

1976 TOWN CODE

Chapter 17C

SHRUBS AND TREES

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ARTICLE I. IN GENERAL

Secs. 17C-1—17C-15. Reserved.

ARTICLE II. TREE REMOVAL

Editor's note—Ord. No. 74-21, adopted July 24, 1974, did not expressly amend this Code, hence inclusion of §§ 1—6 thereof as Art. II, §§ 17C-16—17C-21, was at the discretion of the editors.

Cross reference—Overgrowth of trees and shrubs, § 10-12 et seq.

Sec. 17C-16. Requirements for removal.

It shall be unlawful for any person, corporation or agent to remove any tree as defined herein until a request has been submitted to the town commission of the Town of Longboat Key in writing on a form provided by the town manager, and accompanied with the following information:

- (1) An overall site plan including the approximate shape and dimensions of the lot or parcel of land, together with existing and proposed driveways, structures and improvements.
- (2) The approximate location of all trees, as defined herein, which trees shall be identified as to type and species.
- (3) The designation of all trees which are to be removed.

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- (4) A statement as to why said trees are to be removed.
- (5) A statement as necessary, explaining how any standing trees or trees to be relocated as part of a development project are to be protected during the construction of the development. (Ord. No. 74-21, § 1, 7-24-74)

Sec. 17C-17. Investigation of application.

After an application for removal of trees has been filed, said application shall be checked by the building and zoning official who will review and consider what effects the removal of said trees will have upon the drainage, topography and the natural resources of the affected area prior to granting or denying said application. Based upon a review of these factors, the application shall be approved or denied. (Ord. No. 74-21, § 2, 7-24-74)

Sec. 17C-18. Application fee.

Application for tree removal permits filed with the town manager shall be accompanied by a fee of five dollars (\$5.00). Such fees are hereby declared to be necessary for the purpose of processing the application and making the necessary inspections for administration and enforcement of this article. (Ord. No. 74-21, § 3, 7-24-74)

Cross reference—Inspection fee for improvements, § 19-4.1.

Sec. 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 (4½) 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. (Ord. No. 74-21, § 4, 7-24-74; Ord. No. 76-21, § 2, 12-1-76)

Sec. 17C-20. Special conditions.

(a) Any tree, other than an oak tree and other than mangroves as provided for in subsection (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 (50) per cent 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.

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(c) Subject to the provisions of section 10-13 of 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 waterline 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 subsection (b) of this section, within a distance of four (4) feet upland of said mean high waterline 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. (Ord. No. 74-21, § 5, 7-24-74; Ord. No. 76-21, § 3, 12-1-76)

Sec. 17C-21. Penalty.

Any person found guilty of violating any provisions of this article or any order issued pursuant thereto shall upon conviction thereof be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days, with each day of such violation constituting a separate offense. (Ord. No. 74-21, § 6, 7-24-74)

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