



**TITLE: REQUEST FOR PERMISSION TO ADVERTISE
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS TO ARTICLE 15,
HEALTH REGULATIONS**

SUMMARY: The proposed ordinance will account for minor revisions, scrivener's errors, omitted text, and specific amendments in Art. 15, Health Regulations, of the Unified Land Development Code (The ULDC).

- Ordinance Title
- Exhibit A Article 15, Health Regulations

Staff Recommendation: Staff recommends a motion to approve Request for Permission to Advertise for First Reading of the ULDC Art. 15, Health Regulation on July 26, 2018.

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) and the Land Development Regulation Commission (LDRC) on May 23, 2018. All proposed ULDC amendments were found to be consistent with the Plan.

MOTION: To approve Request for Permission to Advertise for First Reading of the ULDC Art. 15, Health Regulations on July 26, 2018: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-068, AS AMENDED, AS FOLLOWS: **ARTICLE 15 – HEALTH REGULATIONS**; CHAPTER A, (ENVIRONMENTAL CONTROL RULE I) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS); PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

1 **ORDINANCE 2018 - _____**

2
3
4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH
5 COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AMENDING
6 THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-068, AS AMENDED, AS
7 FOLLOWS: **ARTICLE 15 – HEALTH REGULATIONS**; CHAPTER A, (PBC ENVIRONMENTAL
8 CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; PROVIDING FOR: REPEAL OF
9 LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INTERPRETATION OF
10 CAPTIONS; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN
11 EFFECTIVE DATE.

12
13 **WHEREAS**, the Palm Beach County Environmental Control Act, Chapter 77-616, Laws
14 of Florida, as amended, authorized the Palm Beach County Board of County Commissioners to
15 sit as the Palm Beach County Environmental Control Board to adopt, amend, or repeal various
16 Environmental Control Rules; and

17 **WHEREAS**, pursuant to its authority, the Environmental Control Board adopted
18 Environmental Control Rule II, concerning Drinking Water Supply Systems; and

19 **WHEREAS**, pursuant to Section 163.3202, Florida Statutes, the Board of County
20 Commissioners sitting as the Environmental Control Board codified these rules into the Unified
21 Land Development Code, Ordinance 03-068, as amended from time to time; and

22 **WHEREAS**, the County has received public participation and input regarding these
23 Environmental Control Rules through the Land Development Regulation Advisory Board; and

24 **WHEREAS**, the Board of County Commissioners hereby elects to conduct its public
25 hearings on this Ordinance at 9:30 a.m.; and

26 **WHEREAS**, public hearings have been held in conformance with the requirements set
27 forth in Section 125.66, Florida Statutes, and the Palm Beach County Environmental Control
28 Act.

29 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
30 **PALM BEACH COUNTY, FLORIDA, as follows:**

31 **Section 1. Adoption**

32 The amendments set forth in Exhibit A, attached hereto and made a part hereof, are
33 hereby adopted.

34 **Section 2. Providing for Repeal of Laws in Conflict**

35 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
36 repealed to the extent of such conflict.

37 **Section 3. Severability**

38 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
39 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
40 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
41 Ordinance.

1 **Section 4. Providing for a Savings Clause**

2 All development orders, permits, enforcement orders, ongoing enforcement actions, and
3 all other actions of the Board of County Commissioners, the Environmental Control Hearing
4 Board, the Environmental Appeals Board, all other County decision-making, enforcement, and
5 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
6 pursuant to the regulations and procedures established by prior Palm Beach County land
7 development regulations, shall remain in full force and effect.

8 **Section 5. Interpretation of Captions**

9 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
10 Ordinance are intended for the convenience of usage only and have no effect on the
11 interpretations of the provisions of this Ordinance and may be renumbered or re-lettered to
12 effectuate the codification of this Ordinance.

13 **Section 6. Inclusion in the Unified Land Development Code**

14 The provisions of this Ordinance shall be codified in the Unified Land Development Code
15 and may be reorganized, renumbered or re-lettered to effectuate the codification of this
16 Ordinance.

17 **Section 7. Providing for an Effective Date**

18 The provisions of this Ordinance shall become effective upon filing with the Department
19 of State.

20

21 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
22 County, Florida, on this the _____ day of _____, 20_____.

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor

23
24

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

25
26
27 EFFECTIVE DATE: Filed with the Department of State on the _____ day of
28 _____, 20_____.

EXHIBIT A

ARTICLE 15.A.5, APPLICATION DATA FOR AN OSTDS: SINGLE LOT OR PARCEL SUMMARY OF AMENDMENTS

(Updated 04/13/18)

1 Part 1. ULDC Art. 15.A.5, Application Data for an OSTDS: Single Lot or Parcel (page 5 of 24), is
2 hereby amended as follows:
3

Table with 1 row: Reason for amendments: [Zoning]
1. To provide consistency between county's regulations and the state regulations in FAC 64-E6. Standards for Onsite Sewage Treatment and Disposal System.

4 CHAPTER A (ENVIRONMENTAL CONTROL RULE I) - ONSITE SEWAGE TREATMENT AND
5 DISPOSAL SYSTEMS (OSTDS)

6 Section 5 Application Data for an OSTDS: Single Lot or Parcel

7 A. The application and supporting data required for approval of an OSTDS for a single lot or parcel of
8 property shall be submitted to the Health Department by the owner or his authorized representative,
9 or a contractor licensed under F.S. Chapter 489 in accordance with Chapter 64E-6, FAC. The
10 completed application form shall be submitted together with the following: [Ord. 2011-017]

- 11 1. A site plan of the property drawn to scale, showing the following:
12 a. Property boundaries with dimensions;
13 b. Easements;
14 c. Location of all existing and proposed buildings;
15 d. Location of all wells;
16 e. Location and layout of treatment receptacle and drainfield;
17 f. Unobstructed area available for the installation of the OSTDS;
18 g. Potable and non-potable water lines;
19 h. Driveways;
20 i. Parking areas;
21 j. Walkways;
22 k. Swimming pools;
23 l. Storm water drainage system;
24 m. Surface water such as ponds, (existing or proposed), lakes, streams, ditches, canals or
25 wet areas;
26 n. Location and elevation of soil profiles;
27 o. Benchmark on or adjacent to the property;
28 p. Location of wells, onsite sewage treatment and disposal facilities or other pertinent features
29 on adjacent properties if the features are within 200 feet of the proposed onsite sewage
30 treatment system or well; and
31 q. The site plan shall also indicate the presence of any marsh area, mangroves, cypress and
32 wetland vegetation on the property or on adjacent properties.
33 2. For residences, a floor plan showing the number of bedrooms and the building area of each
34 dwelling unit.
35 3. In cases where there is an extreme variation in the elevation of the lot, a topographical map of
36 the property must be submitted.
37 4. At least two soil profiles delineating the textural classification and Munsell color of the native
38 soil at the beginning and end of the soil absorption area to a minimum depth of six feet or
39 refusal in accordance with USDA Soil Classification Methodology, and
40 5. The existing water table elevation and the estimated wettest season water table elevation.

41 B. The owner shall be held responsible for all information supplied to the Department. The application
42 and supporting data serve as the basis for the issuance of a construction permit. In the event of a
43 change in any material fact given in the application which served as a basis for issuing a
44 construction permit, the owner shall immediately file an amended application detailing such
45 changed conditions. If the new conditions are in compliance with the standards in this Article, the
46 construction permit shall be amended. If the new conditions are not in compliance with the
47 standards of this Article, the permit shall be revoked.

- 48 C. **New Construction, Additions or Repairs**
49 1. For new construction and additions, ~~the~~ supporting data must be prepared by an engineer
50 and land surveyor registered in the State of Florida, as specified in Rule 64E-6, F.A.C. The site
51 plan must be prepared by a professional land surveyor registered in the State of Florida. The
52 soil classification and system design shall be performed by a professional engineer registered
53 in the State of Florida with training in soils. When fill soils are used, the Department may require
54 that soils be classified by a certified soils engineering testing laboratory registered in the State
55 of Florida.
56 2. For repairs, an existing site plan can be used. The soils profile can be performed by a
57 contractor licensed under F.S. Chapter 489 in accordance with Chapter 64E-6F.A.C.
58

U:\Zoning\CODEREV\2018\BCC Hearings\Round 2018-01\1 - RPA\Art. 15 - Health Reg\z Exh. A - Art. 15, Health Regulations.docx

Notes:

Underlined indicates new text.
~~Stricken~~ indicates text to be deleted. ~~Stricken and italicized~~ means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets [Relocated to:].
Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].
.... A series of four bolded ellipses indicates language omitted to save space.