



**DEPARTMENT OF DEVELOPMENT
PLANNING AND ZONING
Memorandum PZ 19-015**

TO: Chair and Members
Planning & Development Board

FROM: Ed Breese
Planning and Zoning Administrator

DATE: April 11, 2019

RE: Approve proposed code language establishing fertilizer use regulations (CDRV 19-004) - Amending the LAND DEVELOPMENT REGULATIONS, Chapter 4. Site Development Standards, Article I. Environmental Protection Standards, Section 4. Standards, to create use regulation for proper application of fertilizer to protect water bodies within the City, commonly referred to as the “Florida Friendly Fertilizer Use Ordinance”, and Chapter 1, Article II. Definitions. Applicant: City-initiated

EXPLANATION

The Environmental Protection Agency (EPA), as part of the Clean Water Act, adopted rules known as the National Pollution Discharge Elimination System (NPDES) for owners/operators of municipal stormwater systems. In Florida, the Department of Environmental Protection (FDEP) is tasked with the oversight and permitting of such systems. The City falls underneath a regional NPDES permit that includes the Palm Beach County government, municipalities and several improvement districts. In an effort to minimize the amount of nitrogen and phosphorous being discharged into local water bodies, the FDEP requires that all NPDES permittees adopt a local ordinance that regulates how and when fertilizer can be applied for all properties (residential, commercial, institutional, and recreational), utilizing best management practices, and requiring commercial/institutional fertilizer applicators to complete a mandatory training program. The purpose of these regulations is to improve and protect the quality of our water bodies through the reduction of algae bloom and accelerated growth of aquatic weeds caused by the introduction of phosphorous and nitrogen, resulting from improper fertilizer application.

The attached ordinance is based upon a model that was provided by FDEP and that has already been adopted by several of the municipalities in Palm Beach County. FDEP has reviewed the attached draft prepared by staff and approved it as to form and sufficiency. Adoption of the ordinance will satisfy the NPDES permit condition initiated by FDEP.

The suggested amendments can be best described below:

1. Prohibition of fertilizing when 1) the ground is saturated, 2) a Flood Watch or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect, or 3) heavy rain (2 inches or more within a 24 hour period) is likely.
2. Creation of “Fertilizer Free Zones”, which limits the application of fertilizer within ten (10) feet of any water body, or three (3) feet if a deflector shield or drop spreader is utilized.
3. Proof of licensing of Commercial Applicators by the Florida Department of Agriculture and Consumer Services prior to receiving Business Tax approval to operate within the City.

(see Attachments “A” & “B” for greater detail of the proposed regulations)

The City’s Stormwater Utility division of the Utilities Department will prepare a flyer to be placed in an upcoming utility bill mailing to inform the general public of the new regulations, as well as post information regarding the new regulations on the City’s website.

CONCLUSION / RECOMMENDATION

Staff recommends adoption of these amendments to the City code to comply with the FDEP conditions attached to the NPDES permit.

Attachments

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