

ST. PETERSBURG CITY COUNCIL

Meeting of July 23, 2009

- TO:** The Honorable Jeff Danner, Chair, and Members of City Council
- SUBJECT:** City File LDR-2009-04: Proposed amendments to the City Code Chapter 16, Land Development Regulations, regarding drought tolerant turf
- REQUEST:** The attached ordinance modifies several sections of the landscape regulations related to drought tolerant turf. These regulations do not apply to all properties in the City; they only apply to properties in the development review process, such as new construction or significant redevelopment. The attached ordinance accomplishes the following:
- Adds a statement to the purpose section specifically stating the intention of the regulations to encourage use of design principles and plant materials which reduce watering requirements
 - Adds incentives in the landscaping requirements for single family and commercial properties which do not use St Augustine turf
 - Adds restrictions in the landscaping requirements for a maximum amount of St Augustine turf which can be used, for single family property, a maximum of 10% of the permeable are of the property, for construction permit applications received by the City after July 1, 2010 and for commercial properties, a maximum of 50% of the permeable area of the lot for construction permit applications received by the City after January 1, 2011.

RECOMMENDATION:

Administration: The Administration recommends APPROVAL.

Development Review Commission: On June 3, 2009 the Development Review Commission reviewed the attached ordinance, and voted 4 to 1 to recommend APPROVAL, based on consistency with the Comprehensive Plan.

Citizen Input: Input regarding this proposed amendment was sought from representatives of the construction and development industries. Responses were received from four individuals; of those, one is in support; one suggests the changes will affect few properties in the City; and one suggests the 10% limitation for single family properties is too restrictive. The fourth individual suggests that with the restriction on St Augustine turf, a variance provision be offered to allow more St Augustine with a related cost.

Council Committee Action: The Council Public Safety and Infrastructure Committee discussed this issue twice. At their February 12th meeting, the Committee directed Administration to seek input from affected parties and

prepare an ordinance for Council review. At their May 14th meeting, the Committee reviewed and unanimously endorsed the attached ordinance to be brought to the full Council for consideration. The first reading for the ordinance was conducted with the Committee report at the May 21st City Council meeting. .

Recommended City Council Action: CONDUCT the second reading and public hearing and APPROVE the ordinance.

Attachments: Proposed Ordinance, DRC Staff Report, Housing Affordability Impact Statement

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 August 6, 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 August 6, 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, 2011 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.

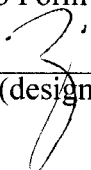
B. Ground cover, private property. Permeable portions of private property including required yards shall be maintained with an herbaceous layer of sod or ground cover plant material. Installation of St. Augustine turf at a property with a new structure which receives construction permits and is constructed after July 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)



EXECUTIVE ACTION

Staff Report to the St. Petersburg Development Review Commission

Prepared by the Development Services Department,
Urban Planning, Design and Historic Preservation Division

For Executive Action on **June 6, 2009**
at 2:00 p.m. in the City Council Chambers, City Hall,
175 Fifth Street North, St. Petersburg, Florida.

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- Subject:** **City File LDR 2009-04:** Amendments to the Land Development Regulations (LDRs), Chapter 16, City Code of Ordinances.
- Request:** This application relates to Section 16.40.060 regarding landscape requirements and proposes to create incentives for drought tolerant turf and restrictions to establish a maximum amount of non drought tolerant turf on single family and commercial property.
- Authority:** Pursuant to Section 16.80.020.1 of the City Code of Ordinances, the DRC, acting as the Land Development Regulation Commission (LDRC), is responsible for reviewing and making a recommendation to the City Council on all proposed LDR amendments.
- Background:** With drought conditions continuing and increased restrictions from the Southwest Water Management District regarding use of potable water for any purpose other than drinking water, City Council member Karl Nurse referred to the Council Public Safety and Infrastructure Committee in November 2008 the issue of amending the Land Development Regulations to decrease potable water use in landscape irrigation. Other local governments such as Pasco County have taken similar action. Addressing this issue in the Land Development Regulations means the affected properties are those seeking a development approval, such as new construction or substantial renovation. The Council PSI Committee discussed the issue at their February 12, 2009 meeting. Increased water restrictions were imposed by the Southwest Water Management District on April 3rd. Between the February 12th meeting and the May 14th PSI Committee meeting, specific language and an ordinance was drafted to accomplish the intentions of the committee. The ordinance is now submitted to the review process for formal consideration.

Analysis:

This City-initiated application is requesting to amend the Landscaping requirements in the Land Development Regulations to accomplish three things: first, add to the purpose statement the intention to encourage drought tolerant plants and discourage non drought tolerant turf; second, to provide incentives for use of plant material other than drought tolerant turf, and third, to establish a future date after which a maximum amount of non drought tolerant turf will be adopted.

This issue was referred by City Council and has been discussed at the Public Safety and Infrastructure Committee of City Council. Prior to scheduling this item for public hearing with City Council, Administration will disseminate the proposed regulations to representatives of the development industry who would be affected by the proposed restrictions, asking for input.

**Housing
Affordability
Impact
Statement:**

The proposed amendments will have no impact on housing affordability, availability or accessibility. A Housing Affordability Impact Statement is attached.

**Compliance
with the
Comprehensive
Plan:**

The following objectives and policies from the City's Comprehensive Plan are applicable to the attached proposed amendments:

Policy LU7.1: Pursuant to the requirements of Chapter 163.3202 F.S. and Chapter 9J-24 F.A.C. the land development regulations will be amended, as necessary, to ensure consistency with the goals, objectives and policies of the Comprehensive Plan.

Objective LU20: The City shall, on an ongoing basis, review and consider for adoption, amendments to existing and/or new innovative land development regulations that can provide additional incentives for the achievement of Comprehensive Plan Objectives.

GOAL-CONSERVATION (C):

The City of St. Petersburg shall protect, conserve, responsibly manage and, where appropriate, restore or enhance the quality of air, water, vegetative and land resources and natural systems in St. Petersburg. This will be achieved through the cooperation of city, county, regional, state and federal environmental agencies and with the development community.

Policies:

C4.3 The City shall encourage the public to plant and maintain trees and plants native to this region through a public education program identifying soil types and native plants suitable to each.

- C8.4 The City shall continue to implement programs that utilize xeriscape principles in conjunction with native plants and trees in public rights-of-way and other public lands, whenever practical, thereby conserving water, improving habitat for urban wildlife, conserving Central Florida flora, and improving the City's aesthetic appeal and environmental quality.
- C14.4 The City shall continue to maintain and distribute information about recommended xeriscape principles and native plants and other educational materials to increase public awareness of the need to reduce the use of potable water for irrigation and to provide habitat for wildlife in the developed landscape.
- PW4.6 The City shall encourage the public, by education, demonstration, and example, how to select, plant, and maintain native plants and trees to help reduce irrigation requirements and promote xeriscaping.

Recommendation: The Development Services Department finds that the proposed amendment to Section 16.10.020.1, Chapter 16, City Code of Ordinances, is consistent with the Comprehensive Plan and recommends **APPROVAL**.

Attachments: Proposed Amendment to the LDRs
Housing Affordability Impact Statement



City of St. Petersburg Housing Affordability Impact Statement

Each year, the City of St. Petersburg receives approximately \$2 million dollars in State Housing Initiative Partnership (SHIP) funds for its affordable housing programs. To receive these funds, the City is required to maintain an ongoing process for review of local policies, ordinances, resolutions, and plan provisions that **increase the cost of housing construction, or of housing redevelopment**, and to establish a tracking system to estimate the cumulative cost per housing unit from these actions for the period July 1 - June 30 annually. This form should be attached to all policies, ordinances, resolutions, and plan provisions which increase housing costs, and a copy of the completed form should be provided to the City's Housing and Community Development Department.

I. Initiating Department:

Development Services.

II. Policy, Procedure, Regulations, or Comprehensive Plan Amendment Under Consideration for adoption by Ordinance or Resolution:

See attached proposed ordinance (City File LDR-2009-04).

III. Impact Analysis:

- A. Will the proposed policy, procedure, regulation, or plan amendment (being adopted by ordinance or resolution) increase the cost of housing development? (i.e. more landscaping, larger lot sizes, increase fee, require more infrastructure costs up from, etc.)

No (No further explanation required)
Yes Explanation:

If yes, the **per unit cost increase** associated with this proposed policy change is estimated to be by \$_____.

- B. Will the proposed policy, procedure, regulation, plan amendment, etc. increase the time needed for housing development approvals?

No (No Further explanation required)
Yes Explanation:

IV. Certification

It is important that new local laws which could counteract or negate local, state and federal reforms and incentives created for the housing construction industry receive due consideration. If the adoption of the proposed regulation is imperative to protect the public health, safety and welfare and, therefore, its purpose outweighs the need to continue the community's ability to provide affordable housing, please explain below:

CHECK ONE:

- The proposed regulation, policy, procedure, or comprehensive plan amendment will **not** result in an increase to the cost of housing development or redevelopment in the City of St. Petersburg and no further action is required. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development Department.)

Department Director (signature)

7/6/09
Date

OR

- The proposed regulation, policy, procedure, or comprehensive plan amendment being proposed by resolution or ordinance *will increase housing costs* in the City of St. Petersburg. (Please attach this Impact Statement to City Council Material, and provide a copy to Housing and Community Development Department.)

Department Director (signature)

Date

Copies to: Eva Andujar, City Clerk
 Joshua A. Johnson, Director of Housing & Community Development