

PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

**TITLE: UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2016-01 –
ARTICLE 15, HEALTH REGULATIONS: FIRST READING AND REQUEST TO
ADVERTISE FOR ADOPTION HEARING**

- **SUMMARY AND REASON FOR AMENDMENT:** The proposed amendments in Exhibit A - Article 15, Health Regulations, will make the ULDC more consistent with other agency regulations related to water wells.

Staff Recommendation: Staff recommends approval of First Reading and to Advertise for Adoption Hearing on September 22, 2016.

Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulation Commission (LDRC) Determination: Recommended approval of the proposed amendment on March 23, 2016; and, sitting as the LDRC on May 25, 2016, found the proposed amendment consistent with the Comprehensive Plan.

MOTION: To approve on First Reading and Advertise for Adoption Hearing on August 25, 2016: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, **SITTING AS THE ENVIRONMENTAL CONTROL BOARD**, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-068, AS AMENDED, AS FOLLOWS: **ARTICLE 15 - HEALTH REGULATIONS:** CHAPTER B, (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

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

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 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, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AS FOLLOWS:

Section 1. Adoption

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

Section 2. Interpretation of Captions

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

Section 3. 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.

Section 4. Severability

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

5 **Section 5. Savings Clause**

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

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

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

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

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

19
20 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
21 County, Florida, sitting as the Environmental Control Board, on this _____ day of
22 _____, 20____.

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

24
25
26 **EFFECTIVE DATE:** Filed with the Department of State on this _____ day of
27 _____, 20____.

EXHIBIT A

ART. 15 HEALTH REGULATIONS SUMMARY OF AMENDMENTS

(Updated 1/20/16)

1
2 Part 1. ULDC Art. 15.B.8.A.9.c, [Related to Construction and Design Requirements] (page 12 of
3 24), is hereby deleted as follows:
4

5 ARTICLE 15, HEALTH REGULATIONS

6 CHAPTER B (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS
7 This Article shall be designated as "PBC Environmental Control Rule II Drinking Water Supply Systems."

8 Section 8 Construction and Design Requirements

9 A. Design Criteria

10 Approval for construction, extension, expansion or use of any community, non-transient non-
11 community, transient non-community and limited use water supply system shall be based on the
12 criteria below, in addition to the design criteria specified in Chapters 62-532, 62-555, 64E-8,
13 F.A.C., and the standards considered as modern engineering practices. Criteria in the references
14 listed below are incorporated into this Code. If any differences in design criteria exist, the more
15 stringent standard shall be used. [Ord. 2011-002]

- 16 1. Lead pipes, solder and flux are prohibited for use in the installation or repair of any drinking
17 water system. This does not apply to leaded joints necessary for the repair of cast iron pipes.
18 Solders and fluxes must contain not more than 0.2 percent lead and fittings not more than 8.0
19 percent lead.
- 20 2. A minimum of two drinking water supply wells and pumps shall be provided for each
21 community water system that will serve 350 or more persons or 150 or more service
22 connections upon completion of construction. [Ord. 2005 – 003]
- 23 3. All water wells shall be constructed by a water well contractor licensed by the SFWMD in
24 accordance with Chapter 62-531, F.A.C., as applicable.
- 25 4. All water wells shall be constructed in accordance with Chapters 40E-3, 62-532, 62-555 and
26 64E-8 F.A.C., as applicable.
- 27 5. For private and multi-family water wells and irrigation wells the casing shall be surrounded at
28 grade level by a two-inch thick concrete pad extending at least six inches in all directions and
29 the upper terminus of the well casing shall project at least 12 inches above finished grade.
30 [Ord. 2005 – 003]
- 31 6. Whenever the pump is not set at the vertical casing, the line between the vertical casing and
32 pump shall be considered an extension of the casing and protected from sanitary hazards in
33 a similar manner as the casing.
- 34 7. For community, non-community and non-transient non-community water systems having
35 OSTDS wells shall be located as specified in Chapter 62- 555, F.A.C.
- 36 8. Limited use wells shall be placed a minimum distance of 100 feet from any OSTDS.
- 37 9. Private and multi-family water wells shall be placed a minimum distance of 75 feet from any
38 OSTDS or brine disposal area.
 - 39 a. 75 feet from any OSTDS or brine disposal area. [Ord. 2005 – 003]
 - 40 b. 50 feet from any non-potable water well, pond, canal or other body of water. [Ord. 2005
41 – 003]
 - 42 c. ~~25 feet from poisoned soils, including but not limited to building foundations. This~~
43 ~~distance may be reduced to 15 feet for wells having the uppermost 20 feet of casing~~
44 ~~grouted with a minimum 2 inch thickness of cement grout. [Ord. 2005 – 003]~~

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Notes:

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