enactment of a proposed ordinance, the County shall prepare or cause to be prepared a business impact estimate in accordance with Section 125.66(3), Florida Statutes.

BOCC Meeting Dates: permission to advertise 8/27/2024 1st hearing 12/3/2024 2nd hearing 1/7/2025

Proposed Ordinance Title/Reference:

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 8.00.04 CLARIFYING EXISTING PROVISIONS FOR FENCE HEIGHT IN THE AGRICULTURAL RESIDENTIAL (AR-1) ZONING DISTRICT, ADDING FLEXIBILITY FOR FENCE HEIGHT WHERE SIGNIFICANT GRADE CHANGES EXIST, ALLOWING FOR ALTERNATIVE FENCE MATERIALS IF A PROPERTY WITHIN A RESIDENTIAL ZONING DISTRICT IS CONTIGUOUS TO A LOCAL, STATE, OR FEDERALLY OWNED NAMED PRESERVE AREA WITH AN EXISTING CATTLE OR CHICKEN WIRE FENCE, ALLOWING FOR ADDITIONAL HEIGHT FOR FENCING WHEN NECESSARY TO CONTAIN A PUBLIC USE OR PUBLIC FACILITY FOR SAFETY OR SECURITY PURPOSES, ALLOWING FOR ADDITIONAL HEIGHT FOR FENCING WHEN NECESSARY TO CONTAIN ATHLETIC ACTIVITY, AND; AMENDING SECTION 8.00.05, CLARIFYING PROVISIONS FOR PERMANENT FENCING AROUND SWIMMING POOLS AND CREATING AN ADMINISTRATIVE WAIVER FOR SWIMMING POOL FENCING REQUIREMENTS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR ADOPTION.

The Proposed Ordinance does does not fall under one of the following enumerated exceptions:¹

- 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 county 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 county;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - 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.

A business impact estimate is not required for the above exceptions.

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

The proposed Land Development Code Text Amendment addresses and clarifies provisions for fences, allowing for and providing for additional height for fences for specific uses, allowing for additional height for fencing to secure public uses and facilities, clarifies existing County requirements for pool fencing and also creates an administrative waiver process, where the Planning & Development Services Director may waive the pool fence requirements if certain natural or manmade features exist on a property that provides greater or equal protection as the required 4ft. tall permanent fence. In many instances, compliance with the state's requirements is met through the installation of a pool barrier, also known as a baby gate, which can be removed following the issuance of a certificate of completion. To provide for increased public safety, the County has historically required an additional level of protection through the installation of a permanent fence or wall located between the pool and the property

¹ F.S. 125.66(3)(c)(2023)

line. The Draft Ordinance seeks to clarify this requirement as an item that is in addition to the requirements of F.S. § 515.27 – Residential Swimming Pool Safety Act.

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

- a. Estimate of Direct Business Compliance Costs: The amended regulations are generally applicable to single family homeowners. The amendments also provide flexibility in the regulations and should not have an impact on business compliance costs.
- b. New Charges/Fees on Businesses Impacted: None, the amendments do not impose new fees or charges on existing businesses.
- c. Estimate of Regulatory Costs: None

Good Faith Estimate of Number of Businesses Likely Impacted: None.

Any Additional Information: None