County Administrator Robert Weisman



Department of Planning, Zoning & Building 2300 North Jog Road West Palm Beach, FL 33411

> Phone: 561-233-5200 Fax: 561-233-5165

TITLE: ADOPTION HEARING

UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS TO ARTICLE 15, HEALTH REGULATIONS

SUMMARY: The proposed ordinance will account for minor revisions, scrivener's errors, omitted text, and specific amendments in Art. 15, Health Regulations, of the Unified Land Development Code.

- Ordinance Title
- □ Exhibit A Article 15, Health Regulations

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) and the Land Development Regulation Commission (LDRC) on May 23, 2018. All proposed ULDC amendments were found to be consistent with the Plan.

BCC Public Hearings: June 25, 2018, Request for Permission to Advertise for First Reading on July 26, 2018: Approved, 7-0. July 26, 2018, Approve on First Reading and advertise for an Adoption Hearing on August 23, 2018. Approved, 6-0.

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

ULDC AMENDMENT ART. 15, HEALTH REGULATIONS REASONS FOR AMENDMENTS SUMMARY BCC Zoning Hearing Updated 06/26/18

EXHIBIT A – Article 15.A.5, Application Data for an OSTDS: single Lot or Parcel

Part	Article	Reasons
1.	Application Data for an OSTDS: Single Lot or	[Health Department] the definition of "addition" which was updated by Ordinance 2017-002 and inadvertently deleted by Ordinance 2017-023. The definition is necessary to clarify the type of construction that constitutes an addition to an existing structure. This definition is constantly used as reference by staff working on building permit revisions.

1	ORDINANCE 2018		
2 3 4 5 6 7 8 9 10 11 12 13	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, (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; 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		
14	of Florida, as amended, authorized the Palm Beach County Board of County Commissioners to		
15	sit as the Palm Beach County Environmental Control Board to adopt, amend, or repeal vario		
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		
28	Act.		
29	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS O		
30	PALM BEACH COUNTY, FLORIDA, as follows:		
31	Section 1. Adoption		
32	The amendments set forth in Exhibit A, attached hereto and made a part hereof, are		
33	hereby adopted.		
34	Section 2. Providing for Repeal of Laws in Conflict		
35	All local laws and ordinances in conflict with any provisions of this Ordinance are hereby		
36	repealed to the extent of such conflict.		
37	Section 3. Severability		
38	If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other		
39	item contained in this Ordinance is for any reason held by the Court to be unconstitutional		
40	inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this		
41	Ordinance.		

1	Section 4. Providing for a Savings Clause				
2	All development orders, permits, enforcement orders, ongoing enforcement actions, a				
3	all other actions of the Board of County Commissioners, the Environmental Control Hearing				
4	Board, the Environmental Appeals Board, all other County decision-making, enforcement, a				
5	advisory boards, Special Masters, Hearing Officers, and all other County officials, issu				
6	pursuant to the regulations and procedures established by prior Palm Beach County lar				
7	development regulations, shall remain in full force and effect.				
8	Section 5. Interpretation of Captions				
9	All headings of articles, sections, paragraphs, and sub-paragraphs used in the				
10	Ordinance are intended for the convenience of usage only and have no effect on the				
11	interpretations of the provisions of this Ordinance and may be renumbered or re-lettered to				
12	effectuate the codification of this Ordinance.				
13	Section 6. Inclusion in the Unified Land Development Code				
14	The provisions of this Ordinance shall be codified in the Unified Land Development Code				
15	and may be reorganized, renumbered or re-lettered to effectuate the codification of this				
16	Ordinance.				
17	Section 7. Providing for an Effective Date				
18	The provisions of this Ordinance shall become effective upon filing with the Departmen				
19	of State.				
20					
21	APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach				
22	County, Florida, on this the day of, 20				
23 24	SHARON R. BOCK, CLERK & PALM BEACH COUNTY, FLORIDA, BY ITS COMPTROLLER BOARD OF COUNTY COMMISSIONERS				
	By: By: By: Melissa McKinlay, Mayor				
	APPROVED AS TO FORM AND LEGAL SUFFICIENCY				
25	By: County Attorney				
26 27	EFFECTIVE DATE: Filed with the Department of State on the day of				
28	, 20				

EXHIBIT A

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

1 2 3 4	Part 1.	ULDC Art. 15.A.5, Application Data for an OSTDS: Single Lot or Parcel (page 5 of 24), is hereby amended as follows: CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS)
5	Section 5	Application Data for an OSTDS: Single Lot or Parcel
6 7 8 9	A. The application and supporting data required for approval of an OSTDS for a single lot or parcel of property shall be submitted to the Health Department by the owner or his authorized representative or a contractor licensed under F.S. Chapter 489 in accordance with Chapter 64E-6, FAC. The completed application form shall be submitted together with the following: [Ord. 2011-017]	
10 11	1.	A site plan of the property drawn to scale, showing the following: a. Property boundaries with dimensions;

a. Property boundaries with dimensions;b. Easements;

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c. Location of all existing and proposed buildings;

d. Location of all wells;

e. Location and layout of treatment receptacle and drainfield;

f. Unobstructed area available for the installation of the OSTDS;

g. Potable and non-potable water lines;

h. Driveways;

i. Parking areas;

j. Walkways;

k. Swimming pools;

I. Storm water drainage system;

- m. Surface water such as ponds, (existing or proposed), lakes, streams, ditches, canals or wet areas;
- n. Location and elevation of soil profiles;
- o. Benchmark on or adjacent to the property;
- p. Location of wells, onsite sewage treatment and disposal facilities or other pertinent features on adjacent properties if the features are within 200 feet of the proposed onsite sewage treatment system or well; and
- q. The site plan shall also indicate the presence of any marsh area, mangroves, cypress and wetland vegetation on the property or on adjacent properties.
- 2. For residences, a floor plan showing the number of bedrooms and the building area of each dwelling unit.
- 3. In cases where there is an extreme variation in the elevation of the lot, a topographical map of the property must be submitted.
- 4. At least two soil profiles delineating the textural classification and Munsell color of the native soil at the beginning and end of the soil absorption area to a minimum depth of six feet or refusal in accordance with USDA Soil Classification Methodology, and
- 5. The existing water table elevation and the estimated wettest season water table elevation.
- B. The owner shall be held responsible for all information supplied to the Department. The application and supporting data serve as the basis for the issuance of a construction permit. In the event of a change in any material fact given in the application which served as a basis for issuing a construction permit, the owner shall immediately file an amended application detailing such changed conditions. If the new conditions are in compliance with the standards in this Article, the construction permit shall be amended. If the new conditions are not in compliance with the standards of this Article, the permit shall be revoked.

C. New Construction, Additions or Repairs

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

Notes:

<u>Underlined</u> indicates <u>new</u> 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.

