

P&Z Addresses Rebuilding Regs

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The Planning and Zoning Board met Tuesday to hammer out more details of exactly how nonconforming structures on Longboat Key can be rebuilt following a hurricane or other natural disaster. The board is continuing to revise the draft ordinance before them in a way that will address the concerns of local residents while at the same time help achieve the board's stated goals.

The board has consistently said that it wants to "grant generous rights" to property owners while reducing nonconforming structures on the Key. If a nonconforming structure is destroyed in a hurricane, property owners would have a number of decisions to make and the board says they hope to simplify the process for both the property owner and the Town.

The draft ordinance under review outlines addresses several different aspects of the rebuilding process:

Cubic Content

Since some structures in the Town are currently nonconforming, property owners would be required to ensure that the newly rebuilt structure complies with minimum federal, state or local codes and regulations. Though nonconforming structures will be allowed to maintain the same cubic content, which essentially means the new building must be the same size as the one it is replacing, there may be occasions when some of the interior space is taken over by additions designed to bring the new structure up to code.

To clearly understand the details of this clause in the discussion draft, several board members refer to the new building as a "cube." Following a disaster or property casualty, the cube may be rebuilt with any internal configuration as long as it meets all code requirements and is the same size as the one it replaces.

In some situations, the addition of

stairways, landings, elevators and other accessibility features may need to be added to the structure to ensure it is compliant with all codes and regulations. Additionally, some structures may need to be raised off the ground to comply with FEMA's flood zone requirements. Since raising a structure would mean adding stairways where there were previously none, some property owners argue that those additions would cut into their original cubic content, therefore the Town should grant leeway for those additions.

The board originally attempted to address this issue by allowing for a percentage increase in cubic content to allow for the addition of stairways and other features essential for code compliance. When that idea was deemed impractical at last month's draft ordinance discussion, a clause was added to the ordinance that instead spelled out what features could be added for code compliance without reducing the cubic content allowance. Architectural features like stairways, walkways, elevators and landings were spelled out in the new draft.

Monica Daigle, in her new position as Planning and Zoning director, said the list "is designed to give flexibility for redevelopment." Board Chairman Sandy Gilbert asked Town Attorney Dave Persson to review the list to ensure that it is neither too limiting nor too flexible.

Location, Location, Location

The board discussed at length whether property owners can and should rebuild in the same spot as the structure was prior to being damaged if it means the new structure would be too close to the erosion control line established by the state in the 1970s. According to state regulations, all newly built structures must be set back at least 50 feet from that line. The Town of Longboat Key, however, requires that all newly built structures be set back at least 150 from the erosion control line.

Structures on the Key that were built prior to the establishment of the erosion control line are exempt from the law but the involuntary destruction of that property presents an interesting situation for both the property owner and the Town.

On the one hand, nonconforming property owners have the right to rebuild the same size nonconforming structure in the same location as it was prior to the loss. On the other hand, the Planning and Zoning board would like to see property owners move their structures as far back from the water as possible.

The draft ordinance acknowledges the rights of the property owner to rebuild where they wish but offers an incentive if they are willing to move their structure farther away from the erosion control line. The draft ordinance reads in part,

"Properties which were granted variances or ODP [Outline Development Plan] departures to allow less than the required gulf waterfront yard may continue to enjoy these departures... however those properties shall not be able to avail themselves of this code section regarding Reconstruction of Nonconformities in the Event of Involuntary Destruction or Damage and shall comply in all respects with the codes in effect at the time of the destruction or damage."

"Why would we allow (property owners) to build where they are because there is no other choice and then make them forgo (this ordinance)?" asked Gilbert.

"You can give them a choice to either be nonconforming and not talk to us, or you can waive your nonconforming rights and come talk to (the Planning and Zoning Board)," Persson explained. "It says you can have your variance but you can't use anything in (this ordinance). None of the relaxations, you can't use them. The theory was to protect, as best we can, the erosion control line."

"We're trying to ensure the safety, health and welfare for people who have

built in risky parts of the island," said board Vice-Chairman Jim Brown. "We have methods in place to allow us to relax some things somewhat. Were not just looking for something to do, there's a reason for this."

Persson sought clarification by asking, "What's your policy? To require people who have a nonconforming right to waive that right and come to you for review of their plans and approval?"

"Yes," said Gilbert. "We are trying to encourage people to move back from the water."

What's Next?

As hurricane season, the main reason for this ordinance, approaches, the board asked how to hurry along the process and have it ready by the time hurricane season arrives.

"If this is close to being competed then it's not critical to get approval before summer. We can always enact it by emergency ordinance," said Persson. "It's preferable to get it done by the summer but not mandatory."

Persson said the ordinance will still need to be approved by the Town Commission and the board agreed they would like to have it ready for the Commission's review before their summer meeting hiatus. The board requested Persson meet with Planning and Zoning Director Monica Daigle to make the agreed-upon revisions for one more review by the board. Persson said he will email the new revision to each board member but that, in accordance with the Sunshine Law, the board members were to reserve comment between each other until their next public meeting. Persson said it is permissible, however, to send comments to either he or Daigle.

A special meeting of the Planning and Zoning Board was set for May 23 at 9 a.m. with the intent of agreeing on a final form of the draft ordinance so it may be forwarded to the Town Commission as soon as possible.

Roles, Responsibilities and Reimbursements

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Who are we? Why are we here? What is our goal?

Town Commissioners weren't waxing philosophical at Thursday's Regular Workshop meeting, they were trying to establish guidelines for their roles and responsibilities as ambassadors and decision-makers for the Town.

In a letter to Commissioners last month, Town Attorney Dave Persson encouraged the Commission to define its expectations for the Mayor's role within the Town. Persson said that as the Town Mayor becomes more actively involved in establishing relationships with surrounding communities, the expectations associated with the position are beginning to change. He credits former Mayors Hal Lenobel and John Redgrave as being among the first of Longboat's Mayors to work toward addressing regional issues affecting Key residents. "Building bridges became more than hyperbole," said Persson.

Also addressed during the discussion was the issue of the Town's reimbursement policy for expenses incurred by Commissioners while doing Town business. Town Manager Bruce St. Denis asked that the Town's travel reimbursement policy be reviewed to determine the proper reimbursement procedure for meals and other expenses associated with traveling on Town business.

St. Denis says that the current Town practice is to reimburse 100% of the meal

costs incurred by a traveling commissioner. The Town policy, however, states that the maximum allowable reimbursement per day is \$6 for breakfast, \$10 for lunch and \$19 for dinner, or \$35 per day. St. Denis says it was the previous Town Manager's decision to reimburse meals at 100% because he felt that since commissioners are unpaid, they "should not have to spend money when they are traveling doing Town business." Mileage is reimbursed according to IRS guidelines.

A survey by Town staff of other local municipalities with reimbursement policies in place revealed that Longboat Key's meal and mileage reimbursements are similar to those in surrounding towns. The City of Sanibel, for instance, reimburses its unpaid city officials a total of \$50 per day for meals while the City of Venice pays their commissioners \$35 per day. The City of Naples reimburses their officials \$26 per day while traveling.

St. Denis also asked the Commission to consider establishing a policy to address the purchase of plane tickets to allow commissioners who may be out of Town to return to Longboat Key prior to or just after a hurricane. St. Denis said that such expenses may be reimbursable through FEMA's public assistance programs as long as a policy is in place prior to a hurricane emergency.

Finally, the Commission addressed the ethics of accepting gifts while acting as Town Mayor or commissioner. As part of its Ethics Code, the Town of Longboat Key has a restriction that states, "No town

officer or employee shall accept any gift in excess of \$100 in value, whether in the form of entertainment, service, loan, thing or promise, from any person, firm or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town."

Recently, Mayor Webster was offered

tickets to an event and was asked to attend in her Mayoral capacity. Because the value of the tickets exceeded \$100, Webster immediately donated the cost of the tickets to the organization. Persson says that attendance at such events does not present a violation, but the Town or individual must pay to remain in line with the Longboat Key's Ethics Code.

Daigle Takes Top Post at P&Z

Monica Daigle, former principal planner for the Planning, Building and Zoning Department, has been named the new Planning, Building and Zoning Director. Daigle will replace Jill Jeglie who resigned four weeks ago.

Daigle responsibilities include supervising planning, zoning, building and code enforcement functions, as well as searching for a new Principal Planner to replace her. Daigle will now be responsible for the everyday management of the department. This isn't the first time that Daigle has served in such a capacity. She served as the Director of Planning and Community Development in Galveston, Texas.

Daigle does not have any major plans to restructure the department, but she would like to see more help in the code enforcement division. Currently, only Heidi Micale serves full time in that function. At one time, there were three full-time staffers enforcing codes.

"Such a position will have to be budgeted and will have to be blessed by the town commission," said Daigle.

Daigle will now help oversee the Town's visioning process.

Daigle said, "We're getting into the re-development cycle now. Future reworking of revisions of Town codes could come out of the visioning process. Commissioners may take up the issues of property regulations and tourism density, which would allow additional tourism units beyond the 1984 cap. Such an alteration would take a Town referendum, or public vote for a Town Charter amendment."

Daigle speaks highly of the Town's Planning and Zoning Board, which she has already worked closely with, and will continue to do so as director.

"I enjoy working with the boards on Longboat Key. The members are generally very astute and take time to understand the issues."