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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 B, (PBC ENVIRONMENTAL
8 CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; PROVIDING FOR:
9 INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A
10 SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN
11 EFFECTIVE DATE.

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13 **WHEREAS**, the Palm Beach County Environmental Control Act, Chapter 77-616, Laws of
14 Florida, as amended, authorized the Palm Beach County Board of County Commissioners to sit
15 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 Act.

28 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
29 **PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD,**
30 **AS FOLLOWS:**

31 **Section 1. Adoption**

32 The amendments set forth in Exhibit A, Article 15, Health Regulations, attached hereto
33 and made a part hereof, are hereby adopted.

34 **Section 2. Interpretation of Captions**

35 All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance
36 are intended for the convenience of usage only and have no effect on interpretation.

37 **Section 3. Repeal of Laws in Conflict**

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39 repealed to the extent of such conflict.

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Section 4. Severability

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

Section 5. Savings Clause

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

Section 6. Inclusion in the Unified Land Development Code

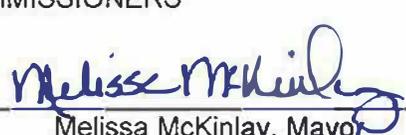
The provisions of this Ordinance shall be codified in the Unified Land Development Code and may be reorganized, renumbered or re-lettered to effectuate the codification of this Ordinance.

Section 7. Providing for an Effective Date

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

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, sitting as the Environmental Control Board, on this 23rd day of August, 2018.

SHARON R. BOCK, CLERK & COMPTROLLER
By: 
Deputy Clerk

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
By: 
Melissa McKinlay, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
By: 
County Attorney

EFFECTIVE DATE: Filed with the Department of State on this 29th day of August, 2018.

EXHIBIT A

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

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2 **Part 1.** ULDC Art. 15.A.5, Application Data for an OSTDS: Single Lot or Parcel (page 5 of 24), is
3 hereby amended as follows: CHAPTER A (ENVIRONMENTAL CONTROL RULE 1) –
4 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS)

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

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

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

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

47 **C. New Construction, Additions or Repairs**

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

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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.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 29, 2018

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Mr. Timothy Montiglio

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2018-019, which was filed in this office on August 29, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb