

CITY OF PUNTA GORDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING PUNTA GORDA CODE, CHAPTER 26, "LAND DEVELOPMENT REGULATIONS", ARTICLE 8, "STANDARDS OF GENERAL APPLICABILITY", SECTION 8.13, "SOIL CONSERVATION", SUBSECTION (a), ADDING A NEW PARAGRAPH (1), PROVIDING FOR A GROUNDCOVER EXEMPTION AREA AND FOR HARDSCAPING IN LIEU OF GROUNDCOVER; AMENDING ARTICLE 12 "LANDSCAPING STANDARDS", SECTION 12.4, "TYPES OF LANDSCAPING", SUBSECTION (d), "RESIDENTIAL LANDSCAPE REQUIREMENTS", PARAGRAPH (8), "GROUNDCOVER REQUIREMENT – ALL DEVELOPMENT", PROVIDING FOR A GROUNDCOVER EXEMPTION AREA AND HARDSCAPING IN LIEU OF GROUNDCOVER; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Land Development Regulations require appropriate groundcover for all developed and vacant property within the City; and

WHEREAS, a portion of the Historic District Overlay District has a tendency to flood somewhat regularly during certain weather events; and

WHEREAS, many types of groundcover do not tolerate the brackish water that tends to flood this area, thereby repeatedly killing the groundcover on some properties; and

WHEREAS, to provide some relief for these property owners to maintain their properties, a groundcover exemption area needs to be established to allow more hardscape than is presently permitted; and

WHEREAS, an amendment to Chapter 26, Sections 8.13 and 12.4 are necessary to provide for the groundcover exemption area; and

WHEREAS, pursuant to the provisions of Section 163.3194(2), Florida Statutes, the Planning Commission serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the regulations proposed herein and has found said regulations to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, THAT:

I. Chapter 26, Article 8, Section 8.13(a), of the Punta Gorda Code is hereby amended as follows: [*additions are underlined, deletions are ~~struck through~~*]

Section 8.13. Soil Conservation

(a) Except within the Groundcover Exemption Area, Aall drainage facilities as defined herein, located along the seawalls and in the rights-of-way shall be sodded. Drainage facilities located in side yards shall be sodded or planted with approved ground cover or living plants that will provide adequate drainage. Landscape plans must be designed by a qualified professional such as registered landscape architect, master gardener, certified arborist or certified landscape designer and submitted for approval along with the submission of an application for a building permit. All such plans shall be reviewed by the appropriate City departments including Public Works Engineering, Canal Maintenance, Urban Design and the Zoning Official or designee, pursuant to Article 12 of this Chapter, and approved before the issuance of a building permit.

(1) Groundcover Exemption Area is a geographical area of the City bounded on the North by W. Retta Esplanade, on the East by Cross Street, on the South by W. Virginia Ave., and on the West by Shreve Street, as delineated in the map marked Exhibit ‘A’ and attached hereto and incorporated herein by reference.

a. Within the Groundcover Exemption Area, yards may be hardscaped or xeriscaped for the entire yard area. Trees and shrubbery are required to be incorporated within the yard in accordance with the provisions herein. Plant material used within this Groundcover Exemption Area are limited to those species identified by the University of Florida IFAS Extension as native Florida Freshwater Wetland Plants or Florida Friendly Plants as pre-approved by Urban Design and the Zoning Official or designee.

***No changes to (b) through (f)*

II. Chapter 26, Article 12, Section 12.4(d) of the Punta Gorda Code is hereby amended as follows: [*additions are underlined, deletions are ~~struck through~~*]

Section 12.4(d) Residential Landscape Requirements

*** No changes to (1) through (7)*

(8) Groundcover requirement – all development:

a. Entire building site, including properties within the Groundcover Exemption Area, must be completely covered with suitable groundcovers

including but not limited to sod, organic mulch and planting beds. No exposed soils shall be permitted. Organic mulch may only be used as provided in Subsection 8(e) and in no case may exceed ten percent of any yard unless specifically permitted herein. The use of rubberized pellets is specifically prohibited.

- b. Groundcover plants shall be planted no more than 24 inches apart for 1 gallon pots or 12 inches apart for 4 inch pots. Complete coverage must be maintained within 6 months. Zoning inspections shall be made at three month intervals. Any areas with exposed soils at the end of 6 months shall be covered with sod and maintained. All groundcovers must be maintained at a height of less than 12 inches at all times.
- c. Wherever used, sod shall be installed with no gaps or overlaps, so as to present a finished appearance and prohibit erosion of the planted area.
- d. The use of any inorganic mulch, including but not limited to pebbles or shells to cover the soil surface, is not recommended. In no case may inorganic mulch exceed ten percent of any yard area not covered by the building footprint, except as specifically permitted within the Groundcover Exemption Area.
- e. Organic or inorganic mulch may only be used as necessary around trees and landscaped area and may not be used in lieu of sod or approved ground covers for lawn areas, except as specifically permitted within the Groundcover Exemption Area.
- f. Building sites exceeding ten percent organic mulch may be permitted based on a design provided by a qualified professional, such as a registered landscape architect, master gardener, certified arborist or certified landscape designer. Alternative planting plans are subject to the review and approval of Public Works.
- g. The Groundcover Exemption Area is a geographical area of the City bounded on the North by W. Retta Esplanade, on the East by Cross Street, on the South by W. Virginia Ave., and on the West by Shreve Street.
 - 1. Within the groundcover exemption area, yards may be hardscaped or xeriscaped for the entire yard area. Trees and shrubbery are required to be incorporated within the yard in accordance with the provisions herein. Plant material used within this Groundcover Exemption Area are limited to those species identified by the University of Florida IFAS Extension as native Florida Freshwater Wetland Plants or Florida Friendly Plants as pre-approved by Urban Design and the Zoning Official or designee.

*** No changes to (9) and (10).*

III. It is the declared intent of the City Council that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

IV. Any ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

V. This ordinance shall become effective immediately upon adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this _____ day of _____, 2015.

CAROLYN M. FREELAND, Mayor

ATTEST:

KAREN SMITH, City Clerk

APPROVED AS TO FORM:

DAVID M. LEVIN, City Attorney