

Board of County Commissioners

Karen T. Marcus, Chair
Shelley Vana, Vice Chair
Paulette Burdick
Steven Abrams
Burt Aaronson
Jess Santamaria
Priscilla A. Taylor



County Administrator
Robert Weisman

Department of Planning, Zoning & Building
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**TITLE: ADOPTION HEARING
UNIFIED LAND DEVELOPMENT CODE (ULDC) – AMENDMENTS TO
ARTICLE 15, HEALTH REGULATIONS**

SUMMARY: The proposed ordinance will account for specific amendments in Art. 15, Health Regulations, of the Unified Land Development Code (ULDC), to clarify that new buildings or structures cannot be occupied until final approval by the Health Department; include reference to Chapter 64E-6 of the Florida Administrative Code related to standards for sewage treatment and disposal system; eliminate loading rates for Wellfield Protection Zones; and, delete restrictions for commercial establishments where food is processed.

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on April 27, 2011 and the Land Development Regulation Commission (LDRC) on May 25, 2011. All proposed ULDC amendments were found to be consistent with the Plan.

BCC Public Hearings:

- June 27, 2011 – Request for Permission to Advertise for First Reading on July 28, 2011: Approved as amended, 6-0.
- July 28, 2011 – 1st Reading and Request for Permission to Advertise for Adoption Hearing on August 29, 2011: Approved as amended, 7-0

STAFF RECOMMENDATION: Staff recommends a motion to adopt 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, Ord. 2003-068, as amended.

MOTION: TO ADOPT 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: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INTERPRETATION OF CAPTIONS; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

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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: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INTERPRETATION OF CAPTIONS; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

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

WHEREAS, pursuant to its authority, the Environmental Control Board adopted Environmental Control Rule I, concerning Onsite Sewage Treatment and Disposal Systems, and Environmental Control Rule II, concerning Drinking Water Supply Systems; and

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

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

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

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

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

Section 1. Adoption

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

Section 2. Providing for Repeal of Laws in Conflict

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

1 **Section 3. Severability**

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

6
7 **Section 4. Providing for a Savings Clause**

8 All development orders, permits, enforcement orders, ongoing enforcement actions, and
9 all other actions of the Board of County Commissioners, the Environmental Control Hearing
10 Board, the Environmental Appeals Board, all other County decision-making, enforcement, and
11 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
12 pursuant to the regulations and procedures established by prior Palm Beach County land
13 development regulations, shall remain in full force and effect.

14
15 **Section 5. Interpretation of Captions**

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

20
21 **Section 6. Inclusion in the Unified Land Development Code**

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

25
26 **Section 7. Providing for an Effective Date**

27 The provisions of this Ordinance shall become effective upon filing with the Department
28 of State.

1 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach

2 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: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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EFFECTIVE DATE: Filed with the Department of State on the _____ day of

_____, 20_____.

EXHIBIT A

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 15.A.4.C, [Related to Permit Conditions and Approvals for OSTDS] (page 4
3 of 23 and Ordinance 2011-02 page 5), is hereby amended as follows:

4 CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND
5 DISPOSAL

6 Section 4 Permit Conditions and Approvals

7 C. The OSTDS shall not be used or covered with earth before it has passed an inspection by the
8 Health Department and a notice of approval has been issued. Should the installer or general
9 contractor fail to notify the Health Department prior to covering the system, the Health
10 Department shall require that the system be uncovered for inspection. If the system is approved,
11 the Health Department shall issue a notice of approval to the owner. Any new building or
12 structure shall not be occupied until final approval has been issued by the Health Department.
13 [Ord. 2011-002]
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16 Part 2. ULDC Art. 15.A.5.A, [Related to Application Data for an OSTDS: Single Lot or Parcel
17 and Application and Supporting Data Required for Approval] (page 4 of 23), is hereby
18 amended as follows:

19 CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND
20 DISPOSAL

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

22 A. The application and supporting data required for approval of an OSTDS for a single lot or parcel
23 of property shall be submitted to the Health Department by the owner or his authorized
24 representative, or a contractor licensed under F.S. Chapter 489 in accordance with Chapter 64E-
25 6, F.A.C. The completed application form shall be submitted together with the following:
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29 Part 3. ULDC Art. 15.A.7, Approval Standards: OSTDS [Related to Minimum Net Usable Land
30 Area of a Lot] (pages 6 of 23), is hereby amended as follows:

31 CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND
32 DISPOSAL

33 Section 7 Approval Standards: OSTDS

34 In considering applications for permitting construction of an OSTDS, the Health Department shall be
35 governed by the following standards:

- 36 A. The lot, unless exempt under Art. 15.A.7.E, of this Article, shall have a minimum net usable land
37 area of: [Ord. 2005 – 003]
38 1. ~~One~~one-half acre if the water supply is by means of a community well;
39 2. ~~One~~one acre if the water supply is by means of an onsite well.
40

41 ~~F. The following additional restrictions apply to OSTDS that are proposed within the 210-day travel~~
42 ~~time contour of an existing or proposed wellfield. These restrictions apply to requests for permits~~
43 ~~on individual lots, existing subdivisions and new subdivisions. (The zones of influence are~~
44 ~~indicated on the PBC Wellfield protection maps, which are available from the PBC ERM).~~
45

Table 15.A.7.F-1 – Sewage Loading Rates in Wellfield Protection Zones

Travel Time (Days)	Maximum Sewage Loading (Gallons/acre/day)
Less than or equal to 30 (Zone one)	350
Greater than 30, but less than or equal to 210 (Zone two)	600

46 [Renumber accordingly]

47 ~~G~~F. The following standards shall apply when the soil profile, as required under Art. 15.A.5.A.4, of this
48 Article, shows the presence of hardpan or bedrock or of soils classified as sandy clay loam, clay
49 loam, silty clay loam, sandy clay, silty clay, clay and organic soils. The PBC Soil Survey prepared
50 by the USDA Soil Conservation Service or other available data may be used by the Health
51 Department to determine the presence of the above noted soils. [Ord. 2005 – 003]

52 ~~1. The maximum sewage loading shall not exceed 450 gallons per acre per day, ater is of~~
53 ~~satisfactory quality and is not threatened by a source of contamination.~~

54 21. The OSTDS shall be placed no closer than the minimum distances indicated for the following:
55

Notes:

Underlined indicates new text. If being relocated destination is noted in bolded brackets [Relocated to:].

~~Stricken~~ indicates text to be ~~deleted~~.

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.

EXHIBIT A

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS

1
2 Part 4. ULDC Art. 15.A.8.E [Related to Non-Approval of an OSTDS] (pages 7 of 23), is hereby
3 amended as follows:

4 CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND
5 DISPOSAL

6 Section 8 Conditions for Non-Approval of an OSTDS

7 An OSTDS shall not be approved:

8
9 ~~E. For commercial establishments where food is processed, handled, prepared or served. This~~
10 ~~restriction does not apply to retail or prepackaged food stores and to convenience stores where~~
11 ~~food service is limited to coffee, soft drinks and hot dogs.~~
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