

## M E M O R A N D U M

**TO:** David Bullock, Town Manager

**THROUGH:** Robin D. Meyer, AICP, Director  
Planning, Zoning and Building Department

**FROM:** Steve Schield, AICP, ASLA, CFM, Planner  
Planning, Zoning and Building Department

**SUBJECT:** Ordinance 2012-19, Amending Town Code Section 158.152 – Maximum Hedge Height

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Ordinance 2012-19 was presented to the Planning and Zoning Board at their June 19, 2012 meeting. The Ordinance limited the height of hedges in a limited area of the side yard on waterfront lots. The Board recommended denial of Ordinance 2012-19 and requested that the Ordinance be sent back to staff for review.

At the October 1, 2012 Regular Meeting the Town Commission approved Ordinance 2012-19 on first reading to limit the height of hedges in side yards to protect waterfront views. The Town Commission amended the ordinance to allow property owners two years in which to come into compliance with the new hedge heights.

This item is placed on the November 5, 2012 Regular Meeting for second reading and public hearing.

Attachments: Ordinance 2012-19

xc: David Persson, Town Attorney  
Robin D. Meyer, AICP, Director – Planning, Building & Zoning Department

**ORDINANCE 2012-19**

**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 the 1<sup>st</sup> day of October, 2012.

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

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

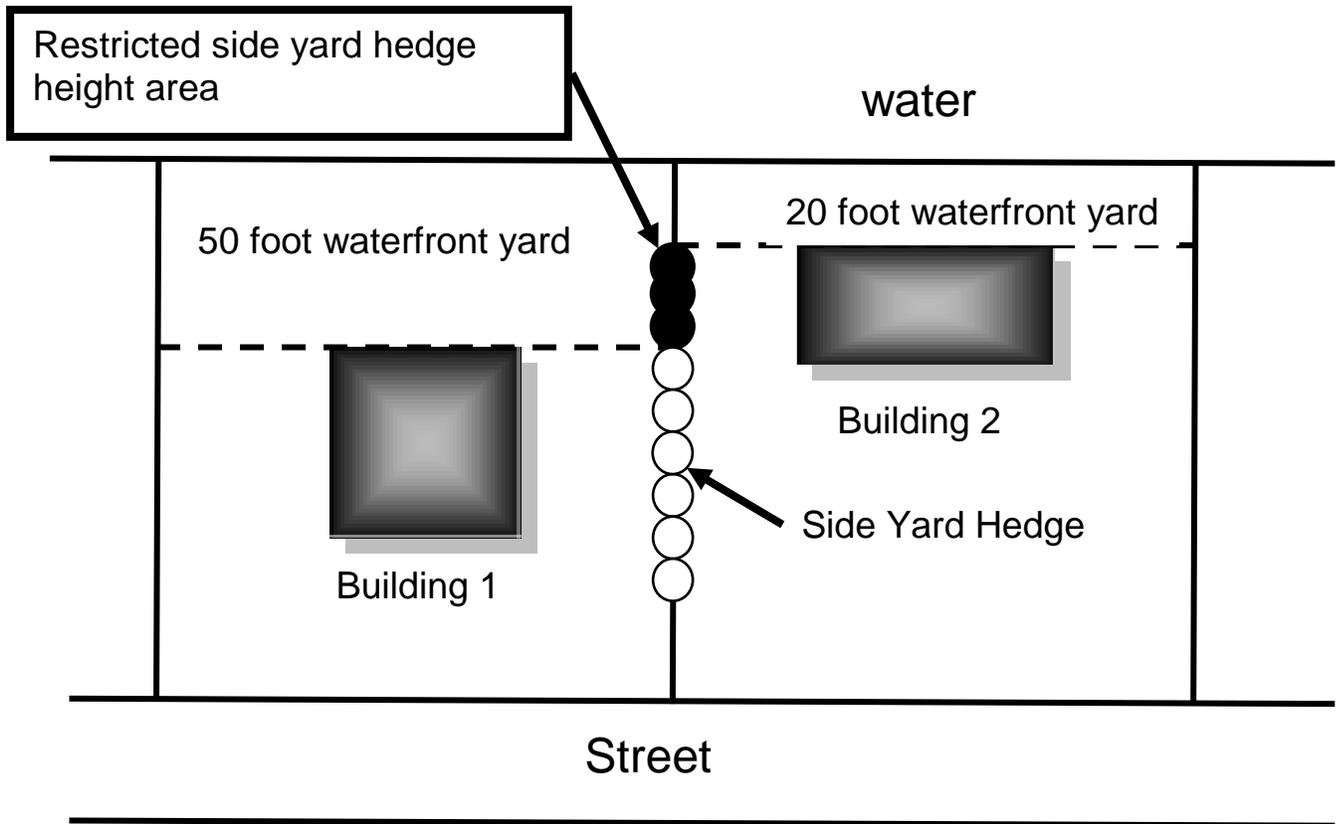
ATTEST:

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

Exhibit "A"

SECTION 12

Sarasota Bay Canal/Bayou/Pass



**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~~ December 3, 2014. 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.



# Hedge Height

November 5, 2012

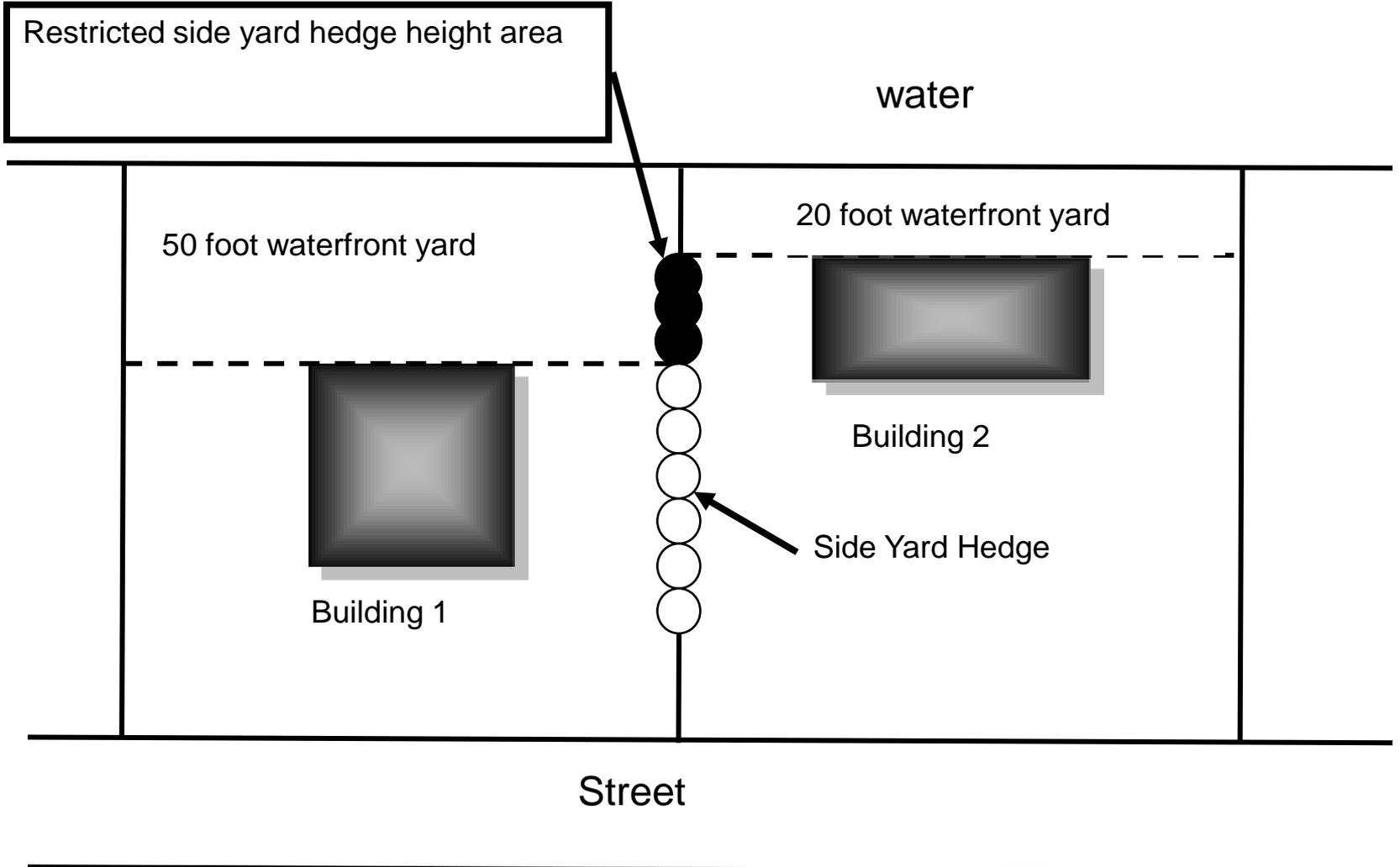
Town Commission Regular  
Meeting



The Town Commission recommended approval of Ordinance #2012-15 that restricts hedge height in selective waterfront view areas of the side yard within a two year period.

# Restricted hedge height area

Sarasota Bay/Canal/Bayou/Pass



# 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 November 5, 2014. 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:

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

# Properties impacted by new Code

1	350 North Shore Road	18	4621 Gulf of Mexico Drive
2	7181 Longboat Drive North	19	3303 Gulf of Mexico Drive
3	7150 Longboat Drive North	20	3155 Gulf of Mexico Drive
4	6700 Gulf of Mexico Drive	21	2779 Gulf of Mexico Drive
5	6661 Gulf of Mexico Drive	22	2675 Gulf of Mexico Drive
6	5821 Gulf of Mexico Drive	23	2605 Gulf of Mexico Drive
7	5645 Gulf of Mexico Drive	24	2509 Gulf of Mexico Drive
8	5555 Gulf of Mexico Drive	25	2284 Gulf of Mexico Drive
9	5451 Gulf of Mexico Drive	26	2175 Gulf of Mexico Drive
10	5342 Gulf of Mexico Drive	27	1701 Gulf of Mexico Drive
11	5330 Gulf of Mexico Drive	28	1511 Gulf of Mexico Drive
12	5251 Gulf of Mexico Drive	29	1000 Longboat Club Road
13	5220 Gulf of Mexico Drive	30	601 Longboat Club Road
14	5210 Gulf of Mexico Drive	31	2284 Harbourside Drive
15	5200 Gulf of Mexico Drive	32	561 Sloop Lane
16	5114 Gulf of Mexico Drive	33	
17	5080 Gulf of Mexico Drive	34	

# Potential hedge violations

1	5555 Gulf of Mexico Drive	8	2605 Gulf of Mexico Drive
2	5451 Gulf of Mexico Drive	9	2509 Gulf of Mexico Drive
3	5342 Sandhamn Place	10	561 Sloop Lane
4	5330 Gulf of Mexico Drive	11	2284 Harbourside Drive
5	5320 Gulf of Mexico Drive	12	
6	5080 Gulf of Mexico Drive	13	
7	4621 Gulf of Mexico Drive	14	

# Potential hedge violations under the new code



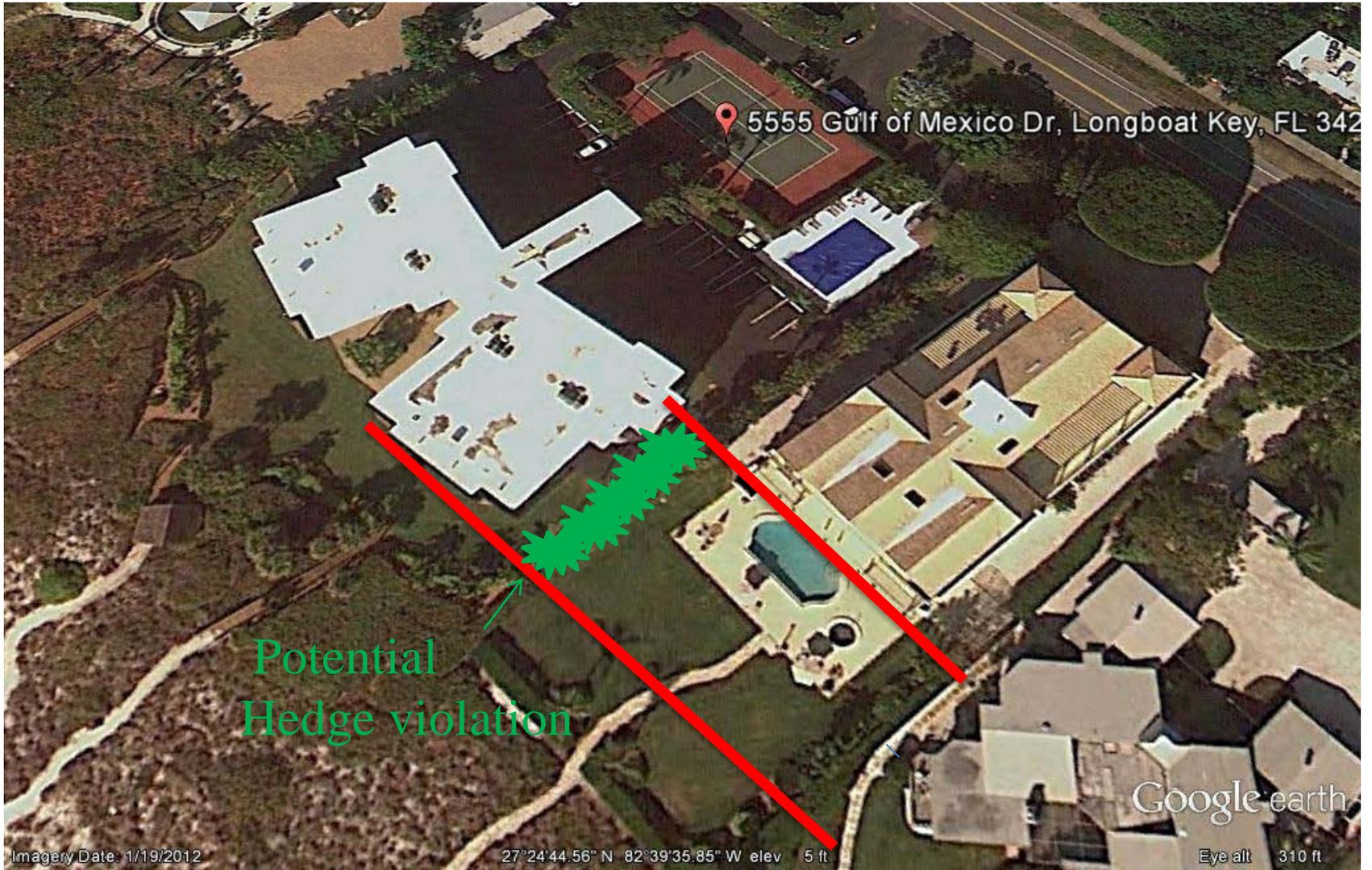
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

Image © 2012 TerraMetrics

Google earth

1

# 5555 Gulf of Mexico Drive



1

# 5555 Gulf of Mexico Drive



1

# 5555 Gulf of Mexico Drive



2

# 5451 Gulf of Mexico Drive



2

# 5451 Gulf of Mexico Drive



2

# 5451 Gulf of Mexico Drive



3

# 5342 Sandhamn Place



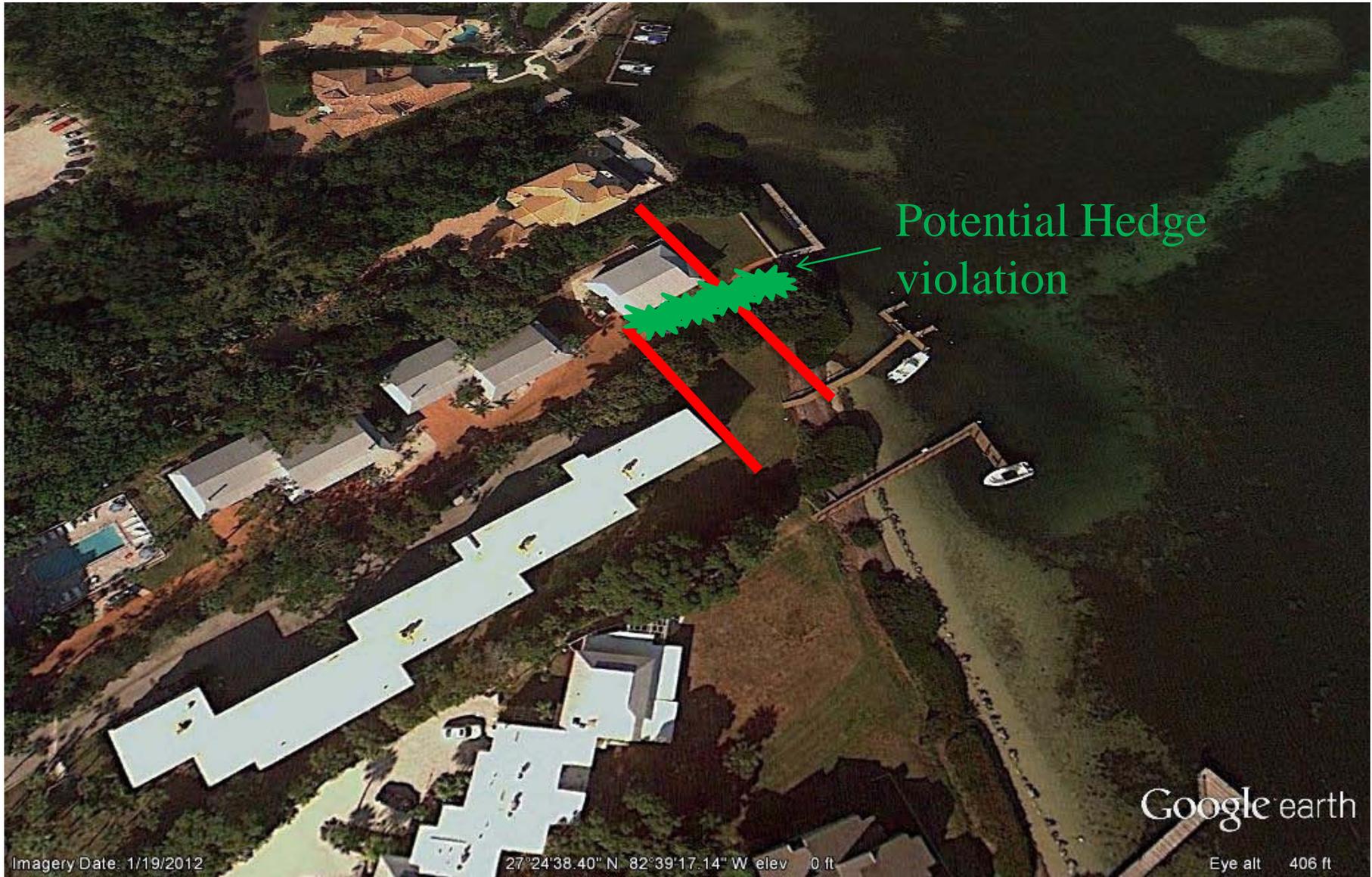
3

# 5342 Sandhamn Place



4

# 5330 Gulf of Mexico Drive



4

# 5330 Gulf of Mexico Drive



5

# 5320 Gulf of Mexico Drive



5

# 5320 Gulf of Mexico Drive



6

# 5080 Gulf of Mexico Drive

Potential Hedge violation



6

# 5080 Gulf of Mexico Drive



7

# 4621 Gulf of Mexico Drive



7

# 4621 Gulf of Mexico Drive



7

# 4621 Gulf of Mexico Drive



8

# 2605 Gulf of Mexico Drive



8

# 2605 Gulf of Mexico Drive



8

# 2605 Gulf of Mexico Drive



9

# 2509 Gulf of Mexico Drive



9

# 2509 Gulf of Mexico Drive



10

# 561 Sloop Lane



10

# 561 Sloop Lane



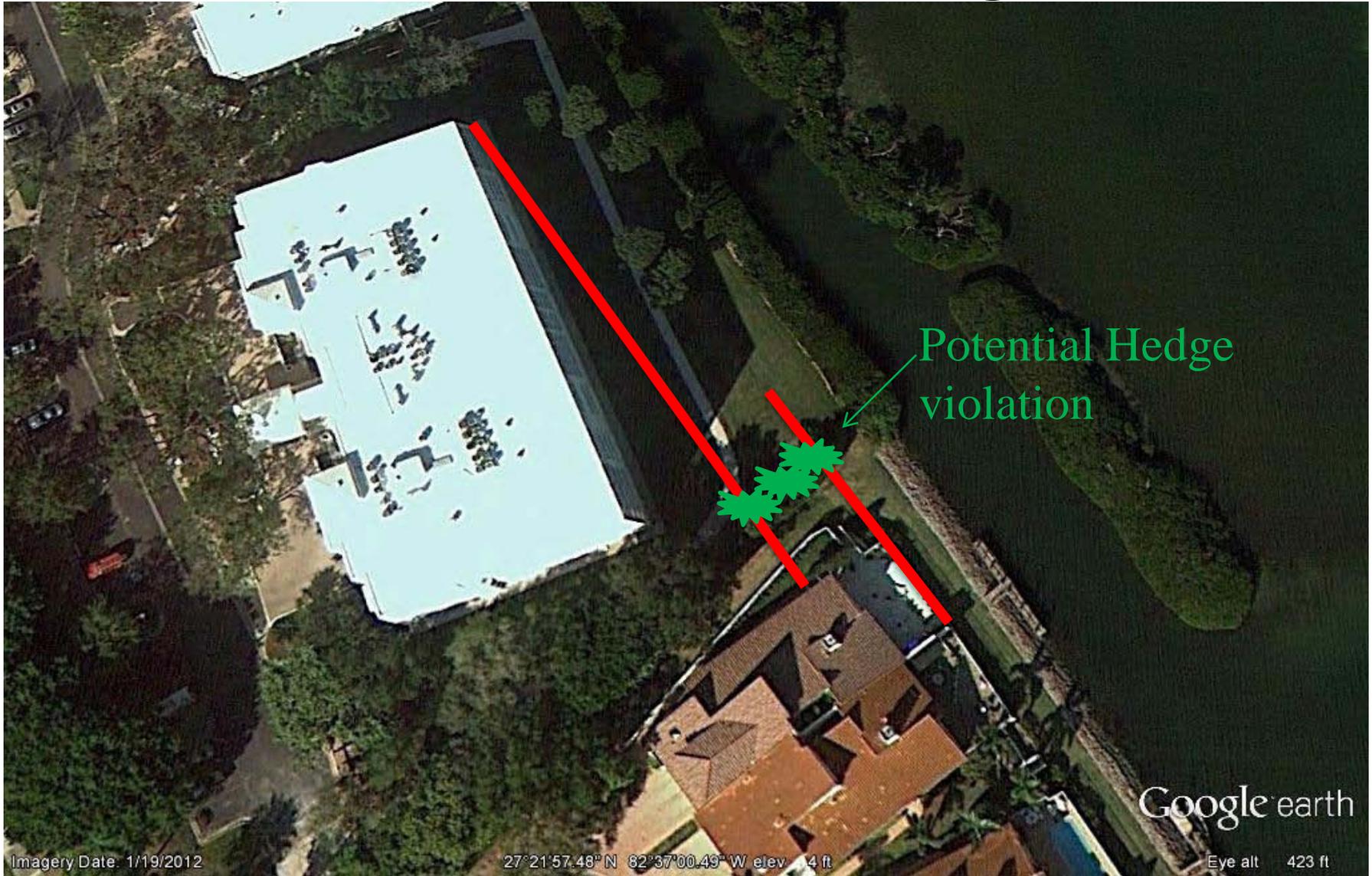
10

# 561 Sloop Lane



11

# Harbour Court hedge



11

# Harbour Court hedge



11

# Harbour Court hedge



11

# Harbour Court hedge



11

# Harbour Court hedge



# TOWN OF LONGBOAT KEY



**Questions?**



**End of Agenda Item**