

ORDINANCE 2025-04

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, MODIFYING AND AMENDING TITLE 9 GENERAL REGULATIONS, CHAPTER 98: TREE CODE; AMENDING SECTION 98.02, DEFINITIONS; MODIFYING, AMENDING AND RENAMING SECTION 98.05, EXEMPTION FOR IMPROVED SINGLE-FAMILY LOTS; PROVIDING FOR EXEMPTIONS FROM THE TREE CODE; MODIFYING AND AMENDING SECTION 98.10, PETITION FOR REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key (Town) is a barrier island with unique natural attributes; and

WHEREAS, the Town's Trees Code serves to protect trees within the Town and considers them as desirable and essential to the present and future health, safety, and welfare of the citizens of Longboat Key; and

WHEREAS, the Town recognizes that protecting existing trees, encouraging the planting of trees other than trees that are nuisances, and maintaining and enhancing tree canopy within the Town enhances the quality of life throughout the island; and

WHEREAS, Section 98.05 of the Trees Code currently provides an exemption from the Tree Code requirements that does not address impacts related to natural disasters; and

WHEREAS, due to significant coastal flooding damage experienced within the Town during the 2024 hurricane season that resulted in widespread damage to plants, trees and structures, the Town desires to amend its Trees Code to allow property owners that have had storm or other natural disaster related impacts to their plants and trees to be exempt from tree permitting requirements; and

WHEREAS, on April 7, 2025, the Town Commission conducted a duly noticed initial hearing on the proposed Trees Code amendment; and

WHEREAS, on May 5, 2025, the Town Commission conducted a duly noticed second public hearing on the proposed Trees Code amendment, and the Town Commission approved the amendments.

WHEREAS, the Town Commission of the Town of Longboat Key finds it in the best interest of the health, safety, and welfare of the citizens of Longboat Key to modify the Code of Ordinances relating to the subject of tree permitting exemptions for natural disasters; and

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

SECTION 1. The above recitals are true and correct and are hereby incorporated fully by reference.

SECTION 2. Chapter 98, Trees, Section 98.02, is hereby modified to read:
98.02- Definitions.

"Natural disaster." Any natural emergency that causes damage within the Town of Longboat Key of sufficient severity and magnitude to result in a declaration of a state of emergency by Sarasota or Manatee Counties, the Governor, or the President of the United States.

SECTION 3. Chapter 98, Trees, Section 98.05, is hereby modified to read:

98.05- Exemptions ~~for improved single-family lots.~~

(A) Improved single-family lots are exempt from the tree removal permit provisions as set forth in ~~s~~Section 98.06, but not from the regulations for protected tree species under state or federal law.

(B) Trees that have died or have been severely damaged as a result of a natural disaster are exempt from the tree removal permit provisions as set forth in Section 98.06, but not from the regulations for protected tree species under state or federal law.

(C) The Town shall recognize other applicable exemption(s) pre-empted by state or federal law.

SECTION 4. Chapter 98, Section 98.10, is hereby modified to read:

98.10 – Petition for review.

Any person who is aggrieved by the enforcement of this ~~e~~Chapter by any administrative official shall, within 30 days, file a petition with the ~~z~~Zoning ~~b~~Board of ~~a~~Adjustment. The form of the appeal shall comply with ~~s~~Section 158.0207 of the Town's Zoning Code.

SECTION 5. Providing for Severability. 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. Repeal of Ordinances in Conflict. All other ordinances of the Town of Longboat Key, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 7. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key.

SECTION 8. Effective Date. This Ordinance shall take effect upon adoption, as provided by law.

Passed on the first reading and public hearing on the 7th day of April, 2025.

Adopted on second reading and public hearing on the 5th day of May, 2025.

ATTEST:

/s/ Kenneth Schneier
Kenneth Schneier, Mayor

/s/ Trish Shinkle
Trish Shinkle, Town Clerk