

**CITY COUNCIL
CITY OF PUNTA GORDA
10/7/2015**

Ordinance/Resolution

Title: **ZA-09-15** - 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. **SECOND READING**

Funds: N/A

Recommended Action: City Council adoption of the ordinance at this second reading.

Summary: As discussed at the April 27, 2015 Planning Commission meeting, several developed properties within the boundaries of W. Virginia Ave., between US 41 South and Shreve St. over to W. Retta Esplanade have removed a large percentage or all of the required living groundcover and replaced it with primarily inorganic mulch material such as shell or rock.

Staff has learned that the occasional ground flooding within this area effectively kills much of the groundcover due to the occasional influx of brackish water. Larger woody plants and shrubs seem to be able to survive - and the recommendation would not include any changes to this portion of the landscape regulations. However, the ground cover does not seem to be able to survive, at least in some areas within this general boundary.

Due to the hardship faced by many property owners within this geographical area that are faced with the costs of almost annual replacement of the ground cover, an amendment to the City Code has been recommended to provide reasonable accommodation for the condition.

In reviewing the regulations regarding the use of living groundcover, most provisions are directly related to development outside of the downtown district where there are no curbs and gutters and drainage areas must be maintained on the private property and in the right-of-way.

Because of the manner in which the downtown/historic district area was developed, primarily with curb and gutter, many of the regulations are not reasonably applicable.

In the Chapter 26, Section 8.13, Soil Conservation, the limitation on the use of organic and inorganic mulch is primarily limited in the defined 'drainage areas', which includes the swale, six feet along seawalls, and three feet along each side property line. In the downtown areas, there are no swales, per se, and no seawalls.

Chapter 26, Section 12.4(d), Residential Landscape Requirements, does state that the entire building site be completely covered with groundcovers including but not limited to sod, organic mulch and planting beds. Additionally, this section states that "*In no case may inorganic mulch exceed ten percent of any yard area not covered by the building footprint*".

Without an amendment to the existing regulations, the property owners would have to remove the inorganic mulch, pavers or other hardscape and replace with groundcover or apply for a variance to the regulation.

The Planning Commission found ZA-09-15 to be consistent with the Comprehensive Plan and recommended approval; their motion carried unanimously. Staff also recommended approval of the proposed amendment. City Council approved the proposed ordinance at first reading on September 16, 2015.

Department/Division: Urban Design

EXHIBITS:

1. [Proposed Ordinance](#)

