

ORDINANCE NO. 76-21

AN ORDINANCE AMENDING THE INDEX OF CHAPTER 17C OF THE CODE OF THE TOWN OF LONGBOAT KEY; AMENDING THE DEFINITION OF "TREE" IN SECTION 17C-19; AMENDING THE SPECIAL CONDITIONS OF SECTION 17C-20; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY:

Section 1. That the index of Article II of Chapter 17C of the Code of the Town of Longboat Key is amended to read:

Article II Tree and Mangrove Removal and Trimming

S 17C-16 Requirements for removal

S 17C-17 Investigation of application

S 17C-18 Application fee

S 17C-19 "Tree"

S 17C-20 Special Conditions

S 17C-21 Penalty

Section 2. That Section 17C-19 of Article II of Chapter 17C of the Code of the Town of Longboat Key is amended to read:

Section 17C-19 "Tree" defined

A "tree" is defined as any self-supporting woody plant having a diameter of four (4) inches or more measured four and one-half (4-1/2) feet above ground level in the environs of the Town of Longboat Key and which provides shade or is capable of providing shade at maturity.

Section 3. That Section 17C-20 of Article II, Chapter 17C of the Code of the Town of Longboat Key is amended to read:

Section 17C-20 Special Conditions

(a) Any tree, other than an oak tree and other than mangroves as provided for in Paragraph (c) of this section, located on a parcel of improved single family residential land provided such

tree is located on the premises of an individual resident owner, and further provided such property is not being prepared for the development of a subdivision or other non single-family residential use, is specifically exempt from the requirements of Section 17C-16 of this Article II.

(b) Subject to the provisions of Section 10-13 of Article III of Chapter 10 of the Code of the Town of Longboat Key relating to the clearing of overgrowth, it shall be unlawful for any person, corporation or agent in the trimming of any tree as normal maintenance or otherwise to so trim such tree as to cause mutilation of such tree or to trim more than fifty percent (50%) of the leaves, limbs and foliage of such tree existing or which would exist if such tree were not disturbed or previously trimmed during or after the same growing season.

(c) Subject to the provisions of Section 10-13 Article III of Chapter 10 of the Code of the Town of Longboat Key insofar as it pertains to keeping canals or other navigable waterways or man-made drainage ditches clear of overgrowth, it shall be unlawful for any person, corporation or agent in the absence of a seawall at or adjacent to the mean high water line of any wetland in the Town of Longboat Key to remove or mutilate mangroves of all species or other plant life important to shoreline ecology, except for trimming as permitted in Sec. 17C-20 (b), within a distance of four (4) feet upland of said mean high water line without first applying for and obtaining a permit to do so from the Town Manager setting forth the extent of such permissible operation.

(d) Any person, corporation or agent who feels aggrieved by the strict enforcement of this Article II by any administrative official may file, within five (5) days after the said aggrievement, a petition to have his case reviewed and acted upon by the Town Commission, whose decisions on all matters shall be final.

Section 4. All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

Section 6. This ordinance shall take effect upon second reading in accordance with law, and the Charter of the Town of Longboat Key.

Passed on first reading this 17th day of November, 1976.

Passed and adopted finally on second reading this 1st day of December, 1976.


Mayor

Attest:


Town Clerk