

PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

REGULAR AGENDA

RECESS AS THE BOARD OF COUNTY COMMISSIONERS

AND CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

TITLE: UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS – USE REGULATIONS PROJECT, ARTICLE 15, HEALTH REGULATIONS: ADOPTION HEARING

Staff Recommendation: Staff recommends approval of the motion to Adopt.

- **SUMMARY AND REASON FOR AMENDMENT:** The proposed amendments in Exhibit A - Article 15, Health Regulations, are related to the Use Regulations Project.

LDRAB/LDRC: The proposed Code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on December 14, 2016, and the Land Development Regulation Commission (LDRC) on December 14, 2016. All proposed ULDC amendments were found to be consistent with the Plan.

Environmental Control Board Public Hearing: January 5, 2017: Request for Permission to Advertise for First Reading on January 26, 2017: Approved, (7-0). January 26, 2017: First Reading and Advertise for Adoption Hearing on February 23, 2017: Approved, (6-0).

MOTION: TO ADOPT 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; CHAPTER C, GENERAL THRESHOLD VIEW; **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.

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

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; CHAPTER C, GENERAL THRESHOLD REVIEW; 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: _____
Paulette Burdick, 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

ARTICLE 15, HEALTH REGULATIONS
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 15.B.8.A, Design Criteria [Related to Construction and Design
3 Requirements] (page 12 - 13 of 24), is hereby amended as follows:

4 CHAPTER B (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS

5 Section 8 Construction and Design Requirements

6 A. Design Criteria

7
8 17. All existing community systems serving 350 or more persons and all newly proposed
9 community systems shall be equipped with a source of auxiliary power to allow operation of
10 the raw water supply, water treatment units and pumping capacity. In addition, such systems
11 shall be provided with automatic start up devices except where elevated storage or 24 hour
12 per day, seven day per week operation is provided. Such emergency power shall be of a
13 sufficient capacity to operate the water supply facility at average daily design capacity. A
14 minimum fuel supply for 14 days of continuous operation for each item of auxiliary power
15 shall be maintained at the ~~w~~Water or Wastewater ~~t~~Treatment ~~p~~Plant or under the control of
16 the utility and reserved for the ~~w~~Water or Wastewater ~~t~~Treatment ~~p~~Plant. Any fuel pumps
17 required to transfer the fuel to the auxiliary power units shall be equipped with their own
18 auxiliary power or manual pumping system. [Ord. 2005 – 003]

19
20 19. Disinfection
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22 c. A minimum of two chlorination facilities at the ~~w~~Water or Wastewater ~~t~~Treatment ~~p~~Plant
23 shall be provided for each community water system. Each chlorinator shall be of
24 adequate capacity to supply the total demand of the raw water at the rated capacity of the
25 treatment plant. Where more than two chlorinators are available, adequate capacity to
26 supply the total chlorine demand of the raw water shall be provided with the largest unit
27 out of service. Disinfection other than chlorination will be considered on an individual
28 basis by the Department.

29
30
31 20. Water or Wastewater Treatment Plant and Storage
32 The approved design capacity shall be adequate to provide for the maximum day demand
33 plus fire flow requirements and maintain the water quality standards specified in this Article.

34 21. Distribution
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36 f. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 80
37 percent of approved design capacity the supplier of water shall initiate the procedures for
38 ~~w~~Water or Wastewater ~~t~~Treatment ~~p~~Plant expansion. In the event expansion procedures
39 are not initiated, the system shall be considered inadequate for additional distribution
40 expansion, and approval for additional distribution expansion shall not be granted unless
41 otherwise justified by an engineering report covering the circumstances and approved by
42 the Department
43 g. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 90
44 percent of the approved design capacity, the supplier of water shall have the ~~w~~Water or
45 Wastewater ~~t~~Treatment ~~p~~Plant expansion under construction. In the event construction is
46 not underway, the system shall be considered inadequate for additional distribution
47 expansion and approval for additional distribution expansion shall not be granted unless
48 otherwise justified by an engineering report covering the circumstances and approved by
49 the Department.

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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.

EXHIBIT A

ARTICLE 15, HEALTH REGULATIONS
SUMMARY OF AMENDMENTS

1 Part 2. ULDC Art 15.C.1.A, Purpose, (page 19 of 24), is hereby amended as follows:

2 CHAPTER C GENERAL THRESHOLD REVIEW

3 Section 1 Purpose

4 The purpose of threshold review is to provide information to the applicant and PBC on the carrying
5 capacity of the land prior to site design.

6 A. Development on Property or Uses Requiring Threshold Review

7 Proposed development consisting of any of the following site uses shall be reviewed by the
8 Department. In response, the Department shall advise the applicant of special rules and
9 procedures governing development of the use:

- 10 1. ~~Sanitary~~ Landfills ~~or Incinerator~~;
- 11 2. Recycling Plants ~~and Recycling~~ Centers;
- 12 3. Composting ~~f~~Facility;
- 13 ~~4. Chipping and Mulching Plants;~~
- 14 ~~54.~~ Chipping and Mulching ~~Plants~~;
- 15 ~~65. Waste and~~ Water ~~or Wastewater~~ ~~t~~Treatment ~~p~~Plants;
- 16 ~~76.~~ Public Bathing Places;
- 17 ~~87.~~ Salvage ~~or and~~ Junk Yards;
- 18 ~~98.~~ Air Curtain Incinerators;
- 19 ~~109.~~ Bio Hazardous Waste Processing Plants;
- 20 ~~110.~~ Electric Power ~~Generation~~ Plants;
- 21 **[Renumber Accordingly]**

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