

Memorandum

To: Judie Zimomra, City Manager
CC: James Jordan, Director of Planning
From: James Evans, Director of Natural Resources
Subject: Permit Fee Reduction for Mangrove Trimming Permits
Date: 7/25/12

In an effort to improve compliance with the City's Mangrove Trimming and Preservation Program, Natural Resources Department staff would like City Council to consider reducing the mangrove trimming permit fee to encourage more property owners to obtain permits or exemption letters prior to trimming and to better reflect staff time needed to process mangrove trimming permits. The permitting process provides staff an opportunity to meet with property owners and/or contractors prior to trimming to educate them on the City's Mangrove Trimming and Preservation Program and to discuss proper trimming techniques and the value of mangroves to Sanibel's ecology.

Staff has recently reviewed the permit fee schedule for vegetation permits. Based on current fees of other types of vegetation trimming permits, we recommend that the current mangrove trimming fee of \$108.00 be reduced by approximately 33% to \$72.00 to more accurately reflect staff time needed to process mangrove permits and exemption letters. This would be more consistent with other vegetation trimming permit fees and the staff time needed to process permits. For example, vegetation permit fees for the trimming of vegetation seaward of the 1974 Coastal Construction Control Line (CCCL) are \$108.00; however, these permits are valid for 3 years (\$36.00/year). This fee covers the cost of conducting one site inspection and staff time to draft a list of special conditions and process the permit. For mangrove trimming permits, valid for 1 year, the process is the same except that after the permit is issued, a *second* follow-up inspection is required to ensure compliance with the permit conditions. Because of this additional inspection, it requires approximately twice as much staff time to process a mangrove trimming permit versus a permit for trimming seaward of the 1974 CCCL. Thus, Natural Resources recommends that the permit fee for a mangrove trimming permit be reduced from \$108.00 to \$72.00, or equal to twice the permit fee for trimming seaward of the 1974 CCCL (when the cost is broken down on a per year basis).

Sec. 90-17. - Vegetation permits.

For requests filed pursuant to [chapter 122](#), article III:

- (1) There shall be no fee for the following activities requiring a vegetation permit:
 - a. A request for a vegetation permit as a part of the development permit process.
 - b. Removal of native species (other than mangroves) from grounds around an existing building.
 - c. Removal of Brazilian pepper or melaleuca, earleaf acacia, lead tree, java plum, air potato, exotic inkberry and mother-in-law's tongue from undeveloped property.
 - d. Chemical control of aquatic plants.
- (2) Fees for the activities listed in this subsection which require a vegetation permit are as follows:
 - a. Removal or trimming of any vegetation seaward of the 1974 coastal construction control line: \$108.00.
 - b. Mangrove trimming and removal: \$108.00.
 - c. Mechanical removal or alteration of vegetation: This activity requires a development permit, and the fee is set forth in article II, division 5, of this chapter.
- (3) For an appeal filed pursuant to [section 122-142](#), requesting planning commission review of the city manager's decision as it relates to the vegetation standards, the Sanibel Plan, and the Land Development Code the fee shall be \$2,025.00.

(Ord. No. 92-11, § 4(VII.E.12), 6-16-1992; Ord. No. 00-11, § 1, 7-18-2000; Ord. No. 02-15, § 1, 7-30-2002; Ord. No. 03-012, § 1, 9-16-2003; Ord. No. 05-013, § 1, 9-10-2005; Res. No. 06-147, § 1, 10-3-2006; Ord. No. 07-015, § 1, 12-4-2007)

CITY OF SANIBEL

ORDINANCE NO. 12-008

AN ORDINANCE PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE ENTITLED “FEES”, ARTICLE I, IN GENERAL, AMENDING SECTION 90-17, VEGETATION PERMITS, SUBSECTION 2(b) TO REDUCE THE PERMIT FEE FOR MANGROVE TRIMMING AND REMOVAL; ESTABLISHING SUCH REDUCED FEE AND SUPERSEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel’s Natural Resources Department recommends that City Council consider reducing the amount of fees required for property owners to obtain vegetation permits for mangrove trimming and removal; and

WHEREAS, this recommendation of reduction in fees is to encourage and promote property owners to obtain permits or exemption letters prior to any mangrove trimming and further provides the opportunity for Natural Resources Staff to meet with owners to educate them on the City’s Mangrove Trimming and Preservation Program;

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

SECTION 1. AMENDMENT OF FEES.

CHAPTER 90, FEES; ARTICLE I, In General, Section 90-17, Vegetation Permits, Subsection 2(b) of the Sanibel Land Development Code is hereby amended to read as follows, with additions indicated by underlining and deletions indicated by strikeout, to read as follows:

Sec. 90-17. Vegetation permits.

For requests filed pursuant to chapter 122, article III:

- (1) There shall be no fee for the following activities requiring a vegetation permit:
 - a. A request for a vegetation permit as a part of the development permit process.
 - b. Removal of native species (other than mangroves) from grounds around an existing building.
 - c. Removal of Brazilian pepper or melaleuca, earleaf acacia, lead tree, java plum, air potato, exotic inkberry and mother-in-law's tongue from undeveloped property.
 - d. Chemical control of aquatic plants.

- (2) Fees for the activities listed in this subsection which require a vegetation permit are as follows:
 - a. Removal or trimming of any vegetation seaward of the 1974 coastal construction control line: \$108.00.
 - b. Mangrove trimming and removal: ~~\$108.00~~ \$72.00.
 - c. Mechanical removal or alteration of vegetation: This activity requires a development permit, and the fee is set forth in article II, division 5, of this chapter.

(3) For an appeal filed pursuant to section 122-142, requesting planning commission review of the city manager's decision as it relates to the vegetation standards, the Sanibel Plan, and the land development code the fee shall be \$2,025.00.

SECTION 2. All prior resolutions and ordinances relating to the above amended fees are superceded.

The Planning, Development Review, Administrative Services and related fees set forth in this Ordinance (noted by underlining) shall constitute the currently adopted fees of the City of Sanibel and all prior ordinances and resolutions are hereby repealed and superceded to the extent of any conflict herewith.

SECTION 3. Codification.

This ordinance shall be deemed an amendment to the Code of Ordinances of the City of Sanibel and the Sanibel Code of Ordinances is hereby amended.

SECTION 4. Effective Date.

This Ordinance shall be effective immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 8th day of September, 2012.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM: _____
Kenneth B. Cuyler, City Attorney Date

Vote of Council Members:

Ruane _____
Denham _____
Congress _____
Harrity _____
Jennings _____

Date Filed with City Clerk: _____