

AN ORDINANCE PROVIDING FOR THE ADOPTION OF REGULATIONS PROMOTING THE USE OF DROUGHT TOLERANT PLANT MATERIALS; PROVIDING FOR INCENTIVES; PROVIDING FOR PROHIBITIONS LIMITING THE USE OF ST. AUGUSTINE TURF IN NEW CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. Section 16.40.060.1 of the St. Petersburg City Code is hereby amended to read as follows:

16.40.060.1 Purpose and incentives.

16.40.060.1.1 Purpose.

The purpose of this Section is to improve the appearance, environment, character and value of the total urban area within the City by protecting, promoting and maintaining a healthy, diverse and mature canopy of native and naturalized hardwood and evergreen tree species and by requiring vegetation and the installation and maintenance of vegetation on private property in a manner which conserves water.

Implementation of these requirements reduces water consumption, reduces stormwater runoff, reduces impervious surface area, increases the urban canopy, and enhances the aesthetic appearance and value of the City, thereby promoting the public health and general welfare. Water conservation shall be achieved by the selection of appropriate plant materials, the removal of nuisance and invasive vegetation, the use of water efficient landscaping and irrigation systems, and appropriate maintenance.

It is also the intention of this Section to encourage the design and use of plant materials which reduce watering requirements, for example, with less St Augustine turf and with more planting beds of drought tolerant plant materials and drought tolerant turf. To that end, this Section provides incentives for increasing the use of drought tolerant turf or planting beds and decreasing the use of St Augustine turf.

16.40.060.1.2 Incentives.

A. Commercial and residential construction permit applications approved after June 18, 2009 are eligible for a partial refund of the permit fees if the landscaping as installed does not include any St. Augustine turf.

1. For new one and two unit family residential construction, the City will refund \$150 of the permit fee paid.

2. For commercial and multifamily residential construction, the City will refund \$300 of the permit fee paid.

3. The determination of the eligibility for the refund shall be made upon the final inspection of the City

B. Commercial and residential construction permit applications received after June 18, 2009 are eligible for a waiver of the following landscape requirements if the landscape plan does not include any St. Augustine turf. A condition of the permit approval shall be that St. Augustine turf shall not be planted, or allowed to grow, on the permitted property.

1. For new one and two unit family residential construction, one of the required shade trees shall be waived.

2. For commercial or multifamily residential construction, one required interior landscape island shall be waived.

Section 2. Section 16.40.060.2.1.2 of the St. Petersburg City Code is hereby amended to read as follows:

16.40.060.2.1.2. Additional Requirements for New and Existing Properties other than One and Two Unit Properties; Ground Cover, Private Property.

Permeable portions of private property including required yards shall be maintained with an herbaceous layer of sod or ground cover plant material. Installation of St Augustine turf at a property with a new structure(s) which receives construction permits and is constructed after January 1, 2010 is limited to a maximum of 10% of the permeable area of the property.

Section 3. Section 16.40.060.2.1.4.B of the St. Petersburg City Code is hereby amended to read as follows:

16.40.060.2.1.4. Additional Requirements for New and Existing Private One and Two Unit Family Properties.

B. Ground cover, private property. Permeable portions of private property including required yards shall be maintained with an herbaceous layer of sod or ground cover plant material. Installation of St. Augustine turf at a property with a new structure which receives construction permits and is constructed after January 1, 2010 is limited to a maximum of 50% of the permeable area of the lot.

Section 4. Words that are underlined are additions to, and words that are ~~struckthrough~~ are deletions from, the St. Petersburg City Code.

Section 5. Severability. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is judicially determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this ordinance.

Section 6. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to Form and Substance:

City Attorney (designee)