

## TOWN OF LONGBOAT KEY

### PROPERTY MAINTENANCE COMMUNITY MEETING

\*\*\*JANUARY 24, 2012\*\*\*

The Property Maintenance Code Community meeting began at 9:00 AM on Tuesday, January 24, 2012.

Staff Present: Steve Schield, Planner; Heidi Micale, Code Enforcement Officer; Amanda Nemoytin, Code Enforcement Officer

Also Present: Ben Bailey, city of Fort Myers Deputy Building Official

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Following the staff presentation, the following were noted:

- There was a concern related to requirements in the code addressing deteriorated seawalls and caps.
- There was a concern raised regarding the property between 6600 and 6800 Gulf of Mexico Drive and that it was in terrible shape; Public Works had informed the resident there was nothing they could do to address it, but the resident noted there was nothing but dead wood on the lot.
- It was noted that the Town right-of-ways (ROW) were sand and tire marks. The ROW area was owned by the state and Gulf of Mexico Drive was a state road. There was a question related to who was responsible to maintain. Mr. Schield noted there was an agreement with the state that the Town would mow. It was noted by a resident that the areas from the south up to General Harris Street were in beautiful shape, but from that point to the north end was not being maintained.
- There was a concern voiced related to boat trailers parked in the yard.
- A resident noted he had wanted to place pavers around his mailbox, but was told he could not do that. Mr. Schield responded it was a state issue, as the area was located within a state ROW, and any changes to the ROW would have to go through the state.
- There was a question of whether there was a regulation in the code to address unsafe structures; what was the difference between what was in the code now and the IPMC. Mr. Bailey responded there was a section in the IPMC dealing with unsafe structures; the Town Code was vaguely written, but the IPMC provided more specifics as to what could be cited. Officer Micale noted several years ago, while reviewing the code, it was found that certain sections of the Town Code had language missing; at this time the building official had to prepare

a detailed report for the Town Commission, who would hold public meetings, unless staff was able to contact the owner and get the situation resolved. It was asked if that process would have to be followed if the Town adopted the IPMC. Officer Micale replied no.

- There was a question that if the code were adopted where the fine line would be between maintenance and repair that would trigger into a full permitting process which would take time; they want to encourage maintenance, and not discourage. Officer Micale noted that regular maintenance would preserve the structure. Mr. Schield noted it would prevent them from having to obtain permits; there was not a need to obtain a permit for maintenance.
- Concerning bank foreclosures, if no liens were imposed on the property, how effective would the IPMC be in addressing maintenance issues on those properties. Mr. Bailey explained that the banks have been more receptive in taking ownership of the property; they would not maintain inside, but will maintain the outside of the structure and property.
- A statement was made that there was a fine line between ‘big brother’ and the owner maintaining the house, and a question as to how it would be enforced. Mr. Bailey responded that he did not believe it would be taken to that extreme; however, if there was peeling paint on the fascia or the doors, then it would be addressed. There were continued questions related to enforcement. Mr. Schield responded that a lot of it would be based on neighborhood complaints. There was no plan to conduct regular routine searches through the community, but it would be in the code; however, it would require additional staff. Most of it would be “self preservation,” and Code Enforcement staff would make subjective calls on how to address the issue. Mr. Bailey noted that one of the things included in the IPMC was that it ensured that an issue was handled correctly.
- It was asked if the IPMC was adopted would the Town delete all the codes in existence. Mr. Schield responded the code would not be included in the overall Town Code, but would be included as a reference, similar to how the Florida Building Code was only cited as a reference in the Town Code. Mr. Bailey explained if there were certain issues that were not addressed in the existing code, then staff would refer to the IPMC. It was asked what rules were included in the Longboat Key Code of Ordinances and what rules were in the IPMC. Mr. Bailey mentioned that some might be included in the Town Code, but there was not concern with duplication of codes, but typically they would apply the stricter.
- There was a comment that presumably the Town was unable to get the owners to correct the problems, because the Town Code did not address the issues. It was asked if staff was stating that if the new code was adopted in total, then the problems would be addressed through the IPMC. Mr. Bailey responded there were a number of items that the Town Code did not cover; however, the IPMC would address.

- It was understood that the process was begun by a homeowner living next door to a home not being properly maintained, and the homeowner asked the property owner to address, because they were trying to sell their home. The Town had no recourse to assist that property owner, and they understood all the IPMC code would do was to give the Town a tool to try to maintain the beautification of the community. Mr. Bailey noted it was another tool to assist Code Enforcement in addressing issues.
- It was suggested, since people were concerned with government intrusion, that the process of explaining the possible adoption of this code should emphasize it was for maintenance and what items were addressed by the Town Code. However, staff should note that there were certain items where the Town Code was insufficient to address them, and that the IPMC was an option that could be utilized by the Town versus creating a new code.
- There was a request for a link on the Town's website so people could read the IPMC, and other codes, prior to making a determination.
- There was a question as to why the height of hedges was removed from the code. Mr. Schield explained the Planning and Zoning (P&Z) Board and Town Commission recommended its removal. There was a request for the rules to be changed. He discussed the regulations in the Town Code, and mentioned that staff could, if the residents wished to reinstate the height restriction for hedges, forward their suggestion to the Town Commission. There was a request to ask staff to inform the Town Commission that they should revisit the issue of hedge heights.
- There was a concern raised by Randy Clair regarding mold and parking of vehicles in yards on the grass area, and not in the driveway. Mr. Schield noted that the Police Department enforced parking in the road easement. It was suggested that the code include a notation there be no parking in the front yard, which was not adjacent to a driveway or parking area. Staff commented that the IPMC would address mold issues on roofs and walls; it was addressed under the exterior section. Mr. Clair commented the concern was that Code Enforcement would have problems without objective standards, and he understood under the new provisions the owner had a right to petition to the Code Enforcement Board whether there was a violation.
- Someone discussed the entrance to Juan Anasco from Gulf of Mexico Drive and the lack of visibility. It was also noted that the vegetation installed by the state of Florida added to the problem. Mr. Schield discussed the 'visibility triangle' noting that vegetation could not be more than 30 inches in height in that triangle, and it was regularly enforced.
- There was concern when implementing the codes of who was going to make the determination of 'pretty'. Officer Nemoytin mentioned that it was a community standard that would need to be decided.

- There was a question of whether there were regulations addressing an owner who begins construction or remodeling of a home and then stops construction; would it be regulated by the current Town Code or through the IPMC. Mr. Bailey responded that it was addressed through the building permit process and that substantial work had to be completed within six months or the permit would expire. He noted the applicant would be notified they had an expired permit, and they would have to pay any fees or fines involved, but if not, they would be brought before the Code Enforcement Board.
- There was consensus to allow grass parking for single family homes.
- Concerning boat parking and whether there should be any regulations limiting parked boats in front yards, there was a consensus to limit; however, there was not a consensus to not allow any boats parked in a front yard.
- There was consensus to have some regulations addressing storage trailers and regulating them similar to travel trailers.
- Concerning PODs, if there was an active building permit, then the owner could request a temporary permit for storage, which would possibly address that issue and allow the owner to keep the unit on site.
- There was a question of how many cars could be parked on a property. Mr. Schield responded that as long as they had an approved driveway, or parking, there was no limitation on the number of cars that could be parked. There were regulations on how much parking or paved surface a property could have, but they were only allowed 50 percent maximum coverage for parking.
- There was discussion of commercial trucks parked in a residential area with staff noting there was a limitation on the size of the truck; there were residents who had work vehicles they bring home; and a commercial vehicle was defined as weighing over 15,000 lbs. There was a suggestion that it not be allowed to be parked overnight.
- Someone mentioned from a visual standpoint they would not like to see large multicolor structures used for mailboxes.
- It was asked if there were regulations on the growth of mangroves into canals and whether the regulation could be improved upon for the Town, or were they required to abide by the state regulations. Mr. Schield replied they had to comply with the state regulations. He commented in the past the Town had enforced some trimming of mangroves in individual canals in order to keep the ROW clear.
- There was a question related to the section dealing with the Fire Safety Code (Chapter 7, section 701.2, Fire Safety Requirements) and the language that stated people could not occupy a residence if it was not in compliance with the Fire Safety Code. Mr. Bailey pointed out those were items addressing rental

property, or when there was a program established for people to register their rental properties for inspections. He would not recommend being proactive in entering people's homes and dictating those requirements; however, if there were life safety issues, then they could go to that extent. He reiterated he would not recommend entering homes unless there was a program in place for entering and inspecting rental properties. There might be issues entering onto personal property as there needed to be reasonable cause.

- There was consensus that open storage areas should be screened from the road. Concerning exterior storage, it was noted this item dealt with the issue of aesthetics. There was consensus there should be some type of screening.
- Related to the issue of dead grass, it was suggested that item not be addressed at this time, but it should possibly be addressed at some point in the next couple of years.
- Someone voiced concern with the accumulation of fallen fruit and rodents on a lot. It was noted that the health department would address the issue if there was a complaint. Officer Micale mentioned that staff had not received any complaints related to this issue. There was a suggestion that staff contact the health department to determine if they address the issue of rodents.
- There was an overall consensus that something needed to be done, and some standards needed to be established that were not in existence at this time

Mr. Schield provided an overview of the process explaining that a memorandum would be sent to the Town Commission noting the issues discussed at this meeting, including the items where there was a consensus and other items that were debatable. During the workshop, staff would ask the Town Commission to decide whether they wished to move forward and adopt the IPMC or a variation of that code. Once the Town Commission provided direction, staff would draft ordinances for review. He noted that formal adoption would probably not take place until the fall.

Someone asked if the IPMC was not adopted would nothing be adopted. Mr. Schield commented not necessarily as the Town could decide on an alternative code. There was concern raised that the adoption of this code would be an "intrusion" on how they wished to live.

The meeting was adjourned at 11:11 am.

The informal notes developed for the Property Maintenance Code Community Meeting are not verbatim minutes and are only intended to capture the general discussion that took place at the meeting. These will not be formally adopted, but can be used for future reference.