



October 17, 2012

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
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**Palm Beach County
Board of County
Commissioners**

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Steven L. Abrams, Vice Chairman
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Jess R. Santamaria
Priscilla A. Taylor

County Administrator

Robert Weisman

Mr. Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: October 24, 2012 LDRAB Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB meeting on Wednesday, October 24, 2012.

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Kenneth S. Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact me at (561) 233-5206 or via email at WCross@pbcgov.org, or Monica Cantor, Senior Site Planner at (561) 233-5205, or via email at MCantor@pbcgov.org.

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: October 24, 2012 LDRAB Agenda

- c: Verdenia C. Baker, Deputy County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Leonard W. Berger, Assistant County Attorney
- Robert P. Banks, Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning
- Bryan Davis, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

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PALM BEACH COUNTY

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

OCTOBER 24, 2012

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Gold Coast Build. Assoc.)

Joanne Davis (District 1)

Joni Brinkman (League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jerome Baumoehl (American Institute of Architects)

Lori Vinikoor (District 5)

Rosa Durando (Environmental Organization)

Mike Zimmerman (District 6)

Frank Gulisano (PBC Board of Realtors)

Martin Klein, Esq. (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

Leo Plevy (Member at Large/Alternate)

Maurice Jacobson (Condominium Association)

Vacant (Member at Large/Alternate)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Shelley Vana
Chair, District 3

Steven L. Abrams
Vice Chair, District 4

Karen T. Marcus
Chair, District 1

Paulette Burdick
Commissioner, District 2

Burt Aaronson
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Priscilla A. Taylor
Commissioner, District 7

Robert Weisman
County Administrator



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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, OCTOBER 24, 2012 AGENDA
2300 NORTH JOG ROAD
KENNETH S. ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of August 22, 2012 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B Improvement Value
2. Exhibit C Historic Resources Review Board (HRRB) Terms
3. Exhibit D Congregate Living Facilities (CLF's)
4. Exhibit E Funeral Homes and Crematories
5. Exhibit F Outdoor Recreation Standards
6. Exhibit G Zero Lot Line Overhang Easement
7. Exhibit H Art. 14, Environmental Standards

C. PUBLIC COMMENTS

D. STAFF COMMENTS

E. ADJOURN

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

Minutes of August 22, 2012 Meeting

On Wednesday, August 22, 2012 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:07 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 11

Joanne Davis (District 1)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Martin Klein (District 7)
Raymond Puzzitiello (Gold Coast Builders Assoc.)
Terrence Bailey (Florida Engineering Society)
Jerome Baumoehl (AIA)
Frank Gulisano (PBC Board of Realtors)
Gary Rayman (Fl. Surveying & Mapping Society)
Maurice Jacobson (Condominium Association) *
Wesley Blackman (PBC Planning Congress)

Vacancies: 2

Vacant (Assoc. General Contractors of America)
Vacant (Member At Large, Alternate)

Members Absent: 6

David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Joni Brinkman (League of Cities)
Rosa Durando (Environmental Organization)
Leo Plevy (Member at Large, Alternate)

County Staff Present:

Leonard Berger, Assistant County Attorney
Joanne Koerner, Land Development Director
William Cross, Principal Site Planner, Zoning
Kenny Wilson, Health, Environment Specialist III
Monica Cantor, Senior Site Planner, Zoning
John Rupertus, Senior Planner, Planning
David Nearing, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the presentation of an add/delete item which deleted Exhibit G, Article 13, Impact Fees, from the Agenda.

3. Motion to Adopt Agenda

Motion to adopt agenda and add/delete by Ms. Vinikoor, seconded by Mr. Puzzitiello. The motion passed (10 – 0*).

4. Adoption of June 13, 2012 Minutes (Exhibit A)

Motion to adopt by Mr. Klein, seconded by Ms. Vinikoor. The motion passed (10 - 0*).

B. WORK PLAN

1. LDRAB Meetings

Ms. Cantor noted the LDRAB meeting dates for the remainder of 2012.

2. Summary of Amendments

Ms. Cantor addressed the Memorandum dated July 6, 2012 from the Zoning Director to the BCC, which listed amendment topics proposed for Round 2012-02. She made particular reference to the Use Regulations Project which was being adjusted to allow for enhanced coordination with the Planning Division.

Additionally Mr. Cross commented briefly on the status key topics as follows:

- Internet Cafe Moratorium - per BCC direction, Zoning will be meeting with the Intergovernmental Plan Amendment Review Committee (IPARC) to ascertain if other municipalities might want to collaborate with the County in developing regulations.
- The Pot Bellied Pigs Workshop at the BCC which was scheduled for August 21, 2012 was postponed.
- Recycling Drop-off Bins – Per Board direction a workshop will be held on September 25, 2012 to address the issue. Amendments may come before this Board in October.
- In response to an inquiry from the Board related to the Livestock Keeping amendments discussed at the July LDRAB meeting, Mr. Cross advised that PZ&B staff had discussed the issue in additional public meetings. The proposed amendments, with minor revisions will go before the BCC for adoption on August 23, 2012.

3. Subcommittees

A subcommittee meeting will be held in the near future for the Use Regulations Project. There are no other sub-committees active at this time.

* Mr. Jacobson arrives at 2:15 p.m.

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

Minutes of August 22, 2012 Meeting

C. ULDC AMENDMENTS

1. Exhibit D AGR PUD Perimeter Buffer Width Reductions

Mr. Cross explained that after thorough discussions with industry on this topic, it was determined that a perimeter buffer width of 50 feet is not necessary between the development area of an AGR PUD and a 100 feet Rural Parkway. He noted that several Variances had been granted for this very situation to allow for a 15 foot buffer.

Motion to adopt by Mr. Puzzitiello, seconded by Mr. Klein. The motion passed (10 - 1). Mr. Baumoehl voted nay.

2. Exhibit E, Article 6, Parking

Ms. Cantor clarified this provision exists applicable to Planned Unit Development (PUD) and the amendment includes other similar subdivisions with Home Owner Association (HOA) or similar. She explained that this amendment allows a maximum of 25 percent of the required recreational parking spaces to accommodate golf cart parking and to reduce such spaces to the minimum dimensions consistent with Low Speed Electric Vehicles (LSEV).

Mr. Bailey inquired whether an analysis of the 25 percent reduction was done, opining that there might be parking conflicts.

Ms. Cantor clarified the percentage is a maximum allowed and it is up to the developer or HOA to determine the needs of community. Mr. Cross clarified that if there is any conflict related to the standard vehicle parking and the reduced parking spaces, the DRO will address it at time of site plan review.

Motion to adopt by Mr. Puzzitiello, seconded by Mr. Klein. The motion passed (10 - 1). Mr. Baumoehl voted nay.

3. Exhibit F - Article 11, Subdivision, Platting, and Required Improvements

Ms. Koerner explained that the changes to text in this Exhibit were mainly for clarification of existing code language related to Plats, update use of diameter and material of storm sewerage pipes, utility easements locations, and preservation area access in AGR PUD.

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. The motion passed (11 - 0).

4. Exhibit G - Article 13, Impact Fees

The Exhibit was withdrawn per the add/delete presented.

5. Exhibit H - Article 15, Health Regulations

Mr. Wilson explained that the proposed changes are mainly for compliance with State Statutes related to onsite sewage system flows, appeals and fire hydrant maintenance and fire flow testing to be reported to the local fire department or local water utility instead of the Health Department.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Klein. The motion passed (11 - 0).

D. PUBLIC COMMENTS

There were no public comments.

E. STAFF COMMENTS

There were no staff comments.

F. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:35 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by: _____
Name Signature Date

EXHIBIT B

IMPROVEMENT VALUE
SUMMARY OF AMENDMENTS
(Updated 10/9/12)

1
2 Part 1. ULDC Art. 1.F.3.D.4.b, Use Regulations [Related to the Repair, Reconstruction,
3 Restoration, or Alteration of a Structure within Airport Zone] (page 22 of 119), is hereby
4 amended as follows:
5

Reason for amendments: [Zoning] Repair, reconstruction, restoration or alterations of nonconforming structures within airport zone are allowed to be improved by certain percentage of the value placed on the structure. This amendment replaced the term "assessed value" with "improvement value" which is the appropriate term to reflect the value of the building for consistency with the Palm Beach County Property Appraiser.

6 CHAPTER F NONCONFORMITIES
7 Section 3 Nonconforming Structure

8 D. Uses and Structures within an Airport Zone
9 4. Repair, Reconstruction, Restoration, or Alteration of a Structure
10 b. Use Regulations

11 Any permits to substantially alter, repair, restore, reconstruct, or rebuild a structure
12 supporting a non-conforming use shall comply with Art. 16.C.1.E, General Land Use
13 Regulations Off-Airport Land Use Compatibility Schedule. In such cases, the entire
14 building or structure shall be brought into conformance with these requirements. For the
15 purposes of this Article, substantially alter shall mean: [Ord. 2010-005]
16 1) the structure is more than 80 percent torn down, destroyed, deteriorated, or decayed;
17 or [Ord. 2010-005]
18 2) the cost of repair, reconstruction or restoration exceeds 80 percent of the ~~assessed~~
19 ~~Improvement Value value~~ of the existing building or structure; or [Ord. 2010-005]
20 3) the non-structural alterations or repairs exceed 50 percent of the ~~assessed~~
21 ~~Improvement Value value~~ of the existing building or structure. [Ord. 2010-005]
22 If the structure does not meet these criteria, then only the new construction, alteration or
23 repair shall be subject to the requirements of Art. 16, Airport Regulations. [Ord. 2010-
24 005]

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26
27
28 Part 2. ULDC Art. 1.I.2, Definitions (page 66, 90, 104 and 111 of 119), is hereby amended as
29 follows:
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Reason for amendments: [Zoning] 1) Clarify definition of Improvement Value by indicating that relates to the most recent value placed by the Property Appraiser on a structure; and 2) Delete reference to the definition of improvement which applies exclusively to Article 9, Archaeological and Historic Preservation from the Improvement Value definition.

31 CHAPTER I DEFINITIONS & ACRONYMS
32 Section 2 Definitions

33 I. Terms defined herein or referenced Article shall have the following meanings:
34 5. **Improvement** - for the purposes of Art. 9, any building, structure, fence, gate, wall, walkway,
35 parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalk, or
36 other man-made objects constituting a physical change or betterment of real property, or any
37 part thereof.
38
39 7. **Improvement Value** – For the purposes of Article 1 ~~and Article 5, E and Article 1.F,~~
40 ~~Improvement Value~~ means the most recent a value placed on a structure ~~and shall be~~
41 ~~determined~~ by the PBC Property Appraiser. ~~Also see Article 1.I.2.I, for definition of~~
42 ~~Improvement.~~ [Ord. 2010-005]
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EXHIBIT B

IMPROVEMENT VALUE
SUMMARY OF AMENDMENTS
(Updated 10/9/12)

Reason for amendments: [Zoning] Different thresholds to the value placed on a building are used through the Code to determine what kind of improvement is going to take place on a structure. This amendment replaced the term "assessed value" with "improvement value" in order to be consistent with the appropriate use of the term by the Palm Beach County Property Appraiser which applies directly to structures or buildings while assessed value relates mainly to the taxable value of a property which includes cost of structures and land.

R. **Terms defined herein or referenced Article shall have the following meanings:**

6. **Rebuild or Reconstruct** - replacement or rehabilitation of a structure due to damage or proposed modification in excess of 30 percent of its' original ~~assessed~~ Improvement Value value.

S. **Terms defined herein or referenced Article shall have the following meanings:**

127. **Substantial Renovation** - for the purposes of Art. 5, any expansion, alteration, renovation, addition, redevelopment, or similar improvement to an existing building that exceeds 75 percent of the ~~assessed~~ Improvement Value value of the building, as indicated in the latest official PBC Property Appraiser's records.

Reason for amendments: [Zoning] 1) Deletes duplicated definition already used under Improvement Value definition.

V. **Terms defined herein or referenced Article shall have the following meanings:**

4. **Value** -

~~a. For the purposes of Art. 1, the most recent PBC Property Appraiser's assessed improvement value of the structure.~~

b. For the purposes of Art. 13, in the case of land, the appraised value as determined by an appraiser from a list of approved appraisers of Palm Beach County. In the case of improvements to real property or chattel, it means the actual cost to the feepayer or developer of such improvements or chattel. In all cases, the values shall be established in or as if in an arm's length, bona fide transaction in a competitive market between a willing seller and a willing buyer, neither of whom are under any special circumstances, as approved by the Impact Fee Coordinator based upon the standards in Art. 13, Impact Fees. If the Impact Fee Coordinator rejects an appraised value, the Impact Fee Coordinator may obtain another appraisal using an appraiser from the approved list, in which case that appraisal shall prevail.

Part 3. ULDC Art. 5.B.1.A.18.a.2)a), Exemptions [Related to Permanent Generators used in Type II and III CLF, Club Houses and Nursing or Convalescent Facilities](page 25 of 92), is hereby amended as follows:

Reason for amendments: [Zoning] When the Code refers to improvement value of a structure it relates to the Palm Beach County Property Appraiser's value assigned to a building. For consistency with Article 1, General Provisions and thresholds applicable to improvements of existing structures, the term assessed valued is changed to improvement value to reflect consistency between definitions and used of the term through the Code.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

18. Permanent Generators

a. Applicability

2) Type II and III CLF, Club Houses and Nursing or Convalescent Facility

A permanent emergency generator shall be required for all Type II and III CLFs, Nursing or Convalescent Facilities, and PDD or TDD clubhouses 20,000 square feet, or greater. [Ord. 2006-004] [Ord. 2007-013]

a) Exemptions

(1) Developments that have a BCC or DRO approved plan that graphically indicates a clubhouse(s) shall be exempt from the generator requirement except for projects that exceed 75 percent or more of the ~~assessed~~ Improvement Value value as stated below. [Ord. 2007-013]

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EXHIBIT B

IMPROVEMENT VALUE
SUMMARY OF AMENDMENTS
(Updated 10/9/12)

1 (2) Renovations or additions that do not exceed 75 percent or more of the
2 Improvement Value may be exempt from these requirements. [Ord. 2007-
3 013] [Ord. 2011-016]

4

5
6
7 **Part 4. ULDC Art. 5.H.2.A, Modifications of Previous Approvals (page 87 of 92), is hereby**
8 **amended as follows:**
9

Reason for amendments: [Zoning/Palm Tran] Amend to reflect correct term applicable to the improvement of structures as it is defined and used by the PBC Property Appraiser.

10 **CHAPTER H MASS TRANSIT STANDARDS**

11 **Section 2 Applicability and Standards**

12 The standards of this Chapter shall apply to all residential and non-residential development or
13 redevelopment in unincorporated PBC, as follows: [Ord. 2008-003]

14 **A. Modifications to Previous Approvals**

15 Modifications to previous approvals shall comply with this Chapter for un-built projects without an
16 approved DRO plan, or to the greatest extent possible in the affected area without the loss of
17 density, intensity or parking, for un-built projects with a DRO approved plan, built projects that
18 have constructed less than eighty percent of approved density or intensity, structural renovations
19 in excess of 75 percent or more of the current ~~assessed~~ Improvement Value ~~value~~ of the
20 structure, and parking lot alternations or additions. [Ord. 2008-003]

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EXHIBIT C

HISTORIC RESOURCES REVIEW BOARD (HRRB) TERMS
SUMMARY OF AMENDMENTS
(Updated 9/17/12)

1
2 Part 1. ULDC Art.2.G.3.H.3.c, Terms of Office [Related to Historic Resources Review Board
3 membership) (page 78 of 88), is hereby amended as follows:
4

Reason for amendments: [Planning] Due to the need for specialized expertise in the membership of the
Historic Resources Review Board (HRRB) (i.e., archaeologists, historic architects, historians, architectural
historians, etc.), the Planning Director is requesting to delete the restriction on reappointment to allow for
members to serve multiple successive terms if warranted.

5 CHAPTER G DECISION MAKING BODIES

6 Section 3 APPOINTED BODIES

7 H. Historic Resources Review Board

8 3. Board Membership

9 c. Terms of Office

10 Each appointment shall be made for a term of three years. Any member may be
11 reappointed ~~for one successive term~~ upon approval of the BCC as provided for herein.

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EXHIBIT D

CONGREGATE LIVING FACILITIES (CLF'S)
(Updated 10/16/12)

Part 1. ULDC Art. 4.B.1.A.34, Congregate Living Facility (page 44 of 171), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Update separation requirements for Type 1 and 2 CLF's to be consistent with Florida Statutes regarding community residential homes; and, 2) Distinguish between Separation and Location requirements.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses
34. Congregate Living Facility

b. Separation

1) ~~Location of Type 1 CLF~~

A Type 1 CLF ~~regulated by F.S. §419.001(1)(a) Florida Statute, as amended,~~ shall not be located within 1,000 feet of ~~another a similar Type 1~~ CLF. [Ord. 2013-...]

2) ~~Location of Type 2 and Type 3 CLF in RM District~~

a) ~~RM District~~

A Type 2 CLF ~~located in the RM District~~ shall be allowed as a permitted use, provided that it is not located within a radius of 1,200 feet of another CLF. [Ord. 2008-003] [Ord. 2013-...]

b) ~~Frontage~~

~~A Type 3 CLF shall front on and access from a collector or an arterial street. A Type 3 facility having 25 residents or less may front on a local street. [Ord. 2005-002]~~

c) ~~Fire Rescue~~

~~A Type 2 or 3 CLF shall be located within five miles of a full service fire-rescue station.~~

c. ~~Type 3 CLF Frontage~~

~~A Type 3 CLF shall front on and access from a collector or an arterial street. A Type 3 facility having 25 residents or less may front on a local street. [Ord. 2005-002] [Ord. 2013-...]~~

d. ~~Type 2 or 3 CLF – Distance From Fire Rescue Station~~

~~A Type 2 or 3 CLF shall be located within five miles of a full service fire-rescue station. [Ord. 2013-...]~~

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EXHIBIT E

FUNERAL HOMES AND CREMATORIES
SUMMARY OF AMENDMENTS
(Updated 10/17/12)

1
2 Part 1. ULDC Art. 1.1.2, Definitions & Acronyms (pages 46, 51 and 61 of 119), is hereby
3 amended as follows:
4

Reason for amendments: [Zoning] To revise the definitions for: 1) Cemetery, to clarify that there are other means of laying a deceased to rest other than burial, including being interred in a mausoleum or cremated and placed in a columbarium, and to omit crematories as a use automatically associated as accessory with a cemetery; 2) to create a definition for Crematory; and, 3) to clarify that funeral homes are to prepare animal or human remains for interment, as all are not buried.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

- 7
8 C. Terms defined herein or referenced Article shall have the following meanings:
9
10 21. Cemetery - land used or intended to be used for human or animal ~~burial interment~~. A
11 cemetery may include an office, chapel, mausoleum, ~~or~~ columbarium ~~or crematory~~.
12 [Ord. 2013-...]
13
14 ~~113. Crematory – a facility used for the incineration of human or animal remains, excluding~~
15 ~~activities related to funeral homes.~~ [Ord. 2013-...]
16 [Renumber accordingly.]
17
18 F. Terms defined herein or referenced Article shall have the following meanings:
19
20 63. Funeral Home - an establishment which arranges and manages funerals and prepares ~~the~~
21 human ~~or animal remains deceased~~ for ~~burial interment, excluding cremation~~.
22 [Ord. 2013-...]
23
24
25

26 Part 2. ULDC Table 3.B.16.E., PRA Use Matrix (page 87 of 229), is hereby amended as follows:
27

Reason for amendments: [Zoning] 1) Clarify that crematories are to be the subject of a separate approval process as a Class A Conditional Use in the UC and UI sub-zones, whether they are collocated with another use, such as a funeral home, or as a separate use. This amendment will ensure that adjacent property owners shall be informed of any proposal for a use with potential for real or perceived physiological or psychological impacts; and, 2) current language states that funeral homes without a crematory may be permitted through review by the DRO without a Class A Conditional Use. Since crematories can no longer be an accessory use to a funeral home, and will now require a separate approval as a Conditional Use, the table is being revised to reflect that funeral homes can now be approved by the DRO.

28 Table 3.B.16.E - PRA Use Matrix (1)(2)(3)

Use Type	Transect Sub-Zones					Note
	UC 1	UC 2	UC 3	UI 1	UI 2	
....						
Funeral Home or Crematory	AD	AD	AD	AD	AD	59.1
Crematory	A	A	A	A	A	59.2
....						
[Ord. 2011-016] [Ord. 2013-...]						
Note:						
....						
Key:						
P	Permitted by Right					
S	Permitted subject to Special Permit approval.					
D	Permitted subject to DRO approval.					
B	Permitted subject to Zoning Commission Approval.					
A	Permitted subject to Board of County Commission Approval.					

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EXHIBIT E

FUNERAL HOMES AND CREMATORIES
SUMMARY OF AMENDMENTS
(Updated 10/17/12)

1 Part 3. ULDC Table 3.E.1.B, PDD Use Matrix (page 141 of 229), is hereby amended as follows:
2

Reason for amendments: [Zoning] 1) To clarify that crematories are a separate use subject to review as a Class A Conditional Use whether they are collocated with another use, such as a funeral home, or approved separately. This amendment will ensure that adjacent property owners shall be informed of any proposal for a use with potential for real or perceived physiological or psychological impacts; and, 2) To expand the locations where crematories may be permitted as a Requested Use to include the Industrial Pods of MUPD's, due to the compatibility of cremation with other uses taking place in these areas.

3

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD					MUPD						MXPD		PIPD			LCC		NOTE					
	Pods					FLU						FLU		Use Zone			FLU							
	R E S	C O M	R E C	C E V	A I G / P	C L	C H	C L	C H	C R	C N	I N D	I N S T	C H	C H	O	I N D	C O M		I N D	M H P D	R V P D	C L	C H
Commercial Uses																								
....																								
Funeral Home or Crematory		P				R	R					R	R	R				P						59.1
Crematory						R	R					R	R	R				R						59.2
....																								
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2013-...]																								
Notes:																								
P Permitted by right																								
D Permitted subject to approval by the DRO																								
S Permitted in the district only if approved by Special Permit																								
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a <u>Requested Use-requested use</u> .																								

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EXHIBIT E

FUNERAL HOMES AND CREMATORIES
SUMMARY OF AMENDMENTS
(Updated 10/17/12)

1
2 Part 4. ULDC Table 4.A.3.A - Use Matrix (page 13 of 171), is hereby amended as follows:
3

Reason for amendments: [Zoning] To clarify that: 1) Crematories are a separate use from cemeteries and funeral homes, requiring a separate Class A Conditional Use approval; 2) Should collocation with a cemetery or funeral home be desired, this amendment will ensure that adjacent property owners shall be informed of any proposal for a use with potential for real or perceived physiological or psychological impacts; and, 3) Permits crematories as a Class A Conditional Use in the IG and PO zones, as the use is compatible with other uses currently permitted in these districts, with limitations in Industrial districts.

4 **Table 4.A.3.A - Use Matrix Continued**

Use Type	Zoning District/Overlay																NOTE		
	Agriculture/Conservation			Residential				Commercial					Industry/Public						
	P C	A G R	A P	AR R S A	RU S A	R E	R T	R S	R M	C N	C L	C C	C H	C G	C R E	I L		I G	P O
Commercial Use																			
....																			
Funeral Home of Crematory													A	A		D	D	A	A
Crematory													A	A		A	A	A	A
....																			
Public and Civic Uses																			
Cemetery				A	A	A	A	A	A				B	B				B	A
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2011-016] [Ord. 2013-...]																			
Key:																			
P Permitted by right																			
D Permitted subject to approval by the DRO																			
S Permitted in the district only if approved by Special Permit																			
B Permitted in the district only if approved by the Zoning Commission (ZC)																			
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																			

5
6 Part 5. ULDC Art.4.B.1.A.59, Funeral Home (page 40 of 171), is hereby amended as follows:
7
8

Reason for amendments: [Zoning] 1) To clarify that there are other means of laying a deceased to rest than through burial; 2) To establish supplemental regulations for the development of a crematory as a principal use, which is to be approved as a Conditional Use by the Board of County Commissioners; 3) stipulates that cemeteries in the RM district can have a funeral home or crematory approved through the Conditional Use process, provided the use of these facilities is limited to those to be interred within the cemetery; and, 4) Permits pet cemeteries as a Class A Conditional Use in the IPF district, to accommodate an existing pet cemetery located at the Tri-County Humane Society currently.

9 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

10 **Section 1 Uses**

11 **A. Definitions and Supplementary Standards for Specific Uses**

12 **27. Cemetery**

13 Land used or intended to be used for human or animal burial interment. A cemetery may
14 include an office, chapel, mausoleum, *or* columbarium ~~or crematory~~.

15 **a. Frontage**

16 In all residential districts, a cemetery shall have frontage on and access from an arterial
17 or a collector street.

18 **b. Lot Size**

19 In accordance with F.S. §497.027, a cemetery for human burial interment shall be located
20 on a site with a minimum contiguous area of 15 acres.
21

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EXHIBIT E

FUNERAL HOMES AND CREMATORIES
SUMMARY OF AMENDMENTS
(Updated 10/17/12)

c. **RM District**

In the RM district, a cemetery may include ~~an accessory a~~ funeral home or a crematory subject to approval as a Class A Conditional Use ~~conditional use, provided the use of is restricted to those being interred within that cemetery.~~

d. **Pet Cemetery**

A pet cemetery shall be permitted ~~only~~ in the CG and IPF districts as a Class A Conditional Use ~~conditional use and may include an accessory crematory.~~ [Ord. 2013-...]

Part 6. **ULDC Art.4.B.1.A.59, Funeral Home (page 56 of 171), is hereby amended as follows:**

Reason for amendments: [Zoning] 1) Establish separate standards for crematory. See prior Parts for permitted locations and approval processes; and, 2) Clarify that a crematory facility shall not include activities classified under funeral home, unless located in a district where a funeral home may be approved (this shall not be misconstrued to imply that a funeral home will be permitted in a district where the use is not permitted within the Use Matrices).

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

59.1. Funeral Home

An establishment which arranges and manages funerals and prepares ~~the~~ human or animal remains deceased for burial interment, excluding cremation.

a. ~~CG, IL and MUPD Districts~~

~~A funeral home may include a crematorium located within the principal building.~~

ab. IL or IG District

A funeral home shall be limited to ~~the preparation for interment an embalming service.~~ No public observances, sermons or funerals shall be permitted.

~~c. UC and UI Districts DRO Approval~~

~~A funeral home without a crematory may be approved by the DRO.~~ [Ord. 2011-016] [Ord. 2013-...]

59.2. Crematory

A facility used for the incineration of human or animal remains, excluding activities related to funeral homes.

a. Equipment Location

Crematory equipment shall be located within a fully enclosed building.

b. Services Prohibited

Services such as public observances, sermons or other similar activities shall be prohibited, unless collocated with an approved funeral home. [Ord. 2013-...]

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EXHIBIT F

OUTDOOR RECREATION STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/17/12)

1
2 Part 1. ULDC Art. 1.I.2.R.9, Recreation Facility (page 90 of 119), is hereby amended as follows:
3

Reason for amendments: [Zoning] 1) Clarify that a recreation facility only applies to the recreational pod of a Planned Unit Development (PUD) or where permitted in a residential subdivision.

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

6 R. Terms defined herein or referenced Article shall have the following meanings:

7
8 9. ~~Recreation, Facility, Neighborhood~~ - a non-profit facility designed and intended for
9 recreational use by occupants of a residential development or subdivision owned and
10 operated by a Property Owners Association or equivalent. Typical uses include clubhouses,
11 golf courses, swimming pools and tennis courts and other recreational areas. [Ord. 2011-
12 001]
13

14
15
16 Part 2. ULDC Art. 2.D.3.C, Type IB Administrative Variances (page 43 of 88), is hereby
17 amended as follows:
18

Reason for amendments: [Zoning] This amendment updates the name of a section that is referenced in this article from Swimming Pools and Spas to Outdoor Recreation Amenities. This change is in conjunction with the amendments contained in Part 5 of this exhibit.

19 CHAPTER D ADMINISTRATIVE PROCESS

20 Section 3 Type IA and Type IB Administrative Variances

21 C. Type IB Administrative Variances

22 1. Residential Lots of Three Units or Less

23
24 b. Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences,
25 Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks;
26 Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities Swimming
27 Pools and Spas; Screen Enclosures; and Permanent Generators. [Ord. 2008-003]
28

29 2. Non Residential Projects

30
31 c. Relief from Article 5.B.1.A., Accessory Uses and Structures as follows: General; Fences,
32 Walls and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or
33 Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor
34 Recreation Amenities Swimming Pools and Spas; Screen Enclosures; and Permanent
35 Generators. [Ord. 2008-003]
36
37
38

39 Part 3. ULDC Art. 3.E.2.E.3, Recreation Pod (page 162 of 229), is hereby amended as follows:
40

Reason for amendments: [Zoning] Update reference to indicate corrected title related to recreation facilities standards located in recreation pod of Planned Unit Development (PUD) as it is indicated in Part 4 of this exhibit.

41 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

42 Section 2 Planned Unit Development (PUD)

43 E. Pods

44 3. Recreation Pod

45 Recreation areas shall be designated on the Master Plan as recreation pods and shall
46 comply with Art. 5.B.1.A.9, Neighborhood Recreation Facility, and Art. 5.D, Parks and
47 Recreation Standards, in addition to the requirements of this section. [Ord. 2011-001]
48
49
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EXHIBIT F

OUTDOOR RECREATION STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/17/12)

1 Part 4. ULDC Art. 5.B.1.A.9, Recreation Facility (pages 15 – 16 of 92), is hereby amended as
2 follows:
3

Reason for amendments: [Zoning] 1) Clarify that standards for Recreation Facility apply to Neighborhood, meaning that they are intended to serve limited population; and, 2) Relocate PDRs for outdoor recreation uses and consolidate with standards for pools, spas and tennis courts in existing Section renamed “Outdoor Recreation Amenities.”

4 CHAPTER B ACCESSORY AND TEMPORARY USES

5 Section 1 Supplementary Regulations

6 A. Accessory Uses and Structures

7 9. **Neighborhood Recreation Facility**

8 A non-profit facility designed and intended for recreational use by occupants of a residential
9 development or subdivision owned and operated by a POA or equivalent. Recreation
10 facilities shall be subject to the following standards: [Ord. 2011-001]

11 a. **Property Development Regulations (PDRs)**

12 1) PDRs shall be in accordance with the standards for a recreation pod in Table
13 3.E.2.D, PUD Property Development Regulations. [Ord. 2011-001]

14 2) PDRs for outdoor recreation amenities shall be in accordance with Art. 5.B.1.A.10,
15 Outdoor Recreation Amenities.

16 ~~Outdoor recreational facilities, including but not limited to: basketball courts, tennis~~
17 ~~courts, playgrounds and tot lots shall be setback a minimum of 50 feet from any~~
18 ~~residential property line, unless stated otherwise herein.~~ [Relocated to next
19 Section, renamed Art. 5.B.1.A.10, Outdoor Recreation Amenities]

20 3) ~~Swimming pools and spas shall be setback in accordance with Table 5.B.1.A,~~
21 ~~Pool/Spa Setbacks.~~

22

23
24
25 Part 5 ULDC Art. 4.B.1.A.10, Swimming Pools, Spas, and Tennis Courts (pages 16-18 of 92), is
26 hereby amended as follows:
27

Reason for amendments: [Zoning] 1) Introduce outdoor recreation amenities to encompass all open-air amenities or facilities developed for the practice of a sport or recreational activity. It also clarifies that certain uses such as Outdoor Entertainment are subject to the specific regulations that apply to the use; 2) Consolidate setbacks applicable to any outdoor recreational facilities other than swimming pools and spas; 3) Clarify that the play area of a golf course green is not subject to the setbacks contained in the outdoor recreation amenities; and, 4) Relocate and expand existing setback provisions for tennis courts under general setbacks applicable to all outdoor recreations amenities.

28 CHAPTER B ACCESSORY AND TEMPORARY USES

29 Section 1 Supplementary Regulations

30 A. Accessory Uses and Structures

31 10. **Outdoor Recreation Amenities Swimming Pools, Spas, and Tennis Courts**

32 An open-air amenity designed and intended to support recreation activities including but not
33 limited to: basketball courts, tennis courts, playgrounds and tot lots, excluding those uses
34 regulated elsewhere such as Outdoor Entertainment.

35 a. **Principal and Accessory Use**

36 1) **Principal Use**

37 Any outdoor recreation amenities swimming pool, spa or tennis courts owned and
38 operated as a commercial enterprise or in combination with other commercial
39 recreation uses on the same property shall be considered a principal use subject to
40 the PDRs of the applicable district. [Ord. 2011-001]

41 2) **Accessory Use**

42 Any outdoor recreation amenities swimming pool, spa or tennis court operated by a
43 non-profit assembly, social, civic organization, Property Owners Association (POA),
44 or resident of a dwelling unit shall be considered an accessory use. The accessory
45 use shall be located on the same lot as the principal use except if operated by a
46 residential POA. If operated by a POA, the accessory use shall be located within the
47 boundaries of the development, or a Neighborhood Recreation Facility recreational
48 facility. [Ord. 2011-001]

49 b. **Setbacks – General**

50 Outdoor recreation amenities shall be setback a minimum of 50 feet from any residential
51 property line, unless stated otherwise herein. The following setbacks shall apply to

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EXHIBIT F

OUTDOOR RECREATION STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/17/12)

outdoor recreation amenities, excluding swimming pools and spas, and shall be measured to the edge of the court surface or fence: [Ord. 2006-004] [Ord. 2011-001] [Relocated from Art. 5.B.1.A.9.2 and Art. 5.B.1.A.10.c, Standards for Tennis Courts]

Table 5.B.1.A – Setbacks – General

Zoning	Setbacks			
	Front	Side	Side Street	Rear
Residential Lot	25 feet	7.5 feet	15 feet	7.5 feet
Other (1)(2)	50 foot setback or separation to the nearest residential lot line			
Note:				
1. Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally-conforming. [Ord. 2011-001]				
2. Golf course greens, excluding driving ranges, shall be exempt from these setbacks.				

[Relocated from Table 5.B.1.A, Tennis Court Setbacks]

cb. Standards for Swimming Pools and Spas

1) **Setbacks for Pools or Spas**

a) **Setbacks**

The following setbacks shall apply to pool and spas, and shall be measured to the water's edge:

Table 5.B.1.A - Pool/Spa Setbacks

Setbacks	Front	Side	Side Street	Rear
Single Family	28 feet	10.5 feet	18 feet	10.5 feet
ZLL	13 feet	ZLL: 3 feet Non-ZLL: 5 feet	13 feet	5 feet
Townhouse	Parking Tract: 13 feet Street: 28 feet	3 feet	18 feet	5 feet
Multi-Family	28 feet	18 feet	28 feet	15 feet
Neighborhood Recreation Facility less than 1 acre	25 foot setback or separation to the nearest residential lot line			
Neighborhood Recreation Facility 1 acre or more	50 foot setback or separation to the nearest residential lot line			

....

Reason for amendments: [Zoning] Note – Other ULDC references to Art. 3.D.1.D.4.a, Open Space include the additional clarification that Open Space must be dedicated. While the definition for Open Space includes requirements for "...land reserved or shown on an approved plan..." or "...well site dedicated to PBCWUD..." adding the term herein helps to provide additional guidance to users with the intent of pre-empting any misinterpretations of the use of Open Space to qualify for these reductions.

b) **Exceptions**

....

(2) **Single Family and ZLL Homes Adjacent to Open Space**

Swimming pools or spas may be constructed with a three-foot rear or side interior setback if adjacent to dedicated open space 50 feet in width or greater.

(3) **Neighborhood Recreation Facility Facilities**

Swimming pools or spas may be constructed with a ten-foot rear or side interior setback if adjacent to dedicated open space 50 feet in width or greater in accordance with Art. 3.D.1.D.4,a Open Space. [Ord. 2008-037]

....

c. Standards for Tennis Courts

1) **Setbacks**

~~The following setbacks shall apply to tennis courts, and shall be measured to the edge of the court surface or fence: [Ord. 2011-001]~~

~~**Table 5.B.1.A – Tennis Court Setbacks**~~

Setbacks	Front	Side	Side Street	Rear
Residential Lot	25 feet	7.5 feet	15 feet	7.5 feet
Other (1)	50 foot setback or separation to the nearest residential lot line			
Note:				
1. Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally-conforming. [Ord. 2011-001]				

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EXHIBIT G

ZERO LOT LINE OVERHANG EASEMENT
SUMMARY OF AMENDMENTS
(Updated 10/16/12)

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Part 1. ULDC Art. 5.F.1.F.1.a.5), Easement (page 59 of 92), is hereby amended as follows:

Reason for amendments: [Zoning] Correct scrivener's error to address redundant and erroneous minimum dimension for the minimum two-foot roof overhang easement for Zero Lot Line (ZLL) homes. Art. 3.D.2.C.9.c, Maintenance and Roof Overhang Easement correctly specifies a minimum roof overhang easement requirement of two feet, while Art. 5.F.1.F.1.a.5)i) incorrectly requires a minimum of three feet, which is contrary to current practice dating back to 1992.

CHAPTER F LEGAL DOCUMENTS

Section 1 Maintenance and Use Documents

F. Content Requirement for Documents
1. Property Owner's Association (POA) Documents
a. Declaration of Covenants and Restrictions
5) Easements

The following easements shall be granted or confirmed if already established by recorded plat or grant of easement:

-
- i) Zero-lot line (ZLL) easement, if applicable. ~~A three-foot~~ An easement with a minimum of two feet in width, and contiguous to the ZLL boundary shall be established for the purpose of incidental encroachment, access and maintenance; or
-

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/11/12)

1
2 Part 1. ULDC Art. 1.I.2.W.21, Wellfield Zones 1, 2, 3 and 4 (page 109 of 119), is hereby
3 amended as follows:
4

Reason for amendments: [ERM] This amendment is intended to clarify the definition of Wellfield Zones 1, 2, 3 and 4 to wellfield protection.

5 CHAPTER I DEFINITION AND ACRONYMS

6 Section 2 Definitions

7 W. Terms defined herein or referenced in this article shall have the following meanings:

8 21. Wellfield Zones 1, 2, 3 and 4 – for the purposes of Article 14, zones of influence delineated
9 by iso-travel time contours around public water supply wellheads. Zone 1 is identified as the
10 land area ~~within a~~ ~~situated between the well(s) and the~~ 30-day travel time, ~~and~~ Zone 2 is the
11 land area ~~within a~~ ~~situated between the 30-day travel time and the~~ 210-day travel time, ~~and~~
12 Zone 3 is the land area situated between 210-day and the 500-day travel time contours.
13 Zone 4 is determined by the area situated beyond the 500-day travel time contour and within
14 the one foot drawdown contour. Zones of influence maps, ~~including Zones 3 and 4 are~~
15 developed pursuant to the Wellfield Protection Section and are ~~on file and~~ maintained by
16 ERM ~~Department~~.

17

18
19
20 Part 2. ULDC Art. 4.D.9.A.1, Authority and Criteria (page 169 of 171), is hereby amended as
21 follows:
22

Reason for amendments: [ERM] This modification will allow a buy-out option for the planted littoral zone where littoral zones have been demonstrated to be not viable.

23 CHAPTER D EXCAVATION

24 Section 9 Administration and Enforcement

25 A. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type II and Type
26 III Excavations

27 1. Authority and Criteria

28

29 b. That a request for relief from the littoral planting requirements include an alternative plan
30 with a contribution to the Pollution Recovery Trust Fund of twice the amount calculated
31 by the formula for a guarantee located in 4.D.8.D.5.c. and for review and approval by the
32 Director of ERM. If the littoral zone had been depicted on the site or master plan, a
33 modification of the plan shall be processed in order to delete the littoral zone from the
34 plan;

35 [Renumber Accordingly]

36
37
38 Part 3. ULDC Art. 14.B.5, Exemption (pages 14-17 of 52), is hereby amended as follows:
39

Reason for amendments: [ERM] This modification will clarify the exemptions available to nonresidential facilities that stores, handles, produces, or uses any Regulated Substances.

40 CHAPTER B WELLFIELD PROTECTION

41 Section 5 Exemption

42 A. General Exemptions

43 A general exemption application and an operating permit issued pursuant to the provisions of
44 Article 14.B.6.C.2, Zone 2, shall be filed with ERM for any nonresidential activity claiming a
45 general exemption to these regulations under Article 14.B.5.A.4.a, Fire, Police, Emergency
46 Medical Services and PBC Emergency, Article 14.B.5.A.4.b, Utilities in Zone 1, and Article
47 14.B.5.A.4.f, Retail/Wholesale Sales Activities. ~~No new nonresidential facilities shall be permitted~~
48 ~~into Zone 1 after March 7, 1988 if the new nonresidential facility stores, handles, produces or~~
49 ~~uses any Regulated Substance~~ No nonresidential facility that stores, handles, produces, or uses
50 any Regulated Substances after March 7, 1988 shall be eligible for a general exemption in Zone
51 1 unless such facility was in existence prior to the establishment of a new Wellfield Zone 1 or a
52 reconfigured Wellfield Zone 1 and is required to move or cease operations as a direct result of a
53 change in the Wellfield Protection Maps.

Notes:

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/11/12)

....
B. Special Exemptions

An affected person in Zones 1 or 2 may petition the hearing officer pursuant to the appeal process in Article 14.C, Appeals, for a Special Exemption, from the prohibitions and monitoring requirements set out in Article 14.B.6.C.1, Zone 1, and Article 14.B.6.C.2, Zone 2. ~~Special exemptions for Zone 1 are for existing nonresidential activities only. No new nonresidential activity shall be permitted in Zone 1 after March 7, 1988 if the new nonresidential activity stores, handles, produces or uses any Regulated Substance. No nonresidential facility that stores, handles, produces, or uses any Regulated Substances after March 7, 1988 shall be eligible for a special exemption in Zone 1 unless such facility was in existence prior to the establishment of a new Wellfield Zone 1 or a reconfigured Wellfield Zone 1 and is required to move or cease operations as a direct result of a change in the Wellfield Protection Maps.~~

....
2. Procedures

....
f. Action on Application

Any special exemption granted by the Reference to Article 14.C, Appeals, shall be subject to the applicable conditions which apply to Zones 1 and 2 and any other reasonable and necessary special conditions imposed by the Reference to Article 14.C, Appeals. An operating permit shall be issued by ERM with the applicable conditions of Article 14.B.6.C.1, Zone 1, and Article 14.B.6.C.2, Zone 2, and any other reasonable and necessary special conditions imposed by the ~~Environmental Ordinance Appeals Board. Hearing Officer.~~ Such special exemptions shall be subject to revocation or revision by ERM for violation of any condition of said special exemption by first issuing a written notice of intent to revoke or revise (certified mail return receipt requested or hand delivery). Upon revocation or revision, the activity will immediately be subject to the enforcement provisions of this Article.

Part 4. ULDC Art. 14.B.6.A, Maps (pages 17-18 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This revision is to streamline the map adoption process and to update the citation of the parameters of the raw water analysis standards for each well. These tests will now require the use of the updated lists for organic and inorganic priority pollutants found in the F.A.C Table 62-625.880.

CHAPTER B WELLFIELD PROTECTION

Section 6 Zones of Influence

A. Maps

1. Amendments

Any amendments, additions or deletions to said Maps shall be approved by the BCC ~~following written notice to property owners within the area covered by the amendment, addition, or deletion, and after public hearing. Written notice as provided herein shall be given at least 30 days prior to the public hearing on the amendment, addition or deletion. Said Maps shall be provided to any agency requesting said Maps.~~

....
6. Reference Raw Water Analysis to be Completed for Each Well

A reference set of raw water analyses shall be completed for each Well for which a Zones of Influence map has been established. Said analyses shall be completed within 185 days after March 7, 1988, for existing wells. A copy of the analytical report shall be forwarded to ERM and the PBCHD within 14 days of completion. For any new well, this set of analyses shall be completed prior to the release of the well into service by the PBCHD ~~within in~~ and ERM. Said analyses shall address inorganic priority pollutants ~~as listed in Appendix 4, Organic Priority Pollutants,~~ and organic pollutants as listed in Chapter 62-550. F.A.C. ~~and as shown in Appendix 4, Organic Priority Pollutants.~~ The cost shall be borne by the utility. The analytical reports shall be prepared by a State of Florida certified laboratory, certified for the applicable analyses. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative.

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/11/12)

1
2 Part 5. ULDC Art. 14.B.6, Zones of Influence (pages 17-24 of 52), is hereby amended as
3 follows:
4

Reason for amendments: [ERM] This amendment clarifies the process for the BCC to approve Wellfield Protection Maps and permit conditions for wellfield zones of influence.
--

5 CHAPTER B WELLFIELD PROTECTION

6 Section 6 Zones of Influence

7
8 **B. Protection of Future Wellfields**

9 The prohibitions and restrictions set forth in this Chapter and in regulations promulgated pursuant
10 hereto shall apply to any sites officially designated by the BCC as future wellfields. Such
11 prohibitions and restrictions shall become effective upon approval by the BCC of the Zones of
12 Influence Maps for the designated future wellfield. ~~Prior to final action by the BCC in designating~~
13 ~~a future wellfield or approving the Zones of Influence Maps for those wellfields, all property~~
14 ~~owners and discernable operating activities within the area affected shall receive written notice at~~
15 ~~least 30 days prior to the proposed public hearing at which the action shall be considered.~~

16 **C. Prohibitions and Restrictions**

17
18 **2. Zone 2**

19
20 **b. Permit Conditions**

21
22 **9) Alterations and Expansions**

23 ERM shall be notified in writing prior to the expansion, alteration or modification of an
24 activity holding an operating permit. Such expansion, alteration, or modification may
25 result from increased square footage of production or storage capacity, or increased
26 quantities of Regulated Substances, or changes in types of Regulated Substances
27 beyond those square footages, quantities, and types upon which the permit was
28 issued. Should a facility add new Regulated Substances which individually are below
29 the non-aggregate limits identified in the definition of "Regulated Substance", it shall
30 notify ERM on ~~thean~~ annual basis of the types and quantities of such substances
31 added and the location of the use, handling, storage, and production of said
32 substances.

33
34 **c. Permits for Existing Uses**

35 All existing non-residential activities in Zone 2 which use, handle, store, or produce
36 Regulated Substances shall file an application for an operating permit ~~or closure permit~~
37 within 90 days of the receipt of written notice from ERM.

38 **3. Zone 3**

39
40 **b. Permit Conditions**

41
42
43 **7) Permit Process**

44 Operating permits required by this Chapter shall be applied for and processed in
45 accordance with Article 14.B.6.C.2.c, Permits for Existing Uses, by filing an application
46 for an operating permit ~~or closure permits~~ within 90 days of the receipt of written notice
47 from ERM.

48 **4. Zone 4**

49
50 **b. Permit Conditions**

51
52 **4) Permit Process**

53 Operating permits required by this Chapter shall be applied for and processed by filing an
54 application for an operating permit ~~or closure permit~~ within 90 days of the receipt of
55 written notice from ERM. Said permit application shall be prepared and signed by a
56 Professional Engineer or Professional Geologist registered or licensed in the State of
57 Florida. However, a nonresidential activity in Zone 4 is not required to retain an engineer
58 or geologist to prepare the operating permit if the revocation for spill provisions of this
59 Chapter do not apply. Within 30 days of receipt of said notice, the owner or operator shall
60 file with ERM proof of retention of said engineer or geologist. If application is made for an
61 operating permit, such a permit shall be issued or denied within 60 days of the filing of
62 the completed application. If the application for an operating permit is denied, then the

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/11/12)

activity shall cease within 180 days of the denial ~~and an application for a closure permit shall be filed with ERM within 120 days of the denial of the operating permit.~~ All Regulated Substances and contaminated containers shall be disposed in a lawful and environmental sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

....
E. Domestic Wastewater and Stormwater Treatment

1. Sanitary Sewer Mains

All new or replacement installations of sanitary sewer mains in Zone 1 or Zone 2 of a public drinking water wellfield shall be constructed ~~to force main standards using pressure pipe.~~ Standards for installation are shown in Appendix 54, Minimum Standards for Sewer Pipe Fittings, Coatings and Leakage Testing, and shall be enforced by PBCHD through the permit process. For new wells placed in areas of existing sanitary sewers, the sewers in Zones 1 and 2 must be pressure tested at each joint, grouted and sealed with proof of testing provided to the PBCHD prior to release of the well for service.

....
G. Closure Activity

When an activity in any Zone ceases operation, all Regulated Substances and contaminated containers shall be disposed of in a lawful and environmentally sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated substances into the environment. When an activity in Zone 1 ceases operation, a closure permit shall be obtained.

Part 6. ULDC Art. 14.B.7.B.2, Closure Permit (page 25 - 26 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This amendment specifies which zones require a closure permit.

CHAPTER B WELLFIELD PROTECTION

Section 7 Wellfield Protection (Operating and Closure Permits)

B. Applications

2. Closure Permit

Closure permit applications shall be required in Zone 1 and contain the following information:

....
Part 7. ULDC Art. 14.B.9, Petition for Compensation (pages 27-30 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This Amendment is to address the potential for compensation should the establishment of a new Wellfield Zone 1 or a reconfigured Wellfield Zone 1 require a facility to move or cease operations as a direct result of a change in the Wellfield Protection Maps.

CHAPTER B WELLFIELD PROTECTION

Section 9 Petition for Compensation

~~Parties affected by the requirements of this Chapter may petition PBC for a determination of the effect of said requirements on those activities and the issue of compensation. The purpose of this section is to provide a means of petitioning PBC for reasonable compensation in the event a person operating a facility in existence prior to the establishment of a new Wellfield Zone 1 or a reconfigured Wellfield Zone 1 is required to move or cease operations as a direct result of a change in the Wellfield Protection Maps. This section shall apply only in the event an application for a General or Special Exemption, as set forth in Article 14.B.5, and all subsequent appeals, are denied. ERM may impose a reasonable fee for each petition in order to defray the costs to PBC in administering this section.~~

A. Filing

A petition for compensation shall be filed with ERM no later than 90 days after an application for a General or Special Exemption, as set forth in Article 14.B.5, and all subsequent appeals, are denied. The petition shall be heard by a Hearing Officer as established in Article 2.G.3.G, Hearing Officers.

B. Contents of Petition

A petition for compensation shall contain, as applicable, the following:

- ~~1. A copy of the closure permit required by this Chapter or the required operating permit showing the change in operation;~~

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/11/12)

- 1 21. An analysis of the need to ~~cease~~, move, or ~~change-cease~~ operations including a summary of
2 alternatives investigated and estimated costs of those alternatives;
3 32. A list of all previously issued EPA notices of violation by ERM, Florida Department of
4 Environmental Protection or the EPA regarding use of Regulated Substances including a
5 description of any corrective action taken or pending;
6 43. Detailed specification of the amount for which compensation is being requested. Petitions
7 shall include documentation to verify all costs for which compensation is sought; and
8 ~~5. ERM shall review all petitions for compensation and make recommendations to the Hearing~~
9 ~~Officer regarding the reasonableness of any amounts requested by the petitioner, whether~~
10 ~~the requested compensation consists of amounts greater than the cost of any reasonable~~
11 ~~facility/operation modifications and whether the facility may potentially qualify for a special~~
12 ~~exemption. Based upon such recommendations, the Hearing Officer may deny such petition.~~
13 [Partially relocated below under new Art. 14.B.9.C]

14 **C. Administrative Review**

15 ERM shall review all petitions for compensation for completeness within 30 working days of
16 receipt of the petition. If ERM determines the petition is not complete, written notice shall be
17 mailed to the Petitioner specifying the deficiencies. No further action shall be taken on the
18 petition until the deficiencies are remedied. If the deficiencies are not remedied within 30 working
19 days of receipt of written notice, the petition shall be deemed abandoned and any rights that may
20 be conferred under this Section shall be waived. Upon a finding of sufficiency, ERM shall review
21 the petition and make recommendations to the Hearing Officer regarding the reasonableness of
22 any amounts requested by the Petitioner, whether the requested compensation consists of
23 amounts greater than the cost of any reasonable facility/operation modifications. Based upon
24 such recommendations, the Hearing Officer may deny such petition.

25 [Partially relocated from above Art. 14.B.9.B.5]

26 **CD. Hearing on Petition**

27 As soon as practicable after submission of a petition for compensation, but no later than 90 days,
28 by an owner or operator of an activity, the Hearing Officer shall hold a hearing to determine the
29 eligibility of the activity for compensation pursuant to this Chapter. The Hearing Officer may
30 extend the 90 day period for good cause based on the request of the Petitioner, PBC, or on its
31 own initiative. Petitioner shall be given written notice by certified mail or hand delivery of such
32 hearing at least 30 days prior to the hearing. At least ten days prior to the hearing, the Petitioner
33 and PBC shall exchange names and addresses of witnesses and copies of all documentary
34 evidence intended to be used at the hearing. Formal Rules of Evidence shall not apply to such
35 hearing, but fundamental due process shall be observed and shall govern the proceedings.
36 Petitioner and PBC shall have the right to:

- 37 1. Call and examine witnesses;
38 2. Introduce exhibits;
39 3. Cross examine witnesses on any relevant matter;
40 4. Rebut the evidence; and
41 5. Be represented by counsel.

42 **DE. Review and Evaluation Criteria**

43 **1. Cessation or Move**

44 In determining whether the petitioner is eligible for compensation for cessation or moving, the
45 Hearing Officer shall consider:

- 46 a. Whether a reasonable, cost effective alternative to cessation or moving of operations
47 exists for complying with this Chapter, including reconfiguring of the wellfield. Applicant
48 Petitioner, with the cooperation of ERM and the affected public utility, shall address the
49 issue of reconfiguration;
50 b. Whether the requirements of this Chapter were the sole reason for cessation or moving
51 of the operation;
52 c. Past environmental record; and
53 d. Efforts to mitigate financial impact of this Chapter and these corresponding regulations.

54 ~~2. Change In Operations~~

55 ~~In deciding whether a petitioner is eligible for compensation for a change in operations, the~~
56 ~~Hearing Officer shall consider:~~

- 57 ~~a. Whether the proposed change is a reasonable, cost effective method for complying with~~
58 ~~this Chapter; and~~
59 ~~b. Whether the requirements of this Chapter were the sole reason for the change in the~~
60 ~~operation.~~

61 **EF. Classes of Impact for Which Compensation May Be Granted**

62 **1. Actual Reasonable Relocation Expenses**

63 ~~a. Examples of Reasonable or Reimbursable Relocation Costs~~

64 The owner or operator of an affected activity may be paid the actual reasonable cost of
65 relocation within PBC, such amount to include the cost of:

- 66 1) Dismantling operation;
67 2) Actual moving;

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- 3) Reassembling equipment;
- 4) Installation of equipment;
- 5) Internal connection of utilities to equipment;
- 6) Minor modification of site to accommodate operation, specifically excluding structural changes to the building or paving and drainage requirements at the site;
- ~~7) The additional costs which would have to be incurred to move the activity due to changed circumstances or applicable laws, ordinances or regulations; and~~
- 8) Any losses caused by the necessity of terminating a lease, such compensation not to exceed three months rent. ~~Landlord and tenant are required to make a bona fide effort to mitigate this loss. This compensation shall be paid to either the landlord or the tenant, to be decided by agreement between the landlord and tenant.~~

b. Documentation of Costs

The eligible costs for actual reasonable relocation expenses shall be supported by two itemized and sealed bids and a detailed listing of the claimed items. The amount to be paid shall not exceed the lower of the two bids. In order to verify such information, ERM shall have the right to enter the activity's premises at reasonable times. Such bids and detailed listing of the cost shall be verified by ERM.

c. Self-Moves

In the case of a self move the owner of a relocated activity may be paid the lower of two sealed and itemized bids from licensed moving companies based on a detailed listing of the cost.

~~2. Actual Reasonable Modification of Operation Expenses~~

~~The owner or operator of an affected activity may be paid the actual reasonable expense to modify the operation of the activity in order to comply with this Chapter. Such amount to include cost of:~~

- ~~a. Modification of machinery;~~
- ~~b. Dismantling and moving unusable machinery;~~
- ~~c. Unsalvageable inventory per Article 14.B.9.E.3, Actual Direct Losses of Tangible Personal Property; and~~
- ~~d. Moving equipment out of a Zone 1 on the activity's property per Article 14.B.9.E.1, Actual Reasonable Relocation Expenses.~~

~~3.2. Actual Direct Losses of Tangible Personal Property~~

Actual direct losses of tangible personal property are allowed when a person closes or relocates an activity. Payment may only be made after a diligent effort is made by the owner to sell the item(s) involved.

- a. If the activity is to be re-established and an item of property to be used therewith is not moved but promptly replaced with a comparable item at the new site, reimbursement shall be either:
 - 1) Replacement cost, taking into account depreciation, less the proceeds of the sale. Present value based on accepted standards in the related business community may be substituted for net proceeds of a sale where applicable; or
 - 2) Estimated cost of moving the item to the replacement site within the geographic boundaries of PBC.
- ~~b. If a process at the activity is being discontinued or an existing item is not to be replaced in a re-established business, payment will be either:

 - 1) The difference between fair market value as evidenced by two written appraisals of the item for continued use at its prior location less its net proceeds at the sale; or
 - 2) The estimated cost of moving the item to the replacement site within the geographic boundaries of PBC.~~
- eb. If a sale is not affected because no offer is received and the item is abandoned, payment for the loss may be its fair market value for continued use at its existing location plus the costs of the attempted sale, less the equipment's salvage value.

....
7. Appeal

PBC or the ~~applicant~~ Petitioner seeking compensation under this Section may appeal the final decision of the Hearing Officer by filing a Petition for Writ of Certiorari in the 15th Judicial Circuit Court in and for PBC.

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ARTICLE 14 – ENVIRONMENTAL STANDARDS
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Part 8. ULDC Appendix 4 Organic Priority Pollutants and Appendix 5 Minimum Standards for Sewer Pipe Fittings (pages 47 - 48 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This revision is to update the location of the parameters of the raw water analysis standards for each well. These tests will now require the use of the updated lists for organic and inorganic priority pollutants found in the F.A.C Table 62-625.880. This revision also clarifies that the most current ANSI/AWWA standard is to be followed in all sewer installations in Zones 1 and 2.

APPENDIX 4 ORGANIC PRIORITY POLLUTANTS

endrin	bromobenzene
lindane (g-BHC)	bromomethane
methoxychlor	chlorobenzene
toxaphene	chloroethane
2, 4-D	p-chlorotoluene
2, 4, 5-TP	chloromethane
bromodichloromethane	dibromomethane
dibromochloromethane	dichlorodifluoromethane
bromoform	1,1-dichloroethane
chloroform	trans-1, 3-dichloropropene
trichloroethene	cis-1, 2-dichloroethane
tetrachlorethene	1, 2-dichloropropane
carbon tetrachloride	1, 3-dichloropropane
vinyl chloride	2, 2-dichloropropane
1, 1, 1-trichloroethane	cis-1, 3-dichloropropane
1, 2-dichloroethane	ethylbenzene
benzene	methylene chloride
ethylene dibromide	1, 1, 2-trichloroethane
p-chlorobenzene	trichlorofluoromethane
1, 1-dichloroethene	1, 2, 3-trichloropropane
styrene	toluene
m-dichlorobenzene	m-xylene
o-dichlorobenzene	o-xylene
1, 2-dibromo-3-chloropropane (DBCP)	p-xylene
1, 1, 1, 2-tetrachloroethane	bis (2-ethylhexyl) phthalate
1, 1, 2, 2-tetrachloroethane	butyl benzyl phthalate
methyl tert-butyl-ether (MTBE)	di-n-butylphthalate
1, 1-dichloropropene	diethylphthalate
o-chlorotoluene	dimethylphthalate
aldrin	2, 4-dinitrotoluene
chloradane	dioctylphthalate
dieldrin	hexachlorocyclopentadiene
heptachlor	isophorone
aldicarb	2, 3, 7, 8-tetrachloridibenzo-p-dioxin
aldicarb sulfoxide	1, 2, 4-trichlorobenzene
aldicarb sulfone	PCB-1016
dalapon	PCB-1221
carbofuran	PCB-1232
oxymyl	PCB-1242
simine	PCB-1248
atrane	PCB-1254
picloram	PCB-1260
dinoseb	2-chlorophenol
alachlor	2-methyl-4, 6-dinitrophenol
metolachlor	phenol
dicamba	2, 4, 6-trichlorophenol
pentachlorophenol	

Inorganic Priority Pollutants

Mercury	Lead
Cadmium	Arsenic
Chromium	Selenium
Nickel	Cyanide
Note: Parameters reflected in this table may be adjusted by ERM.	

APPENDIX 54 MINIMUM STANDARDS FOR SEWER PIPE AND FITTINGS

A. Ductile Iron Pipe and Fittings for Gravity Sewer and Force Main Application

- Ductile iron pipe shall conform to the requirements of ANSI/AWWA C151/A21.52-8651 unless otherwise noted on the plans. The pipe shall be Class 50 thickness 350 for pipe six sizes 4 inches through 24 inches and class 250 for sizes from 30 inches to 36 inches or larger in

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- 1 ~~size and Class 51 for pipe smaller than six inches~~ Glands for mechanical joints shall be of
- 2 ductile iron ~~or cast iron~~.
- 3 2. Fittings shall ~~conform to the requirements of ANSI/AWWA C110/A21.10-87. Fittings 12~~
- 4 ~~inches and smaller shall have a 250 psi minimum working pressure have mechanical joints or~~
- 5 ~~flanged ends unless an approved flexible joint restraint system is used. The fittings shall~~
- 6 ~~conform to the requirements of AWWA C-110 or AWWA C-153.~~
- 7 3. Flanged ductile iron pipe shall be "special thickness Class 53". Flanged ductile iron pipe and
- 8 fittings shall have threaded flanges, unless otherwise noted on the drawings, and shall
- 9 conform to ANSI/AWWA C115/A21.15-~~83~~. All flanges shall be Class 1560, ANSI B16.5. All
- 10 above grades flanges shall be flat faced unless they are mating up to existing, or otherwise,
- 11 specified, raised flanges. All gaskets shall be full faced 1/8" red rubber.
- 12 4. Joints shall conform to the requirements of ANSI/AWWA C111/A21.11-~~85~~.
- 13 5. All ductile iron pipe and fittings shall have an epoxy lining and a bituminous coating on the
- 14 exterior per AWWA specification C-210. The coating and lining shall be applied in
- 15 accordance with the manufacturer's recommendations.
- 16 **B. Polyvinyl Chloride Pipe (PVC) (gasketed joint) and Fittings for Gravity Wastewater and**
- 17 **Sewer Force Main Applications**
- 18 **1. ~~Gasketed Joint Pipe~~**
- 19 ~~a-~~ Pipe four inches or larger in diameter shall conform to the requirements as set forth in AWWA
- 20 C900-~~84~~/C905 with minimum dimension ratio ~~n~~ DR 18. Provisions must be made for
- 21 contraction and expansion at each joint, or with a rubber ring and an integral bell as part of
- 22 each joint, or by a rubber ring sealed coupling. Clean, reworked material generated from the
- 23 manufacturer's own pipe production may be used. Fittings shall be cast or ductile iron. Pipe
- 24 shall have cast iron pipe equivalent outside dimensions.
- 25 2.b. Pipe smaller than four inches in diameter shall conform to Commercial Standard CS 256 and
- 26 ASTM D-22141. Provisions shall be made for contraction and expansion at each joint with a
- 27 rubber ring, and an integral bell as part of each joint, or by a rubber ring sealed coupling. Pipe
- 28 shall be made from SODR 21, 200 psi clean, virgin NSF approved Type I, Grade 1 PBC
- 29 conforming to ASTM D 1784. Clean reworked material generated from the manufacturer's
- 30 own pipe production may be used. Fittings for pipe smaller than four inches in diameter shall
- 31 be PVC.
- 32 **C. ~~Coatings-High Density Polyethylene pipe for force mains:~~**
- 33 ~~The lining material for ductile iron pipe and fittings shall be virgin polyethylene complying with~~
- 34 ~~ANSI/AWWA D1248 compounded with an inert filler and with sufficient carbon black to resist~~
- 35 ~~ultraviolet rays during above ground storage of the pipe and fittings. The polyethylene shall be~~
- 36 ~~bonded to the interior of the pipe or fitting by heat. HDPE pipe for force mains shall be AWWA~~
- 37 ~~C906, minimum 40 feet standard lengths, DR 11 minimum, DIPS size.~~
- 38 **D. Leakage Tests**
- 39 The test shall be of two hour duration. During the test, the pipe being tested shall be maintained
- 40 at a pressure of not less than 150 psi. Leakage is defined as the quantity of water added to the
- 41 pipe being tested during the test period. No pipe installation will be accepted if the leakage
- 42 exceeds the quantities specified in AWWA C-600, Sec. 4.25.2. No more than 500 feet of gravity
- 43 sewer main or 1000 feet of force main shall be tested at one time. Pressure tested gravity
- 44 wastewater mains and laterals located in wellfield zones 1 and 2 shall be PVC C900 SDR 18
- 45 minimum. The tested portion of the laterals shall end at the "upper" bend using a temporary
- 46 mechanical joint restrained cap.
- 47 **E. Manholes**
- 48 Manholes shall be precast and coated with an inert impervious material approved corrosion
- 49 barrier system. Exterior manhole joint seal application is required. Manhole inlets and outlets shall
- 50 be tightly sealed around the sewer pipe and coated to prevent leakage.
- 51

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