

### DIVISION 3. - VEGETATION COMMITTEE

#### Sec. 2-156. - Created; membership.

There is hereby created a vegetation committee composed of five or more individuals, who are residents of Sanibel; who have assisted with vegetation inspections conducted to obtain a development permit and inspections conducted to obtain a certificate of occupancy under the supervision of a vegetation committee member; who have certified in writing to the chairman of the vegetation committee that they consider themselves qualified to conduct vegetation inspections; who have taken and passed the city's vegetation exam, and who shall be appointed for one-year terms by the city council. The council may appoint as many adjunct members as it deems advisable.

(Code 1981, § 2-46; Ord. No. 00-04, § 1(1), 4-4-2000; Ord. No. 00-16, § 1, 8-1-2000; Ord. No. 02-24, § 1, 11-19-2002)

#### Sec. 2-157. - Advisory body; availability for consultation.

The vegetation committee shall be an advisory body to the city council and available for consultation with any public or private person.

(Code 1981, § 2-47; Ord. No. 00-04, § 1(2), 4-4-2000)

#### Sec. 2-158. - Duties.

The vegetation committee shall advise the city council and planning commission, about sound ecological management of vegetative resources in the city and may review and comment about proposed development. The vegetation committee should collect, analyze and disseminate information on basic ecological principles as they relate to island vegetation. The vegetation committee should, in addition, make available to the best of its ability expert technical assistance for any person on the island who desires advice concerning clearing or landscaping for a development activity. Such assistance shall include, but not be limited to, the identification of individual specimens of vegetation that should be preserved, advice on arrangements for the transplanting of individual specimens to other parcels on the island, and the location of appropriate native species for landscaping.

(Code 1981, § 2-48; Ord. No. 00-04, § 1(3), 4-4-2000)

### DIVISION 3. - VEGETATION CONTRACTORS

#### Subdivision II. - Certificate of Competency

#### Sec. 14-166. - Application; testing; issuance.

- (c) One or more members of the city vegetation committee shall develop and administer the test for certification or recertification for the following certificate of competency categories:

(1) *Certificate of competency as a vegetation contractor:*

- a. A written test, covering, as a minimum, city ordinance requirements and vegetation standards; and
- b. A field identification test, covering, as a minimum, examples of the most common native and exotic vegetation, exotics termed noxious or undesirable, and vegetation deserving special protection in the city.

(2) *Certificate of competency as a vegetation contractor with fertilizer endorsement:*

- a. A written test, covering, as a minimum, city ordinance requirements and vegetation standards;
- b. A field identification test, covering, as a minimum, examples of the most common native and exotic vegetation, exotics termed noxious or undesirable, and vegetation deserving special protection in the city; and
- c. A written test covering the City of Sanibel Fertilizer Ordinance requirements with a passing score of 90 percent or higher required.

(3) *Certificate of competency - fertilizer only:*

- a. Attendance at the vegetation contractor class including the field identification portion of the class, however no test shall be required for the vegetation contractor class; and
- b. A written test covering the City of Sanibel Fertilizer Ordinance requirements with a passing score of 90 percent or higher required.

- (d) The city manager shall ensure that the test is valid, that it is administered fairly and properly, and that reasonable accommodations are made for individuals with disabilities and individuals who are unable to read the English language.

- (e) Upon review of the application and evidence of passing the test, the city manager shall either issue: (1) a certificate of competency as a vegetation contractor; (2) a certificate of competency as a vegetation contractor with fertilizer endorsement; or (3) a certificate of competency - fertilizer only, as applicable, or deny the application. If the application is denied, the city manager shall give the applicant written notice of the reason. The applicant may challenge the decision by notifying the city manager in writing within 30 days after the date of the mailing of the notice of denial. The city manager shall provide an opportunity for an informal hearing to determine whether the application should have been denied, after which the city manager shall issue a final order.

## Chapter 122 - VEGETATION

### ARTICLE III. - STANDARDS

#### DIVISION 1. - GENERALLY

##### Sec. 122-103. - Enforcement.

Enforcement of vegetation standards will be exclusively the purview of the city manager or the manager's designee, and in no event shall any member of the vegetation committee undertake enforcement actions. The city manager or the manager's designee is expressly directed to provide for appropriate enforcement as soon as possible when notified of violations of vegetative standards.

(Ord. No. 85-26, § 1(I.E.19 (g)), 11-27-1985; Ord. No. 04-001, § 4, 3-2-2004)

#### DIVISION 2. - ADMINISTRATION

##### Subdivision I. - In General

##### Sec. 122-121. - Site inspection required.

A member of the vegetation committee as provided for in chapter 2, article III, division 3 or a member of the city staff, shall inspect each proposed development site identified in the development permit process, and the results of the inspection shall be promptly forwarded to the city manager or the manager's designee in writing.

(Ord. No. 85-26, § 1(I.E.19 (b)), 11-27-1985; Ord. No. 04-001, § 4, 3-2-2004)

##### Sec. 122-122. - Inspections during construction; stopping work.

The city manager or the manager's designee may request a member of the vegetation committee to conduct a site inspection on any site where disturbance of vegetation is proposed or where development is under construction at any time prior to the issuance of a certificate of occupancy or completion certificate. In the alternative, the site inspection may be conducted by a city staff member. The city manager or the manager's designee shall consider the findings of such an inspection and, in cases where violations of vegetation standards exist, the city manager or the manager's designee may proceed to place a stop work order on the project as provided for in the building code, as amended by section 14-211 et seq. The city manager or the manager's designee is further authorized to withhold a certificate of occupancy or completion certificate until such time as vegetation deficiencies are corrected or suitable compensatory or mitigation actions have been taken.

(Ord. No. 85-26, § 1(I.E.19 (e)), 11-27-1985; Ord. No. 93-28, § 2, 11-16-1993; Ord. No. 04-001, § 4, 3-2-2004)

## Subdivision II. - Permits

### Sec. 122-142. - Permit issuance or denial; conditions; appeal.

The city manager or the manager's designee shall review and consider the results of the vegetation committee or staff inspection and is directed to issue a vegetation permit when he/she is satisfied that the vegetation standards of the Sanibel Plan and this land development code have been met. No development permit for any proposed development involving the disturbance of vegetation shall be issued prior to the issuance of a vegetation permit. The city manager or the manager's designee may impose reasonable conditions designed to minimize vegetation disturbance and ensure compliance with the Sanibel Plan and this land development code, and every vegetation permit issued shall automatically be conditioned on compliance with the vegetation standards adopted pursuant to this land development code. In the event the city manager or the manager's designee denies the issuance of a vegetation permit for whatever reason, an aggrieved applicant may appeal to the planning commission to review the city manager's decision as it relates to the vegetation standards, the Sanibel Plan and this land development code. The planning commission may uphold the city manager's denial, remand the application to the city manager for the consideration of additional evidence, or reverse or modify the city manager's determination. An aggrieved applicant shall have the right of appeal of the planning commission's determination to the city council pursuant to section 82-98.

(Ord. No. 85-26, § 1(I.E.19(c)), 11-27-1985; Ord. No. 90-08, § 3, 5-15-1990; Ord. No. 93-28, § 1, 11-16-1993; Ord. No. 04-001, § 4, 3-2-2004)

### Sec. 122-147. - Inspection procedures for obtaining a vegetation permit.

- (a) Vegetation permits are issued by the city manager or the manager's designee following an on-site inspection of the subject property by a member of the city vegetation committee or city staff member.
- (b) The vegetation permit is normally valid for six months. However, the expiration date and special conditions of the permit will appear on the permit.
- (c) The vegetation inspection is an opportunity to promote an understanding between property owner, contractor and the vegetation inspector of the importance of preserving native vegetation and ways to accomplish its preservation.
- (d) Hand-clearing of Brazilian pepper and other invasive exotic vegetation is recommended in situations where needed to effectively stake a parcel. (See section 122-192.)

(Res. No. 96-84, § 1, 4-16-1996; Ord. No. 04-001, § 4, 3-2-2004)

**CITY OF SANIBEL**

**ORDINANCE NO. 02 -24**

**AN ORDINANCE AMENDING ORDINANCE NO. 00-04 PERTAINING TO THE SANIBEL VEGETATION COMMITTEE; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Sanibel, Lee County, Florida:

**SECTION 1.** Ordinance No. 00-04 is hereby amended, with additions indicated by underline and deletions indicated by strikethrough, to read as follows:

Section 1. There is hereby created a Vegetation Committee composed of five or more individuals, who are residents of Sanibel; who have assisted with vegetation inspections conducted to obtain a development permit and inspections conducted to obtain a certificate of occupancy under the supervision of a Vegetation Committee member; who have certified in writing to the Chairman of the Vegetation Committee that they consider themselves qualified to conduct vegetation inspections; who have taken and passed the City's vegetation exam; and who shall be appointed for one year terms by the City Council of Sanibel. Council may appoint as many adjunct members as it deems advisable.

**SECTION 2. Conflict**

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

**SECTION 3. Severance.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

**SECTION 4. Effective Date.**

This ordinance shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Lee County, Florida, this 19th day of November 2002.

**AUTHENTICATION:**

Woln Therin  
Mayor

[Signature]  
City Clerk

APPROVED AS TO FORM: Kenneth B. Lynch 10/16/02  
City Attorney Date

First Reading: November 05, 2002  
Publication Date: November 14, 2002  
Second Reading: November 19, 2002

**Vote of Council members:**

Theiss	<u>yea</u>
Walsh	<u>yea</u>
Brown	<u>yea</u>
Harrity	<u>yea</u>
Workman	<u>yea</u>

Date filed with City Clerk: November 20, 2002

CITY OF SANIBEL

ORDINANCE NO. 00 - 16

AN ORDINANCE AMENDING ORDINANCE NO. 00-04 PERTAINING TO THE SANIBEL VEGETATION COMMITTEE; PROVIDING QUALIFICATIONS FOR MEMBERSHIP; PROVIDING THE SCOPE OF RESPONSIBILITIES AND PURPOSE OF SUCH COMMITTEE; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Lee County, Florida:

Section 1. Ordinance No. 00-04 is hereby amended to read as follows:

Section 1. There is hereby created a Vegetation Committee composed of five or more individuals, who are residents of Sanibel; who have taken and passed the City's vegetation exam; and who shall be appointed for one year terms by the City Council of Sanibel. Council may appoint as many ~~alternate~~ adjunct members as it deems advisable.

Section 2. The Vegetation Committee shall be an advisory body to the City Council and available for consultation with any public or private person.

Section 3. The Vegetation Committee shall advise the City Council and Planning Commission, about sound ecological management of vegetative resources in the City and may review and comment about proposed development. The Committee should collect, analyze,

and disseminate information on basic ecological principles as they relate to Island vegetation. The Committee should, in addition, make available to the best of its ability expert technical assistance for any person on the Island who desires advice concerning the clearing or landscaping for a development activity. Such assistance shall include, but not be limited to, the identification of individual specimens of vegetation that should be preserved, advice on arrangements for the transplanting of individual specimens to other parcels on the Island, and the location of appropriate native species for landscaping.

## Section 2. Conflict

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

## Section 3. Severance.

If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion or application shall be




deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

Section 4. Effective Date.

This ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Lee County, Florida, this 1st day of August, 2000.

AUTHENTICATION:

  
Mayor

  
City Clerk

APPROVED AS TO FORM: Robert D. Priest  
City Attorney

7/14/00  
Date

July 18, 2000 First Reading  
July 21, 2000 Publication Date  
August 1, 2000 Second Reading

Vote of Council members:

Brown	<u>Excused</u>
Hillebrandt	<u>Aye</u>
Janes	<u>Aye</u>
Reding	<u>Aye</u>
Theiss	<u>Aye</u>

Date filed with City Clerk: August 2, 2000

ORDCA804-VEGECMTE.ORD30

CITY OF SANIBEL

ORDINANCE NO. 00 - 04

AN ORDINANCE AMENDING ORDINANCE NO. 76-28 PERTAINING TO THE SANIBEL VEGETATION COMMITTEE; PROVIDING QUALIFICATIONS FOR MEMBERSHIP; PROVIDING THE SCOPE OF RESPONSIBILITIES AND PURPOSE OF SUCH COMMITTEE; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Lee County, Florida:

Section 1. Ordinance No. 76-28 is hereby amended to read as follows:

Section 1. There is hereby created a Vegetation Committee composed of five or more individuals, who are residents of Sanibel; who have taken and passed the City's vegetation exam; and who shall be appointed for one year terms by the City Council of Sanibel. Council may appoint as many alternate members as it deems advisable.

Section 2. The Vegetation Committee shall be an advisory body to the City Council and available for consultation with any public or private person.

Section 3. The Vegetation Committee shall advise ~~the Planning Commission,~~ the City Council and Planning Commission ~~and City Manager,~~ about sound ecological management of vegetative resources in the City and may review and comment about proposed development. The

Committee should collect, analyze, and disseminate information on basic ecological principles as they relate to Island vegetation. The Committee should, in addition, make available to the best of its ability expert technical assistance for any person on the Island who desires advice concerning the clearing or landscaping for a development activity. Such assistance shall include, but not be limited to, the identification of individual specimens of vegetation that should be preserved, advice on arrangements for the transplanting of individual specimens to other parcels on the Island, and the location of appropriate native species for landscaping.

## Section 2. Conflict

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

## Section 3. Severance.

If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion or application shall be

deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

Section 4. Effective Date.

This ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Lee County, Florida, this 4th day of April, 2000.

AUTHENTICATION:

 Mayor  City Clerk

APPROVED AS TO FORM:  City Attorney 3/21/00 Date

3/21/00 First Reading  
3/25/00 Publication Date  
4/4/00 Second Reading

Vote of Council members:

Brown	<u>Aye</u>
Hillebrandt	<u>Aye</u>
Janes	<u>Aye</u>
Reding	<u>Aye</u>
Theiss	<u>Aye</u>

Date filed with City Clerk: 4/6/00

ORDCA804-VEGECMTE.ORD30

CITY OF SANIBEL

RESOLUTION NO. 89 - 77

A RESOLUTION ADOPTING RULES OF PROCEDURE FOR THE VEGETATION COMMITTEE;  
AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
Sanibel, Lee County, Florida:

Section 1. The Rules of Procedure of the City of Sanibel  
Vegetation Committee, approved and adopted by the Vegetation Committee  
on March 2, 1989, a copy of which is attached hereto and incorporated  
herein by reference, are hereby approved and adopted.

Section 2. Effective Date.

This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel,  
Lee County, Florida, this 18th day of April, 1989.

ATTEST:

Mark H. Westall  
Member of Council

Ray S. Price  
City Clerk

Wm J. Miracle  
Member of Council

Lawrence A. Brown  
Mayor

Jerald March  
Member of Council

Ernie Bailey  
Member of Council

APPROVED AS TO FORM

Ralph D. Pratt 4/7/89  
City Attorney

RULES OF PROCEDURE

CITY OF SANIBEL

VEGETATION COMMITTEE

ARTICLE I

**MEMBERSHIP**

Section 1.     Qualifications, appointments, number, terms.     The qualifications for membership on the Committee, the number of members and their terms, and the method of appointment are specified in City of Sanibel Ordinance No. 76-28, S1, 7-19-76; and Ord. No. 78-30, S1, 8-1-78.

Section 2.     Attendance.     Membership on the Committee is forfeited for an unexcused absence from three consecutive regular meetings. When a member misses three regular consecutive meetings and said absences are unexcused, the Chair of the Committee shall immediately report said circumstance to the Sanibel City Council so that a replacement may be appointed.

An unexcused absence is one not excused by the Chair for good cause in advance of the time the meeting was scheduled to begin.

## ARTICLE II

### **OFFICERS**

Section 1.      Type and Duties.      The officers of the Vegetation Committee shall consist of a Chair, a Vice-chair, and a Secretary. The Chair shall preside at all meetings of the Committee and shall have the duties normally conferred by parliamentary usage on such officers. In the absence of the Chair, the Vice-chair shall perform said duties. The Chair, or a Committee Member designated by the Chair, shall also, when deemed necessary, report to the Planning Commission on activities of the Committee.

Section 2.      Election.      Nominations of officers shall be made from the floor at the annual organizational meeting, and elections shall follow immediately thereafter. Officers shall be seated immediately following their election.

Officers shall be elected by a majority of the members present at the organizational meeting, and they shall serve for one year at the pleasure of the Committee or until their successors take office. No person shall serve as Chair for more than **TWO** consecutive years, and, after that period, cannot be elected again until a year has passed.

Vacancies in offices shall be filled immediately by the regular election procedure.

## ARTICLE III

### MEETINGS

Section 1.            Regular Meetings.    The Committee shall meet on the First Thursday of each month at 1:30 P.M. in Mac Kenzie Hall or at such other place as is designated in the notice for the meeting. Such meetings shall not be held when the scheduled date is a City holiday. Regular meetings may be cancelled by the Chair when it is apparent from already excused absences that a quorum will not be present.

Section 2.            Special Meetings.    The Chair may call special meetings at any time, and shall call a special meeting upon the request of any three members.

Section 3.            Organizational Meeting.    The first regular meeting in January of each year shall be the annual organizational meeting.

Section 4.            Quorum.    A majority of Committee Members shall constitute a quorum for the election of officers.

Section 5.            Absence of Officers.    In the absence of the Chair and Vice-Chair, the members present shall, by a majority vote, elect one of themselves to conduct the meeting.



## ARTICLE IV

### **AGENDA AND ORDER OF BUSINESS**

Section 1.                      Order of Business.      At all regular meetings, the order of business shall be:

- (A)    Approval of Minutes
- (B)    Report from Chair
- (C)    Old Business
- (D)    Sub-committee Reports
- (E)    New Business
- (F)    Adjournment

## ARTICLE V.

### **ACTION BY THE COMMITTEE**

Section 1.                      Motion and Vote.      All action by the Committee shall be by motion made and seconded, which shall be restated by or at the request of the Chair before a vote is taken. Voting may be by voice unless a polled vote is directed by the Chair, or requested by any member. Except as otherwise specified in these rules, action by the Committee may be taken by a simple majority of the members present when there is a quorum.

Section 2.                      Tie Votes.      A tie vote on any motion shall act as an automatic continuance of the motion to the next scheduled regular meeting of the Committee, at which time the pending motion shall be considered as old business.

## ARTICLE VI

### **COMMITTEES**

Standing or ad hoc committees may be appointed by the Chair following approval of the purpose by the Committee. Standing committees shall be reappointed by the newly-elected Chair at the first monthly meeting following the organizational meeting each year.

## ARTICLE VII

### **AMENDMENTS**

These rules may be amended, from time to time, by a majority vote, but only after notice to all members of the proposed amendment and the meeting at which it will be acted upon, and upon approval by City Council.

## ARTICLE VIII

### **PARLIAMENTARY PROCEDURE**

The Chair shall determine all questions of procedure not explicitly and completely covered by these rules, unless overruled by a majority vote of the Committee members then present.

Approved and adopted by the Vegetation Committee of the City of Sanibel this Second day of March, 1989.

By \_\_\_\_\_

Dr. Stephen D. Mullins,

Chairman

CITY OF SANIBEL

ORDINANCE NO. 78 - 30

AN ORDINANCE AMENDING ORDINANCE 76-28; PROVIDING FOR THE MAJORITY OF THE VEGETATION COMMITTEE TO BE RESIDENTS OF SANIBEL; PROVIDING FOR SEVERANCE; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, there is a need to update the qualifications of persons serving on the Vegetation Committee so as to attract good and qualified persons to serve.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Lee County, Florida:

Section 1. That Sanibel Ordinance 76-28, Section 1 is hereby amended to read as follows:

Section 1. There is hereby created a Vegetation Committee composed of five or more individuals, the majority of whom are residents of Sanibel, and who shall be appointed for one year terms by the City Council of Sanibel.

Section 2. Severance.

If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 3. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this Ordinance conflicts with any part, it shall be severed and the remainder shall have the full force and effect and be liberally construed.

Section 4. Effective Date.

This Ordinance shall take effect on the 1st day of August, 1978.

DULY PASSED AND ENACTED by the Council of the City of  
Sanibel, Lee County, Florida this 1st day of August , 1978.

ATTEST:

*P. Duane White*  
Member of Council

*William D. Munger*  
City Clerk

*Charles R. DeBry Jr.*  
Member of Council

*Galvin P. Butler*  
Mayor

\_\_\_\_\_  
Member of Council

*Frank R. Barger*  
Member of Council

<u>July 5, 1978</u>	First Reading
<u>July 7, 1978</u>	Publication Date
<u>August 1, 1978</u>	Second Reading

FILED in the Office of the City Clerk this 1st day of  
August , 1978.

*William D. Munger*  
City Clerk

APPROVED AS TO FORM

June 23, 1978

*Alfred D. Bower*  
CITY ATTORNEY

CITY OF SANIBEL  
ORDINANCE NO. 76 - 28

AN ORDINANCE ESTABLISHING A VEGETATION COMMITTEE, PROVIDING THE SCOPE OF RESPONSIBILITIES AND PURPOSE OF SUCH COMMITTEE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sanibel Comprehensive Plan has been duly adopted by the City of Sanibel; and

WHEREAS, effective management of the vegetative resources of the Island is important to the implementation of the principles and standards of the plan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SANIBEL, LEE COUNTY, FLORIDA:

Section 1: There is hereby created a Vegetation Committee composed of five or more individuals, who are residents of Sanibel, and who shall be appointed for one year terms by the City Council of Sanibel.

Section 2: The Vegetation Committee shall be an advisory body available for consultation with any public or private person.

Section 3: The Vegetation Committee shall advise the Planning Commission, the City Council and the City Manager, about sound ecological management of vegetative resources in the City and may review and comment about proposed development. The Committee should collect, analyze, and disseminate information on basic ecological principles as they relate to Island vegetation. The Committee should, in addition, make available to the best of its ability expert technical assistance for any person on the Island who desires advice concerning the clearing or landscaping for a development activity. Such assistance shall include, but not be limited to, the identification of individual specimens of vegetation that should be preserved, advice on arrangements for the transplanting of individual specimens to other parcels on the Island, and the location of appropriate native species for landscaping.

Section 4: Effective Date. This ordinance shall become effective immediately upon adoption.

DULY PASSED AND ENACTED BY THE COUNCIL, City of Sanibel,  
Lee County, Florida, this 19th day of July,  
1976.

ATTEST:

James P. Barclay  
Member of Council

William E. Dwyer  
City Clerk

V. E. MacKenzie  
Member of Council

Joe P. H.  
Mayor

Charles E. Butler  
Member of Council

Charles E. Butler  
Member of Council

June 1, 1976 First Reading

June 4, 1976 and each week thereafter  
through July 16, 1976 Publication Date

July 19, 1976 Second Reading

FILED in the Office of the City Clerk this 19th day  
of July, 1976.

William E. Dwyer  
City Clerk

CITY OF SANIBEL

EMERGENCY ORDINANCE NO. 75- 42

AN EMERGENCY ORDINANCE REGULATING THE PROTECTION OF VEGETATION FOR REAL PROPERTY DEVELOPMENT OR REDEVELOPMENT, DEFINITIONS, REQUIRING A SITE PLAN INDICATING PLANS FOR VEGETATION, ESTABLISHING FEES, SPECIFYING CRITERIA FOR WHICH DEVELOPMENT PLANS WILL BE EVALUATED, PROVIDING FOR EXCEPTIONS, ESTABLISHING VEGETATION COMMITTEE, ESTABLISHING APPEALS PROCESS, PROVIDING FOR VIOLATIONS AND PENALTIES, SEVERANCE CLAUSE, PROVIDING FOR CONFLICT OF LAWS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the regulation of the protection of vegetation is essential to the preservation of the unique and natural characteristics upon which the City of Sanibel was founded, and

WHEREAS, the regulation of the protection of vegetation on this environmentally sensitive island, is a necessary measure in order to protect and preserve the island's vital natural systems, such as but not limited to, the proper and essential recharge of ground waters, the prevention of air pollution, the control and prevention of erosion, the proper percolation and filtering of waste material, the absorption and reduction of noise pollution and the preservation of the aesthetic resources of Sanibel, and

WHEREAS, the immediate regulation of the protection of vegetation is necessary as an emergency measure in order to protect public health, welfare and safety of the citizens and guests of Sanibel and the property located therein,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SANIBEL, LEE COUNTY, FLORIDA:

Section 1. The findings of fact hereinbefore recited are hereby confirmed and determined to require the immediate enactment of this emergency ordinance for the protection of the public health, welfare and safety of the people of the City of Sanibel and the property located therein.

Section 2. Definitions.

Vegetation - plant life or total plant cover of an area.

Development - any alteration of the natural state of land for changes in land use or for any purpose incident to its future use for residential or business purpose.

Redevelopment - any alterations or additions to existing structures or any other additions on a tract of land.

Tree - any self-supporting woody plant of a species which normally grows to an over-all height of a minimum of fifteen (15) feet on Sanibel Island, including palms.

Shrub - any self-supporting woody plant of a species which normally grows to an over-all height of less than fifteen (15) feet on Sanibel Island.

Clearing - removal of vegetation and ground cover by any mechanical or chemical means or by fire or flooding and specifically including scraping, pushing, scarifying or cutting so as to effect denuding of more than ten per cent (10%) of property under consideration.

Section 3. The provisions of this ordinance shall apply to all the real property within the corporate limits of the City of Sanibel.

Section 4. It shall be unlawful to remove or destroy vegetation for the purpose of development or redevelopment prior to receipt of a valid permit from the City of Sanibel for said development or redevelopment. This shall include clearing of land of vegetation thereon for whatever purpose.

Section 5. Application for a permit shall include a site plan with the following information:

(a) Property of less than five (5) acres

1. site survey by registered land surveyor indicating all property lines, easements and location of existing and proposed structures, including roads and proposed drainage systems.



2. location and identification of all existing trees/shrubs of a height of six (6) feet or more.

3. indication of vegetation to be protected or removed, together with a statement as to how such vegetation is to be protected during development, any proposed grade changes and specifications for maintaining existing vegetation and a statement as to why the vegetation must be removed.

4. types and locations of vegetation to be added, (owner-occupied single-family residences are exempted).

(b) Property of five (5) acres or more

1. survey by registered land surveyor of entire property involved including all easements and location of existing and proposed structures and roadways.

2. survey should include drainage patterns, and proposed drainage plan.

3. location and description of dominant vegetation types.

4. indication of vegetation to be protected or removed, together with a statement as to how such vegetation is to be protected during development, any proposed grade changes and specifications for maintaining existing vegetation and a statement as to why the vegetation must be removed.

5. types and location of vegetation to be added, (owner-occupied single-family residences are exempted).

Section 6. The site and site plan shall be reviewed by the City Manager or his designee prior to issuance of a permit to alter the site. Approval shall be contingent on the preservation of the natural landscape as far as is practicable. The following is a list of the basic criteria to allow a permit for the removal or relocation of vegetation:

(a) Vegetation which poses a safety hazard to pedestrian or vehicular traffic or is a public health hazard.

(b) Vegetation on which poses a safety hazard to buildings, or;

(c) Vegetation which prevents the approved development of a lot or parcel or the physical use thereof, or;

(d) Diseased vegetation or trees weakened by age, storm, fire, or other injury which are a source of hazard to people, buildings, or other improvements on a lot or parcel, or to other vegetation.

Section 7. The following trees may be removed at any time without permit:

Casuarina spp. - also known as Australian pine - those trees having a D.B.H. (Diameter Breast Height - four and one-half (4½) feet above ground level) of less than eight (8) inches.

Melaleuca quinquinerva - also known as Cajeput

Schinus terebinthefolius - also known as Brazilian Pepper -  
Florida Holly

Eucalyptus spp.

Section 8. Removal of Vegetation. Vegetation may be lawfully removed or relocated only after a permit therefor has been secured from the Building Department. Applications for vegetation removal or relocation permits shall be filed in the office of the Building Department and accompanied by a fee of ten dollars (\$10.00) for each individual site, five (5) acres or less to have any vegetation removed or relocated, and one dollar (\$1.00) for each additional acre of land area over five (5) acres. Such fees are hereby declared to be necessary for the purpose of processing the application and making the necessary inspections for administration and enforcement and are not refundable. In the event an application is denied, the reasons therefor shall be reported in writing to the applicant. Owner-occupied single-family residences on five (5) acres or less are exempt from the provisions of this Section.

Section 9. Exceptions. Licensed nurserymen removing trees and/or shrubs kept in a nursery for resale need not obtain a permit to move and transplant such plants.

Section 10. Vegetation Committee. There is hereby established a Vegetation Committee composed of five (5) individuals who

are residents of Sanibel, and shall be appointed by the City Council of the City of Sanibel. Said committee shall serve for one-year terms and may be reappointed annually at the first meeting of the City Council in January of each year. The purpose of the Committee shall be to advise the Planning Commission, the City Manager and the City Council on matters involving vegetation removal and preservation and shall make recommendations as appropriate.

Section 11. Appeals. Any appeal resulting from a decision of the Building Department or City Manager may be reviewed by the Vegetation Committee. If after public hearing with said committee, in which a permit to alter vegetation is denied, then said applicant may be heard at a public hearing before the City Council, who shall make final judgement thereon, subject to review by any court of proper jurisdiction.

Section 12. Violation Penalties. Any person or persons, and the members of any firm, co-partnership, corporation, association or other organization or any combination thereof, who shall violate any one or more of the provisions of any section of this emergency ordinance shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding sixty (60) days, or by both such fine and imprisonment, in the discretion of the Judge, for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Further upon application by the City of Sanibel, accompanied by satisfactory evidence of damage to any Court of competent jurisdiction, the owner of land where such violation has occurred may, in the discretion of the Court, be required to restore the land to its original condition. After affording the alleged violator of this emergency ordinance a notice and hearing by the City Council, the City Council may in its discretion direct the City Manager to revoke the party's Permit if a violation of this emergency ordinance is found to exist.

Section 13. Severance. If any section, sub-section, sentence, clause, phrase or portion of this emergency ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portion hereof.

Section 14. Conflict. In the event this emergency ordinance conflicts with other applicable law, the more restrictive shall apply. If any part of the emergency ordinance conflicts with any part, it shall be severed and the remainder shall have the full force and effect and be liberally construed.

Section 15. Effective Date. This emergency ordinance, shall become effective immediately upon enactment.

DULY PASSED AND ENACTED by the Council, City of Sanibel, Lee County, Florida, this 3rd day of June, 1975.

ATTEST:

Charles R. Bull Jr.  
Member of Council

David J. Bretzke  
City Clerk

V. S. Mackenzie  
Member of Council

[Signature]  
Mayor

Francis P. Bailey  
Member of Council

John P. Butler  
Member of Council

June 3, 1975 First Reading

June 6, 1975 Publication Date

                     Second Reading

FILED in the office of the City Clerk this 3rd day of June A.D., 1975.

David J. Bretzke  
City Clerk

RESOLUTION 75-17

CITY COUNCIL, CITY OF SANIBEL

A RESOLUTION, appointing a committee to develop information relating to landscaping, the control of noxious vegetation and the preservation of the City of Sanibel's unique natural vegetation; establishing a date of origin of this committee and a time limit as to when the committee is to be terminated.

WHEREAS, it is recognized that the vegetation of Sanibel is of inestimable value to the quality of life, among which component values are identified as follows - erosion control, storm protection, wildlife habitat, noise buffering, air purification, aesthetic satisfaction and landscape beautification; and

WHEREAS, the destruction of Sanibel's unique natural vegetation proceeds without restriction; and

WHEREAS, unhampered destruction of Sanibel's native vegetation must be controlled before it is destroyed beyond recovery; and

WHEREAS, certain exotic plants are detrimental to the vegetative ecology of Sanibel and require control; and

WHEREAS, certain types of vegetation are detrimental to the public health, safety and welfare of the citizens of Sanibel and require further study and control; and

WHEREAS, it is in the best interests of the citizens of Sanibel that adequate controls be initiated at the earliest possible moment.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That a committee composed of five individuals, who are residents of Sanibel, be appointed by the Council of the City of Sanibel.

2. That this committee develop information about the natural vegetation of Sanibel to help establish guidelines for landscaping and vegetation controls within the City.

3. That this committee be empowered to appoint ex officio members who are qualified to provide competent technical advice relative to the activities of the committee.

4. That this committee assist in all possible ways the City's effort to create a comprehensive land use plan, including regular cooperation and exchange of factual information about vegetation with city planners.

5. That this committee shall prepare and recommend to the City Council interim vegetation control measures to be effective until such time as a satisfactory, permanent vegetation control ordinance is adopted in conjunction with a comprehensive land use plan.

6. That this committee shall serve at the pleasure of the Sanibel City Council.

7. That this committee shall be terminated once a satisfactory permanent vegetation control ordinance is adopted in conjunction with a comprehensive land use plan.

8. That this resolution shall become effective immediately upon adoption.

Adopted this 22nd day of April, 1975.

ATTEST:

Geoffrey G. Butler  
Member of Council

James A. Buly  
Member of Council

V. G. Mackenzie  
Member of Council

David J. Bretzke  
City Clerk

[Signature]  
Mayor

Charles R. LeBuff  
Member of Council