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**Subject: Don Pedro/Knight Islands Rights of Way**

March 18, 2025

Board of County Commissioners

18500 Murdock Circle, Suite 536

Port Charlotte, FL 33948

Dear Commissioner:

I am writing to you today on behalf of the Don Pedro and Knight Island's Street and Drainage Unit (MSTU) Advisory Board. We would like to address an issue that recently came before the Board of County Commissioners (BCC) at a workshop on December 17, 2024 regarding item 6 titled "Landscaping in the ROW."

**Background**

The MSTU Advisory Board was established by the BCC on April 23, 2013. Since inception, discussions have been held regarding non-permitted improvements in the rights of way.

Approximately ten years ago, the County approved a Public Service Announcement (PSA) declaring that the recovery area on North Gulf Blvd (the only paved road) on the islands needed to be cleared of non-permitted hardscape objects. This was done by posting a copy of the PSA on each door of the offending households, resulting in most offenders voluntarily coming into compliance. Public Works wrote letters to the few remaining property owners who had not voluntarily removed these objects in the rights-of-way (ROWs).

When that did not produce the desired results, the matter was turned over to Code Compliance, who issued their own letters to the offenders.

When that proved ineffective, representatives from Code Compliance, Zoning, and Public Works personally visited the sites and spoke with one of the owners. The outcome was that the responsibility for enforcement of the regulations went back to the Public Works Department. No further action to clear the remaining hardscaping from the ROWs was taken.

When the MSTU Advisory Board requested forward motion, they were told that the issue would be resolved by a new ordinance being developed by Public Works to address permitting of activity in the ROW. This ordinance was adopted nearly two years later on March 9, 2021.

The MSTU Advisory Board again asked for assistance removing hardscape in the 10-foot recovery area on N. Gulf Blvd. This road is the only paved road on the islands and has a higher speed limit than any other road, creating a greater safety hazard in this area. However, the new ordinance could not be enforced for the next 8 months due to a lack of inspectors.

In the interim, another new code compliance ordinance was approved which requires personal identification for reporting violations, thus preventing the Advisory Board from managing this responsibility. I then had to personally report, under my name, the same violations as were previously reported by the MSTU Advisory Board. These unpermitted hardscapes in the 10-foot recovery area on North Gulf Blvd pose a safety hazard and may endanger future state funding for beach renourishment as they reduce the required volume of parking spaces.

This most recent reporting resulted in a Public Works inspector following up on the reported complaints with official notices of the violations to the owners. Some of the property owners complied but others ignored the requests. Eventually, the inspector stopped coming, and the Advisory Board's ability to settle this issue was hobbled.

#### **The ROW issue as it stands now:**

In December 2024, a presentation was made to the Board of County Commissioners discussing solutions for the ROW issue. Three possible options were offered to the Board to potentially resolve the problem.

**County staff options for BCC consideration:**

1. Enforce the current code violation complaints
2. Pursue violations on all violators
3. Allow landscaping with a variance
4. Require all landscaping to be removed
5. Consider a code change to allow this on the islands

These recommendations are very broad-based. The MSTU Advisory Board would like to fine-tune the suggestions offered by staff by recommending a phased system based on priorities.

**Here is the suggested solution:**

1. The Advisory Board supports enforcing the current code violations complaints, giving the first priority to removing non-permitted hardscaping in the 10' recovery area on N. Gulf Blvd only. Other recommendations by the MSTU would occur after the first phase.
2. Pursuing all violations within every ROW island-wide is unrealistic. However, the MSTU Advisory Board will develop a priority system to address additional violations of the ROW ordinance.
3. A change to the code that is island-specific may be considered as part of the future island neighborhood plan.

Hardscape is proliferating in the ROWs every day that this issue remains unresolved. Therefore, we respectfully request the Commissioner to act as soon as possible on our recommendations.

Thank you for your time and consideration.

Linda B. Cotherman, Chair

Don Pedro and Knight Island's Street and Drainage Unit (MSTU) Advisory Board

Sent from my iPad