

ORDINANCE 2024-04

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING THE TOWN OF LONGBOAT KEY CODE OF ORDINANCES TO AMEND CHAPTER 151, SHORELINE CONSTRUCTION; SECTION 151.03, PERMIT REQUIRED, APPLICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town recognizes the importance of protecting vital environmental resources; and

WHEREAS, the Town accomplishes the management and conservation of environmental resources, in part, by regulating the installation of seawalls and by regulating coastal construction along the gulf, bay, canals, passes, and lagoons; and

WHEREAS, the Town's regulations must occasionally be reevaluated in light of changing environmental conditions and construction methods to ensure the regulations comply with best practices; and

WHEREAS, in 2023, the Town completed a Sea Level Rise and Recurring Flooding Resilience Plan, which contained a near-term Action Item recommending that the maximum allowed heights of seawalls be raised to 6 feet North American Vertical Datum (NAVD) to address over topping seawalls that will be a growing concern associated with sea level rise; and

WHEREAS, in response to these recommendations the Town Commission has determined that the Town's regulatory provisions governing the repair and replacement of seawalls should be further amended to increase the seawall height limits set forth in the Town Code to address long-term resiliency; and

WHEREAS, the proposed amendments to Chapter 151 of the Town Code of Ordinances are less restrictive than prior versions and provide property owners with the option of increasing seawall elevation to increase resiliency and address concerns about sea level rise; and

WHEREAS, the Town Commission of the Town of Longboat Key finds it is 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 shoreline construction; and

WHEREAS, these amendments to the Code of Ordinances for the Town of Longboat Key, Florida, as provided herein, are consistent with the Town's Comprehensive Plan.

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 151, Shoreline Construction, Section 151.03, Permit Required; application, is hereby amended as follows:

151.03 - Permit required; application.

(B) Seawall construction.

(3) The repair or replacement of existing seawalls within an existing subdivision or developed area shall be permitted as follows:

(b) Seawall construction height shall not exceed a maximum height of ~~four and one-half (4.5)~~ six (6) foot elevation (NAVD 1988) inclusive of the seawall cap. All seawall height increases that propose to modify the preconstruction grade elevation landward of the seawall in excess of six (6) inches shall require an applicant to submit a drainage plan to the town demonstrating that there are no adverse stormwater runoff impact(s) to immediately adjacent properties.

SECTION 4. 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 5. 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 6. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key.

SECTION 7. Effective Date. This Ordinance shall take effect upon adoption, as provided by law.

Passed on the first reading on the 4th day of March, 2024.

Adopted on second reading and public hearing the 1st day of April, 2024.

ATTEST:

Kenneth Schneier, Mayor

Trish Shinkle, Town Clerk