

ORDINANCE NO. 90-33

D.4

AN ORDINANCE AMENDING CHAPTER 98 TREES, OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY; AMENDING SECTION 98.03 REQUIREMENTS FOR REMOVAL, APPLICATION PROCEDURES, PARAGRAPHS (A) AND (B); AMENDING SECTION 98.07, PROTECTION OF TREES, PARAGRAPH (A); AMENDING SECTION 98.09 TREE TRIMMING, PARAGRAPHS (A) AND (B), AND DELETING PARAGRAPH (C) IN ITS ENTIRETY; AMENDING CHAPTER 96, HEALTH AND SANITATION, BY ADDING A NEW PARAGRAPH (B) TO SECTION 96.12 DUTY TO KEEP PREMISES CLEARED; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, mangroves play an important role in neutralizing the polluting effects of storm water runoff which passes from uplands through mangrove estuaries to tidal waters of our bay; and

WHEREAS, the Town of Longboat Key and its residents recognize the environmental values of those species of trees known collectively as mangroves; and

WHEREAS, the protection and nurturing of these species is of paramount importance to our natural environment; and

WHEREAS, unauthorized trimming or cutting of mangroves is potentially very hazardous and often fatal to these important trees; and

WHEREAS, mangrove vegetation borders much of the estuarine shoreline of Longboat Key; and

WHEREAS, mangrove vegetation helps to protect the shoreline against erosion; and

WHEREAS, mangroves provide habitat for a diverse community of plant and animals including endangered species which rely upon the mangrove habitat for food, breeding and shelter; and

WHEREAS, mangroves play a fundamental role in estuarine nutrition by producing concentrations of organic matter which is utilized by marine organisms within the food chain; and

WHEREAS, mangroves provide a dependable winter resting ground for a host of species of migratory birds; and

WHEREAS, mangroves are aesthetically appealing and the utilization of mangroves in waterfront landscapes is an activity which the Town of Longboat Key wishes to encourage; and

WHEREAS, waterfront property owners can live in harmony with mangroves by use of selective modification of the vegetative growth.

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THAT: NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY

SECTION 1. Chapter 98, TREES, of the Code of Ordinances of the Town of Longboat Key, Section 98.03, REQUIREMENTS FOR REMOVAL, APPLICATION PROCEDURES, is hereby amended by deleting paragraph (B) in its entirety, by adding a heading to paragraph (A) and by adding a new paragraph (B) as follows:

- (A) Tree Removal, Other Than Mangroves.
- (B) Mangrove Removal. Mangroves shall only be removed with a permit from the appropriate State agencies and in accordance with the provisions of Section 96.12.

SECTION 2. Chapter 98, TREES, of the Code of Ordinances of the Town of Longboat Key, Section 98.07, PROTECTION OF TREES, paragraph (A) is hereby amended to read as follows:

- (A) During and/or prior to the land clearing stage of development, the owner, builder or developer shall clearly mark all trees for which a tree removal permit has not been issued and shall erect barriers for the protection of the trees to be preserved no closer than 10 feet from any tree (as defined in this chapter). To protect the root systems of all trees to be saved, clearing of vegetation within the barriers will be accomplished by the use of hand tools. The owner or developer shall not cause or permit the movement of equipment or the storage of equipment, material, debris or fill to be placed within the required protective barrier.

Barriers shall consist of three rows of survey ribbon on 1"x2"x4' stakes. Silt screens shall be required where mangroves or wetlands could be affected by construction or runoff from construction.

SECTION 3. Chapter 98, TREES, of the Code of Ordinances of the Town of Longboat Key is amended in Section 98.09, TREE TRIMMING, to delete it in its entirety and is replaced with a new Section 98.09 as follows:

98.09 TRIMMING

- (A) Mangrove Trimming.

(1) It is unlawful for any person, corporation or agent to trim mangroves of all species without first having obtained a permit from the town.

(2) Subject to the provisions of Section 96.12 relating to the clearing of overgrowth, it is unlawful for any person, corporation or agent in the trimming of any mangrove as normal maintenance or otherwise to so trim a mangrove as to cause mutilation of the mangrove to the extent that its health or function are significantly impaired or to remove more than 25% of the total leaf area (canopy) of any mangrove in any one year. No more than 35% of the total leaf area of Red and Black Mangroves may be removed in a five-year period.

(3) The following information shall be submitted to the Town Manager or his designee for the consideration of issuance of a mangrove trimming permit:

(a) Plan indicating location, height and species of mangroves to be trimmed.

(b) A statement as to the extent of the proposed trimming, the proposed date of said trimming and the reasons as to why the mangroves are to be trimmed.

(c) Information as to the timing and extent of the last previous trimming of said mangroves.

(d) Any other material or information deemed necessary by town officials in reviewing the criteria set out in Section 98.04.

(4) Standards for Approval or Denial of Application. The Town Manager or his designee shall consider and balance the following factors:

(a) Whether the project will adversely influence or affect the public health, safety, welfare or property of others;

(b) whether the project will adversely influence or affect the conservation of fish or wildlife or their habitats;

(c) whether the project will adversely influence or affect the fishing, recreational values or marine productivity of the vicinity of the project; and

(d) whether there are any reasonable alternatives other than disturbing or altering mangroves;

(e) whether the applicant has demonstrated there are no practicable alternatives to the requested activity.

(B) Trimming Other Than Mangroves.

(1) Subject to the provisions of Section 96.12 relating to the clearing of overgrowth, it is unlawful for any person, corporation or agent in the trimming of any tree as normal maintenance or otherwise to so trim a tree as to cause mutilation of the tree to the extent that its health or function are significantly impaired or to remove more than 50% of the leaves, limbs, and foliage of the trees in any three-year period.

SECTION 4. Chapter 96, HEALTH AND SANITATION, of the Code of Ordinances of the Town of Longboat Key, is hereby amended by adding a new paragraph (B) to Section 96.12, DUTY TO KEEP PREMISES CLEARED, as follows:

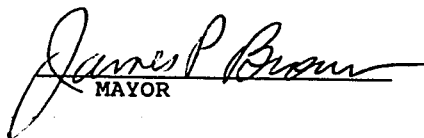
- (A) For the purpose of promoting the health, safety, and welfare of the people of the town, every owner of a lot or parcel of land adjacent to a public street or road right-of-way, canal, or other navigable waterway, is required to keep the land cleared of all overgrowth of trees and shrubs which interfere with vehicular traffic or boat navigation, create a hazard to vehicular traffic or boat navigation and endanger the lives and property of the citizens of the town, or which tend to create a nuisance or other unsightly condition.
- (B) Trees (including mangroves) may be trimmed only in accordance with the procedure described in Section 98.09. If determined by the Town Manager or his designee that trimming of mangroves must be in excess of the limits allowed by Chapter 98 or removal of mangroves is required, then a permit must be obtained from the appropriate State agencies and the town in accordance with Section 98.09(A)(1)(3)(4).

SECTION 5. All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

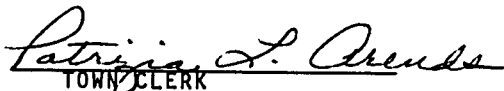
SECTION 6. This ordinance shall take effect upon second reading in accordance with law and the Charter of the Town of Longboat Key.

Passed on first reading this 17th day of January, 1991.

Passed and adopted finally on second reading this 4th day of February, 1991.


MAYOR

ATTEST:


TOWN CLERK

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