ORDINANCE NO. 421

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA AMENDING ARTICLE V OF THE LAND DEVELOPMENT REGULATIONS, PROVIDING FOR WATER EFFICIENT LANDSCAPING PRACTICES, PROVIDING FOR DEFINITIONS, PROVIDING FOR PLANNING AND DESIGN REQUIREMENTS, PROVIDING FOR WATER USE, PROVIDING FOR IRRIGATION SYSTEM MAINTENANCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA AS FOLLOWS:

1. Section 1. Article V of the land development regulations of the City of Port St. Joe is hereby amended to add Section V.13, Water Efficient Landscaping Practices as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

2. REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. EFFECTIVE DATE: This ordinance shall become effective upon passage by the City Commission.

4. SEVERABILITY: If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this 7 day of July, 2009.

THE CITY OF PORT ST. JOE

By: _____
MEL C. M AGIDSON, JR.,
MAYOR-COMMISSIONER

ATTEST:

_____
CITY CLERK

The following commissioners voted yea: 5
The following commissioners voted nay: 0

Sec. 5.13. **Water efficient landscaping practices.**

(a) The purpose of these regulations is to establish minimum standards for the development, installation, and maintenance of landscaped areas without inhibiting creative landscape design. This article requires specific water conservation measures including the preservation of natural vegetation where applicable. It is the intent of this article, therefore, that the establishment of these minimum requirements and the encouragement of resourceful planning be incorporated to promote the public health, safety, and general welfare in the areas of water conservation and preservation.

This article is intended to supplement the Land Development Code. Water requirements may be reduced by providing for:

- The preservation of existing plant communities;
- The re-establishment of native plant communities;
- The use of site specific plant materials;
- The use of water efficiency in landscaping;
- Other site development concepts.

(b) The provisions of this article shall apply to the development, redevelopment, or rehabilitation of all property within present or future incorporated areas of the city. It shall also apply to the replacement of more than fifty (50) percent of the existing landscape on any existing development. No permit shall be issued for building, paving, or tree removal while building or paving, unless the water-efficiency actions included within the landscape plan comply with the provisions hereof. Completion of the requirements of the landscape plan shall occur within 180 days of the issuance of a certificate of occupancy

(c) For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.
Automatic controller. A mechanical or electronic timer, capable of operating valve stations to set the days and length of time of water application.
Emitter. Devices which are used to control the applications of irrigation water. This term is primarily used to refer to the low flow rate devices used in micro irrigation systems.
Ground cover. Plants, other than turfgrass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.
Infiltration rate. The rate of water entry into the soil expressed as a depth of water per unit to time (inches per hour).
Irrigation system. A permanent, artificial watering system designed to transport and distribute water to plants.
Landscaped area. The entire parcel less the building, footprint, driveways, non-irrigated portions of parking lots, landscapes such as decks and patios, and other non-porous areas. Water features are included in the calculation of the

landscaped area. This landscaped area includes Xeriscape as defined in 373.185(1)(b), F.S.
Landscaping. Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).
Microirrigation (low volume). The frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation.
Mulch. Non-living, organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.
Naturally occurring existing plant communities. See vegetation, native.
Pervious paving materials. A porous asphaltic or concrete surface and a high-void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.
Plant communities. A natural association of plants that are dominated by one (1) or more prominent species, or a characteristic physical attribute.
Rain sensor device. A low voltage electrical or mechanical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.
Runoff Water which is not absorbed by the soil or landscape to which it is applied and flows from the area.
Site specific plant. A selection of plant material that is particularly well suited to withstand the physical growing conditions that are normal for a specific location.
Soil texture. The classification of soil based on the percentage of sand, silt, and clay in the soil.
Turf and/or turfgrass. Continuous plant coverage consisting of grass species suited to growth in this area.
Valve. A device used to control the flow of water in the irrigation system.
Vegetation, native. Any plant species with a geographic distribution indigenous to all, or part, of the State of Florida.
Water use zone. A grouping of sprays, sprinklers, or microirrigation emitters so that they can be operated simultaneously by the control of one (1) valve according to the water requirements of the plants used.

(d) When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, expansion or change in use of a previously developed site is such that site plan review by the city is required prior to the issuance of a building permit, the provisions of this article shall be applied to such site. Any such construction or development activity requiring said site plan or landscape plan which requires local approval shall be designed to be consistent with the water-efficient landscaping standards established herein and submitted in compliance with the requirements of state law.

(1) Planning and design. For any development other than the development of a single family or duplex residential lot, landscaping plan shall be prepared by a person knowledgeable of Florida plant materials, plant communities, and landscape and irrigation principles. An owner or owner's agent may prepare a landscape plan for a single family or duplex residential lot. The plan shall identify all vegetated areas to be preserved. Installed trees and plant materials shall be grouped together into zones according to water use needs. The water use zones shall correlate to the water use zone designations of plants listed in the recommended plant guide of this article. Plants with similar water and cultural (soil, climate, sun, and light) requirements should be grouped together and irrigated based on their water requirements. The water use zones shall be shown on the landscape plan. Newly installed plants may require regular, moderately applied watering for the first year to become established. Installed trees and vegetation shall be spaced and located to accommodate their mature size on the site. The water use zones are as follows:
High water use zone --An area of the site limited to a maximum of fifty (50) percent of the total landscaped area. Plants and turf types which, within this area, are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turfgrass varieties.
Moderate water use zone --Plants which survive on natural rainfall with supplemental water during seasonal dry periods. This zone includes deep rooted turfgrass varieties.
Low water use zone --Plants which survive on natural rainfall without supplemental water. Because of the relatively high water requirements of turf grass, no presently available varieties are included in this category.
Due to the preferred use of pervious surfaces and areas, impervious surfaces and materials within the landscaped area shall be limited to borders, sidewalks, step-stones, and other similar materials, and shall not exceed five (5) percent of the landscaped area.

(2) Soil analysis. Soils will vary from site to site and even within a given site. A soil analysis based on random sampling as recommended by the Gulf County Extension Service is recommended and will provide information that will enable proper selection of plants and, if needed, soil amendments.

A soil analysis satisfying the following conditions may be submitted as part of the landscape plan.
- Determination of soil texture, indicating the percentage of organic matter.
- Measurement of pH, and total soluble salts.

The soils map which is a part of the City of Port St. Joe Comprehensive Plan may be used to provide soils analysis.

(3) Appropriate plant selection. Plant selection should be based on the plant's adaptability to the landscape area, desired effect, color, texture, and ultimate plant size. Plants shall be grouped in accordance with their respective water

and maintenance needs. The protection and preservation of native species and natural areas is required. Therefore, all landscaped areas shall include the placement of plant materials which are native to the area as listed in the following University of Florida Cooperative Extension Service publications:

- "Native Florida Plants For Home Landscapes"
- "Conserving Water in the Home Landscape"
- "Drought Tolerant Plants for North and Central Florida"
- If approved by the PDRB, other appropriate printed lists for the selection of plants.

The minimum percentage of native plant materials required within the landscaped area is seventy five (75) percent).
Plant material shall be selected that is best suited to withstand the soil and physical growing conditions which are found in the microclimate of each particular location on a site. Plant species that are freeze and drought tolerant are preferred. Plants having similar water use shall be grouped together in distinct water use zones.
Due to the adverse impact upon landscaped areas caused by certain invasive plant species, the placement or use of any of the following plants is prohibited:

- Eichhornia crassipes (water-hyacinth)
- Hydrilla verticillata (hydrilla)
- Hygrophila polysperma (green hygro)
- Imperata cylindrical (cogon grass)
- Ipomoea aquatica (water-spinach)
- Mimosa Pigra (catclaw mimosa)
- Pistia stratiotes (water-lettuce)
- Sapium sebiferum (popcorn tree, Chinese tallow tree)
- Solanum torvum (turkey berry)
- Solanum vi arum (tropical soda apple)

Certain controlled species which are invasive and disruptive to native plant species may be incorporated into a landscape plan, but only in areas which will be frequently pruned or mowed:

- Albizia julibrissin (mimosa, silk tree)
- Ardisia crenulata (=A.crenata)(coral ardisia) • Ardisia elliptica (=A.humilis) (shoebutton ardisia)
- Brachiaria mutica (Para grass)
- Cestrum diurnum (day jasmine)
- Cinnamomum camphora (camphor-tree)
- Colocasia esculenta (taro)
- Colubrina asiatica (lather leaf)
- Eugenia uniflora (Surinam cherry)
- Hymenachne amplexicaulis (West Indian marsh grass)
- Jasminum dichotomum (Gold Coast jasmine)
- Jasinum fluminense Gasmine)
- Lantana camara (lantana)
- Ligustrum sinense (hedge privet)

•Lonicera j aponica (Japanese honeysuckle)
•Lygodiumjaponicum (Japanese climbing fern)
•Macfadyena unguis-cati (eat's claw)
•Melia azedarach (Chinaberry)
•Nephrolepis cordifolia (sword fern)
•Neyraudia reynaudiana (Burma reed; cane grass)
•Oeceoclades maculate (ground orchid)
•Paederia foetida (skunk vine)
•Pennisetum purpureum (Napier grass)
•Pueraria Montana (=P.1obata)(kudzu)
•Rhodomyrtus tomentos (downy rose myrtle)
•Rhoeo spathacea (=R.discolor)(oyster plant)
•Scaevola taccada var. service (=S.frutescens; =S.sericea)(scaevola, half-flower, beach naupaka)
•Tectaria incise (incised halberd fern)
•Tradescantia fluminensis (white-flowered wanderingjew)

(4) Practical turf areas. The type, location, and shape of turf areas shall be selected in the same manner as with all the other plantings. Turf shall not be treated as a fill-in material but rather as a major planned element of the landscape. Since many turf varieties require supplemental watering at frequencies different than the other types of landscape plants, turf shall be placed so that it can be irrigated separately. While turf areas provide many practical benefits in a landscape, how and where it is used can influence wateruse. The use of drought tolerant turf is preferred over the traditional turf grass varieties. If drought tolerant varieties are used, then turf areas are considered as part of the moderate water use zones thereby increasing ground coverage limits as set forth in subsection (1) above. Drought resistant varieties of turf, including Bahia and St. Augustine FX **-10** are encouraged. The use of other appropriate grass types, including experimental varieties is also preferred. Large turf areas, not subject to erosion, such as playfields, may be grassed with methods other than sod if approved during plan review. Turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, or provide soil erosion control such as on slopes or in swales; and where turfgrass is used as a design unifier, or other similar practical use. Turf areas shall be identified on the landscape plan.

(5) Efficient irrigation. If a landscape requires regular watering or if an irrigation system is desired, the system should be well planned and managed. Water can be conserved through the use of a properly designed and managed irrigation system.

The irrigation system shall be designed to correlate to the organization of plants into zones as described in subsection (1) above. The water use zones shall be shown on the irrigation plan. Irrigation shall be required as follows:

High water use zone --All portions of high water use zones shall be provided with central automatic programmable irrigation systems.
Moderate water use zone --All portions of moderate water use zones shall be provided with a readily available water supply within one hundred (100) feet.
Low water use zone --All portions of low water use zones shall be provided with a readily available water supply within two hundred (200) feet.
Retained trees, shrubs and native plant communities shall not be required to be irrigated, unless determined necessary by the reviewing department.
Turfgrass areas shall be irrigated on separate irrigation zones from tree, shrub, and ground cover beds.
Reclaimed or non-potable water may be used for irrigation if an acceptable source is determined to be available by the city manager.
Moisture sensor and/or rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. Said equipment shall consist of an automatic mechanical or electronic sensing device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
The use of low volume emitters or target irrigation is required for trees, shrubs and ground covers so as to minimize irrigation overthrow onto impervious surfaces. Irrigation should not be scheduled to operate between 10:00 a.m. and 4:00 p.m. Irrigation is discouraged when the wind speed exceeds ten (10) m.p.h.

(6) Use of mulches. Mulches applied and maintained at appropriate depths in planting beds will assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch can also be used in places where conditions aren't adequate for, or conducive to, growing quality turf or ground covers. Mulches are typically wood bark chips, wood grindings, pine straw, nut shells, and shredded landscape clippings.
A layer of organic mulch to a minimum of two (2) inches shall be required in plant beds. Mulch shall not be required in annual beds.

(7) Appropriate maintenance.
Landscapes should be maintained to ensure water-efficiency. A regular maintenance schedule should include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting the automatic controller according to the season; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning, and weeding in all landscaped areas.

(e) To assist in public information, the education of its citizens, and the effective implementation of this article, the city will coordinate its efforts with those of the Northwest Florida Water Management District and the Gulf County Agricultural Extension Service or other agencies. In conjunction with the agencies, the city may

jointly sponsor regular workshops and/or short courses on the design principles and standards of water-efficient landscaping.

(f) Any development/landscape plan which incorporates the minimum water-efficient design principles and standards established by this article will be granted special staff consideration and will be expedited through the landscape review portion of the site-plan review process.

(g) Implementation and enforcement of these regulations shall consist of:

(1) Certification. For any development other than a single family or duplex residential lot, a responsible party knowledgeable of Florida plant materials, plant communities, and landscape and irrigation principles shall conduct a final field observation and shall provide a certificate of substantial completion or demonstrate compliance of the ordinance to the city.

(2) Inspections. The city code enforcement officer or designated inspectors shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this article, in order to determine if applicable provisions of the Code of Ordinances and regulations relating to water-efficient landscaping are being followed. Inspections may be made upon 24 hours notice to the property owner, and refusal to allow such an inspection shall be deemed a violation of this article. Such failure to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant for the purpose of inspecting, surveying or examining said premises.

(h) Any person violating the provisions of this article shall, upon conviction, be punished as provided in section 1-15 of the City of Port St. Joe Code of Ordinances.

(i) As provided in section 2.14 of the Code, the PDRB is hereby authorized to grant variances and special exceptions.

(j) Whenever regulations or restrictions imposed by this article conflict with other ordinances or regulations, or are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern. Regardless of any other provision of this article, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

(k)

(1) Lots on which single-family home or duplex is already constructed and approved for occupancy are exempt from the provisions of these landscaping regulations unless they are redeveloped or lose their status as a

conconforming use or structure. This exemption shall not be construed to apply to new or redeveloped residential subdivisions or other residential developments that require site plan approval. Any new development or redevelopment of any residential use is subject to the requirements adopted herein.

(2) The use of hand watering and portable sprinklers are exempt from these provisions;

(3) Specialized athletic fields such as baseball fields are exempt from these provisions; The remainder of the grounds, other than the fields, however, shall comply with the requirements of this ordinance.

(4) Non-irrigated areas are exempt from these provisions.

(5) Areas that are irrigated with shallow sand-and-gravel aquifer well water are exempt from the requirements of this section 5.13.