



MEMORANDUM

Development Services Department

TO: A. Jerome Fletcher II, ICMA-CM, MPA, City Manager
CC: Jason Yarborough, ICMA-CM, Assistant City Manager
FROM: Alaina Ray, AICP, Development Services Director
DATE: May 7, 2024
SUBJECT: Unimproved Lot Registration Program

The purpose of this memorandum is to provide information regarding a potential program to create a registry for unimproved property within the City of North Port. There are approximately 40,000 parcels within the City's jurisdictional boundaries that are currently unimproved. Most of these properties are also unmaintained and many are owned by investors, absentee owners, or trusts.

Background

The City previously had an Impinging Growth program, whereby the City required owners of unimproved property to keep overgrown vegetation from impinging upon neighboring developed lots. If lot owners did not comply with regulations to cut the vegetation back, the City would direct its code abatement contractors to cut the vegetation back to approximately 10 feet from the property line. This ensured that future growth could be more easily maintained and would provide a minimal fire break in the event of a brush fire.

During 2017 - 2020, the City processed almost 2,700 complaints for impinging growth, resulting in approximately \$570,000 in expenditures for abatement costs and filing of over 300 liens against vacant lots. There was no special fund for enforcement or abatement costs, so this was a direct impact to the General Fund. The unrecovered costs to the City were so excessive that the City Commission was forced to discontinue the program in 2020. As of 2024, there are still 270 outstanding impinging growth liens for a total amount owed of approximately \$243,000.

Property Impacts

For most of North Port's history, the lack of maintenance on unimproved lots did not present significant negative consequences since the City was sparsely populated. However, as more homes have been built the unmaintained and often invasive vegetation on unimproved lots has become increasingly problematic. Since 2022, approximately 3,300 new homes have been constructed on legacy pre-platted lots. Many of these homes are adjacent to unimproved lots that are unmaintained, with overgrown and invasive vegetation that encroaches upon neighboring properties, damaging fences, roofs, and other structures. Homeowners next to these lots are legally only allowed to trim vegetation that hangs over the property line, leaving them in a constant battle to prevent the overgrowth from overrunning their yards and damaging their homes. (Fig. 1)

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Figure 1. Impinging Growth

Many undeveloped lots are densely vegetated with Category I invasive plant species such as Brazilian pepper, air potato, kudzu, and sewer vine that are causing the eradication of native plant communities and fundamentally altering native habitats. These invasive plants smother, weaken, and kill native trees, leaving them highly susceptible to falling during storms and high wind gusts, and causing damage to homes, power lines, vehicles, and potentially harming people. (Fig. 2 and 3)

Homeowners concerned with trees from neighboring lots overhanging their homes are typically unsuccessful in attempts to gain assistance from vacant lot owners, as the vacant lot owners are usually nonresponsive to requests to trim and maintain their property. The neighboring homeowners' only option is to bear the cost of trimming the overhanging trees themselves, but they can legally only trim what is crossing the property line. This still leaves their homes susceptible to damage from trees that are close enough to their property to cause damage should they fall.

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Figure 2. Native pine tree smothered by vines within falling distance of house.

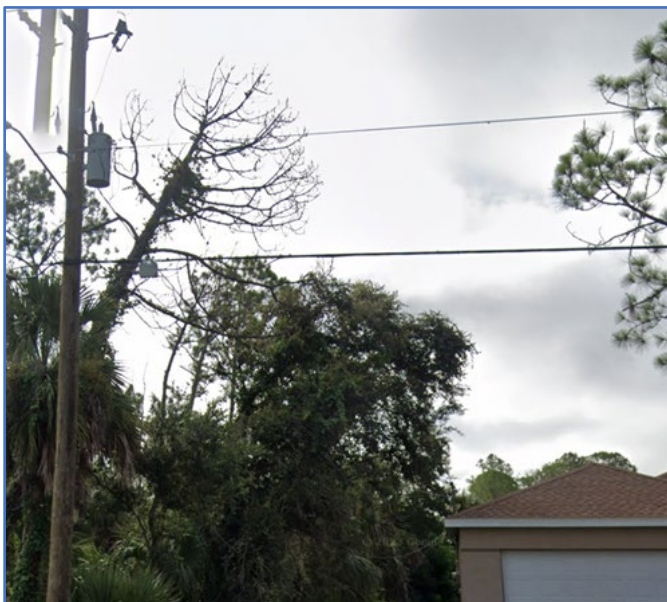


Figure 3. Native pine, dead and leaning toward house.

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Hurricane Ian highlighted and greatly exacerbated the nuisance issues related to unimproved lots. Unmaintained trees from many of these lots fell onto neighboring homes, properties, and streets, damaging both public and private property, cutting power lines, and blocking emergency access to neighborhoods. The City and residents bore the cost of removing these trees from their properties and streets, with no potential to recover the cost of damages from vacant property owners. (Fig. 4 and 5)



Figure 4. City contracted tree debris removal.



Figure 5. Tree from undeveloped lot that fell on house.

Most pine trees appeared resilient immediately after the hurricane but the stresses from sustained winds, flooding, and soil disturbance became apparent during 2023 as numerous pines began declining. The weakened state of these trees attracted pine beetles, which have now initiated the die-off of many native pines. While dead pines are beneficial to native birds such as woodpeckers for the increased nesting opportunities and availability of insects for feeding, the conflicts with developed properties are becoming increasingly concerning.



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Abatement

The Code Enforcement Division works with the City's Arborists to respond to complaints regarding potentially hazardous trees. The Arborists inspect the trees and determine whether the tree is dead or dying and if it could potentially fall in the direction of a neighboring home. If yes, the Code Enforcement Division follows the City's violation procedure to notify the property owner in an attempt to obtain voluntary removal of the tree(s), then abates the issue if there is no action taken by the property owner.

In almost all instances these trees are located on unimproved property. The undeveloped property owners are predominantly unresponsive to violation notices and/or uncooperative in rectifying violations. The abatement and associated administrative costs, approximately \$1,000 per tree, are paid by the City and billed to the property owner. If the property owner does not pay the fine, the City then files a lien against the property. There are currently 42 outstanding liens for dangerous tree removal for approximately \$87,000. Based on historic recovery rates, the City's anticipated near- to mid-term recovery of these funds is approximately only 30 percent.

In 2024, Code Enforcement has received complaints regarding an average of about 15 trees per week that are considered dangerous. It should be noted that, due to limited funds, Code Enforcement has confined its abatement efforts to trees that could potentially hit a house. Trees that could fall onto a neighboring developed property but would likely not hit the house have not been abated, even if the trees could fall in the yard and/or damage other accessory structures such as fences or sheds.

Even with this narrowed scope of abatement, the funding allocated for the entire 2023-24 Fiscal Year to remove dangerous trees has already been depleted during the first half of the fiscal year. Based on current trends as the long-term damage from the hurricane and beetle infestation becomes more apparent, the potential for future weather events, and as more homes are constructed on pre-platted lots, Code Enforcement is expected to receive an increasing number of complaints from residents concerned about trees on neighboring vacant lots.

Although impinging growth is no longer abated by the City due to the significant costs as previously discussed, the City continues to receive complaints and calls requesting the City to intervene, and there appears to be significant public concern regarding this issue.

Funding

The City does not have a dedicated funding stream for abatement of any Code Enforcement issues. Instead, all expenses are funded from the General Fund. This includes personnel costs, vehicle purchase and maintenance, administrative costs to process violations, contractor fees to rectify violations, filing fees to place liens on properties, and other operating expenses. It should be noted that when a lien is placed on a property, the lien amounts do not include the costs to investigate and process these cases, including salaries, benefits, vehicles, and other operating expenditures. These unrecovered costs directly impact the General Fund.



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The undeveloped and unmaintained lots in the City, almost 40,000, represent approximately 40 percent of all parcels in the City and create an outsized burden on developed property owners in terms of maintenance, property damage, and impacts to the General Fund.

Many cities in Florida, including Port St. Lucie, Palm Bay, and other pre-platted communities, maintain prohibitions of vegetation encroaching from undeveloped lots onto neighboring developed properties, typically requiring a 10- or 15-foot clearance inside the undeveloped property line with exceptions for certain native vegetation and species protection. Some cities, including Miami, Lake Worth Beach, Sunny Isles Beach, and Palm Springs have adopted registration programs for undeveloped lots to require contacts for a local person or company responsible for management, 24-hour emergency phone contacts, and an annual registration fee. These annual registration fees vary, but generally range in the amount of \$100 - \$500 per year. These registration fees are used for operating costs related to removing nuisance vegetation on these undeveloped lots. Two examples of Vacant/Undeveloped Lot Registration forms are attached for reference (it should be noted that these cities combine this registration with their Vacant and Abandoned Property registration and utilize the same form both types of property).

If the City of North Port were to consider initiating an Undeveloped Lot Registration Program, there are two potential methods for collecting registration fees. One method would be through an annual notification process and online fee collection as the City currently uses to register Vacant and Abandoned properties. This method would rely on the property owner completing an annual registration form and making an online payment. Non-payment of fees would be a violation and would create the need for additional Code Enforcement action.

The second option would be to include a non-ad valorem assessment for undeveloped lots. While this would be a more resource-intensive process to initiate, it would ensure a more consistent collection approach. An online registration form would still need to be completed by the property owner to ensure updated contact information. However, this option would remove the need for Code Enforcement to pursue additional violations for non-payment of fees.

Either of these collection methods would ensure that funding is available to manage issues regarding dangerous trees and impinging vegetation. Since owners of undeveloped properties would be funding these efforts directly through the annual fees/assessments, the abatement of these issues could be performed without the need to go through a violation, hearing, and lien process. This is a direct benefit to the undeveloped property owners, as they will not need to seek contractors to perform work and will not have their properties encumbered by liens.

The City should also consider an exemption process for either of these registration options to provide exemptions for undeveloped lots that are owned and maintained by owners of an adjoining developed property.



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Based on the approximate number of undeveloped lots in the City, the following funding could be anticipated depending on the fee that is established. (Table 1) The fees and revenue below are based

on a flat fee but could also be established at a variable scale vary based on factors such as residential or commercial, size of property, or other attributes.

Table 1. Fees and Revenues

Potential Annual Registration Fee Per Lot	Potential Total Annual Revenue
\$100	\$4 million
\$150	\$6 million
\$200	\$8 million

While an Undeveloped Lot program would benefit those undeveloped property owners by eliminating the lengthy violations, hearing, and lien process, and would improve the health, safety, and welfare of residents and homeowners adjacent to these lots, it would also benefit City taxpayers overall. Since these issues are currently funded solely through the General Fund, which is funded directly through all property taxes, this program would shift that burden to an alternate funding mechanism.

CITY OF MIAMI
Vacant Property Registration

Check which of the following are you registering?

Vacant, Blighted, Unsecured or Abandoned Structure

Vacant Lot

Property Address: _____ Folio Number: _____

Owners Name: _____

Owner's Mailing Address: _____

City: _____ State: _____ Zip: _____

Owner's email Address: _____

Owner's Business Number: _____ Owner's 24 Hr Emergency Number: _____

Responsible Party/Agent: _____ Email: _____

Bank/Financial Institution Contact Info: _____

Type of Structure: Residential Commercial

Is property owned by a corporation, Limited Partnership or LLC? If yes, you must complete the following:

Principle Officer or Managing Member: _____

24-Hour Contact Information: _____

I, _____, authorize the City of Miami and its agents to enforce trespassing violations or other unauthorized/unlawful activity on the premises. I certify that I am authorized to enter into such an agreement with the City of Miami.

Subscribed and sworn to before me in the county of _____, State of Florida, this _____ day of _____, 20_____.

(Notary's official signature)

(Commission expiration date)

NOTARY SEAL



City of Sunny Isles Beach
Code Compliance Department
Vacant Lot/Building/Condo Units Registration Form

Vacant Lot Vacant Building Vacant Condo Units

Date: _____ Property Parcel # _____ Date of Vacancy _____

Vacant Property Address: _____

(A separate form must be used for each property)

Type of Structure: Commercial Residential (N/A) Vacant Lot Age of Building _____

Total Square footage _____ Number of stories _____ Number of Units _____

Most recent use of the lot/building _____

Name of Owner/Contact*: _____ Phone: _____ Ext: _____

Address: _____

(P.O. Boxes are not acceptable)

City, State _____ Zip: _____

***If there are multiple owners such as an estate, association, corporation or partnerships, you must attach a separate sheet and provide the requested information for ALL owners/principals of the entity.**

Alternate Contacts:

1 - Registered Property Manager*: **(Required if all listed owners live out of state)**

Name of Owner: _____ Phone: _____ - _____

Address: _____

(P.O. Boxes are not acceptable)

City, State _____ Zip: _____

2 – Responsible Natural Person**

Name of Owner: _____ Phone: _____ - _____

Address: _____

(P.O. Boxes are not acceptable)

City, State _____ Zip: _____

***This person/entity must reside in Miami-Dade or any adjoining Florida county, must be authorized to accept service of process on behalf of the owners and be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting public health, safety or welfare and for purposes of service of any and all notices or registration.**

****This person (not a corporation, partnership, or limited liability company) needs to be reached at all times during business and non-business hours)**

*****Chapter 253 – Vacant properties, section 253-4-C(1)(2) Registration of vacant lot/building or vacant**

New Registration (Required within 15 days of any change in previous information) Annual Renewal

One Time Registration Fee (All applicants) – \$ 100.00 **AND**

Annual Fee for New Registration or Renewal (Residential Vacant lot/Vacant Condo Unit) – \$ 500.00

OR

Annual Fee for New Registration or Renewal (Multi-family/Commercial lot) – \$ 5,000.00

Notarized Signature of Property Owner/Authorized Agent

Signature of Property Owner/Authorize Agent Date _____

Subscribed and sworn on (date) _____

Signature of Notary _____

Print Name _____ County _____ State _____

Commission Expires (date) _____

When completed please mail this notarized form with the appropriate fee to:
City of Sunny Isles Beach
Code Compliance Department
18070 Collins Avenue – 3rd floor - Sunny Isles Beach, FL 33160