

**ORDINANCE 2012-15**

**AN ORDINANCE AMENDING THE ZONING CODE OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING CHAPTER 158, ZONING CODE, ARTICLE I, GENERAL PROVISIONS, SECTION 158.152, WALLS, FENCES, HEDGES, BERMS, LANDSCAPE LOGS AND FIREWOOD, BY AMENDING SUBSECTION (B) SIDE AND REAR YARDS, TO LIMIT TO SIX (6) FEET HEDGES LOCATED IN PORTIONS OF CERTAIN REQUIRED SIDE YARDS ADJACENT TO WATERFRONT YARDS IN THE REGULATION; AMENDING THE APPENDIX TO THE ZONING CODE BY ADDING SECTION 12: SIDE YARD HEDGE HEIGHT WAIVER PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Longboat Key is a place of exceptional natural beauty, which is an important reason people enjoy living, visiting, and working on the island; and

**WHEREAS**, waterfront views make a significant contribution to our perception of the beauty of Longboat Key; and

**WHEREAS**, through the regulation and enforcement of landscaping maintenance codes, the Town wishes to increase the beautification of the island and protect property values; and

**WHEREAS**, the Town of Longboat Key Zoning Code does not regulate the height of hedges in required side yards in Section 158.152(B); and

**WHEREAS**, to protect waterfront views, the Town wishes to restrict the height of hedges located within required side yards located adjacent to waterfront yards; and

**WHEREAS**, the Planning and Zoning Board finds that the subject Zoning Code amendment is consistent with the Town of Longboat Key Comprehensive Plan; and

**WHEREAS**, the Town Commission of the Town of Longboat Key finds that the proposed code amendments are in the best interest of the Town and consistent with the Town's comprehensive Plan.

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

Section 1. The Whereas clauses above are ratified and confirmed as true and correct.

Section 2. Chapter 158, *Zoning Code*, Article IV, *General Regulations*, Division 2, *Lot, Yard and Bulk Regulations*, Section 158.152, *Walls, fences, hedges, berms, landscape logs and firewood*, subsection (B), *Side and Rear Yards*, is hereby amended as follows:

(B) Side and Rear Yards. All walls or fences, within the required side or required rear yards shall not exceed six feet in height. Where two adjacent properties each contain dwelling unit(s) and both have waterfront yards, hedges located in the side yards shall not exceed six feet in height from a point parallel to the waterside of the more landward of the two occupied structures in accordance with the diagram appended to this Chapter as section 12.

Section 3. Chapter 158, *Zoning Code*, is hereby amended by adding Appendix Section 12, *Side Yard Hedge Height Waiver*, attached as Exhibit "A".

Section 4. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 5. All ordinances or 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 the first reading and public hearing this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

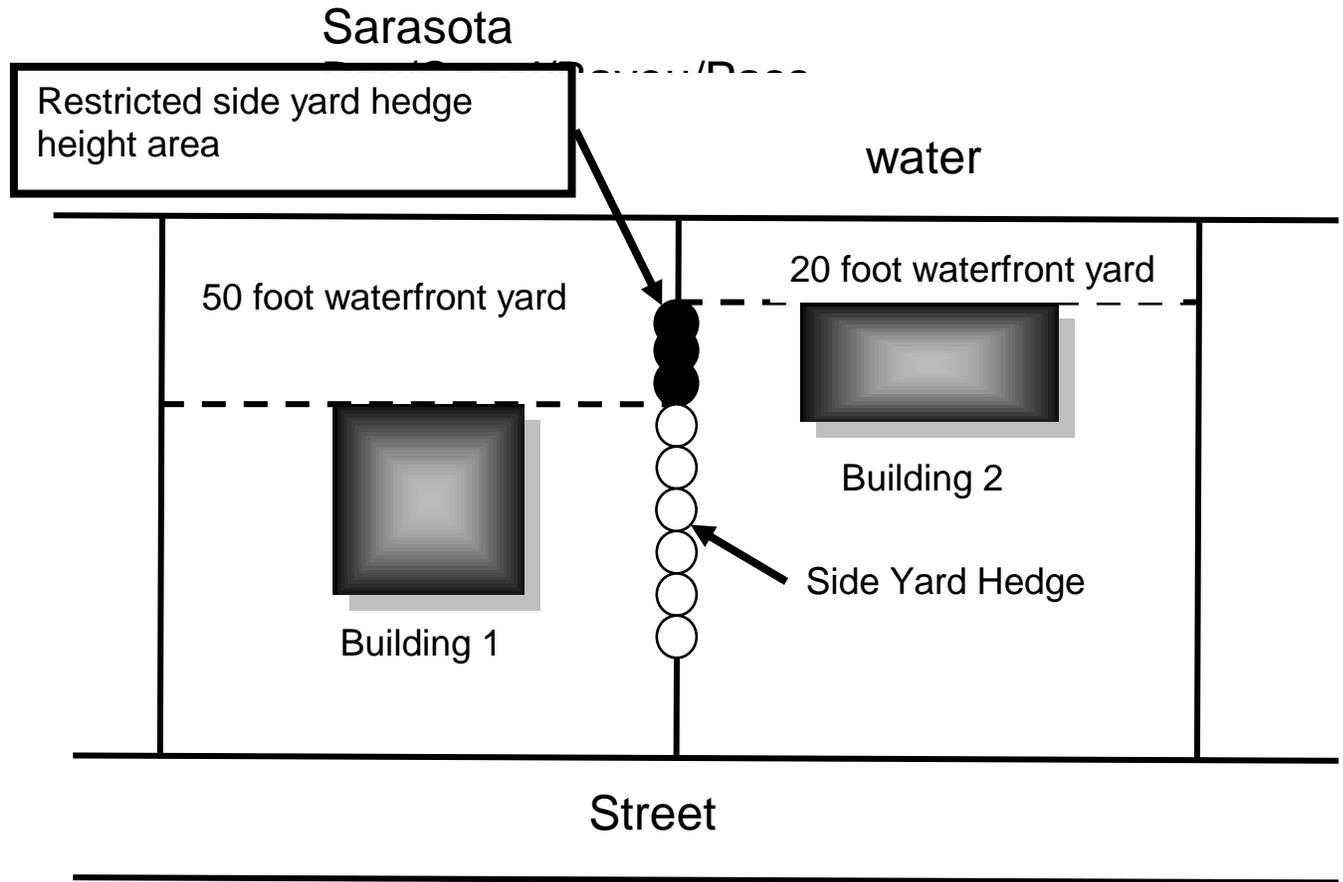
Adopted on the second reading and public hearing this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
James L. Brown, Mayor

ATTEST:

\_\_\_\_\_  
Trish Granger, Town Clerk

SECTION 12



**Side Yard Hedge Height Waiver**

All hedges limited in height by 158.152 (B) as depicted in this Section shall be brought into compliance on or before June 30, 2015. The Zoning Board of Adjustment, after a properly noticed and advertised public hearing, may grant waivers to compliance of this requirement based upon consideration of the following criteria:

- 1) The type of material which makes up the hedge and its ability to be successfully trimmed;
- 2) The extent the hedge adversely impacts the view corridor from the adjoining structure;
- 3) Special circumstances or conditions that make reduction of the hedge height not in the public interest.