



Legislation Details (With Text)

**File #:** 24-1397      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/8/2024      **In control:** City Commission  
**On agenda:** 11/4/2024      **Final action:** 11/4/2024

**Title:** ORDINANCE NO. 28-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.16, "LANDSCAPE REGULATIONS," SUBSECTION (I), "MINIMUM MAINTENANCE REQUIREMENTS," TO REMOVE EXISTING FERTILIZER USE REGULATIONS AND TO CREATE A NEW SUBSECTION (J), "FERTILIZER MANAGEMENT," TO ESTABLISH NEW FERTILIZER USE REGULATIONS AND ASSOCIATED DEFINITIONS PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. PZB Staff Report, Fertilizer Use Regulations, 3. Ordinance No. 28-24, 4. Business Impact Estimate, Ordinance No. 28-24, 5. Legal Review, Ordinance No. 28-24, 6. Proof of Legal Advertisement, Ordinance No. 28-24

Date	Ver.	Action By	Action	Result
11/4/2024	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Missie Barletto, Public Works Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** November 4, 2024

ORDINANCE NO. 28-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.16, "LANDSCAPE REGULATIONS," SUBSECTION (I), "MINIMUM MAINTENANCE REQUIREMENTS," TO REMOVE EXISTING FERTILIZER USE REGULATIONS AND TO CREATE A NEW SUBSECTION (J), "FERTILIZER MANAGEMENT," TO ESTABLISH NEW FERTILIZER USE REGULATIONS AND ASSOCIATED DEFINITIONS PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

**Recommended Action:**

Consider Ordinance No. 28-24, a City-initiated amendment to Section 4.6.16, "Landscape Regulations" of the Land Development Regulations (LDR) to adopt comprehensive fertilizer use regulations in compliance with Florida Department of Environmental Protection (FDEP) requirements.

**Background:**

The proposed ordinance adopts fertilizer use regulations required by FDEP of local governments within the watershed included in the Palm Beach County Municipal Separate Storm Sewer System Permit No. FLS 000018-004 (“MS4 Permit”). The FDEP has determined that certain water bodies within Palm Beach County are impaired by excessive nutrient levels associated with improper fertilizer use; Lake Ida and the Intracoastal Waterway are both classified as impaired. The proposed fertilizer use regulations will help reduce the higher concentrations of nitrogen and phosphorus that cause the excessive growth of algae that depletes the oxygen in the water and creates dead zones inhospitable to plant and animal life.

The attached staff report and ordinance detail the request.

On September 17, 2024, the Planning and Zoning Board voted 6 to 0 to recommend approval.

**City Attorney Review:**

Ordinance No. 28-24 has been approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Ordinance No. 28-24 will be effective immediately if adopted.