



**Property Maintenance  
Code, Ordinance 2012-26  
and  
Trailer Parking,  
Ordinance 2013-03**

January 15, 2013, Planning and  
Zoning Board Meeting

## **Core Value of Town:**

*The Town shall support well-designed and well-maintained neighborhoods, communities, and commercial areas through the regulation and enforcement of landscaping and property maintenance codes for the beautification of the island and protection of property values.*

The Town Commission asked staff to meet with the community to receive input on code enforcement issues that currently exist in the Town and develop ideas and possible solutions to protect our community and property values.

Staff had a community meeting in regards to code enforcement issues on January 24, 2012.

# **Public Outreach for January 24, 2012**

## **Meeting**

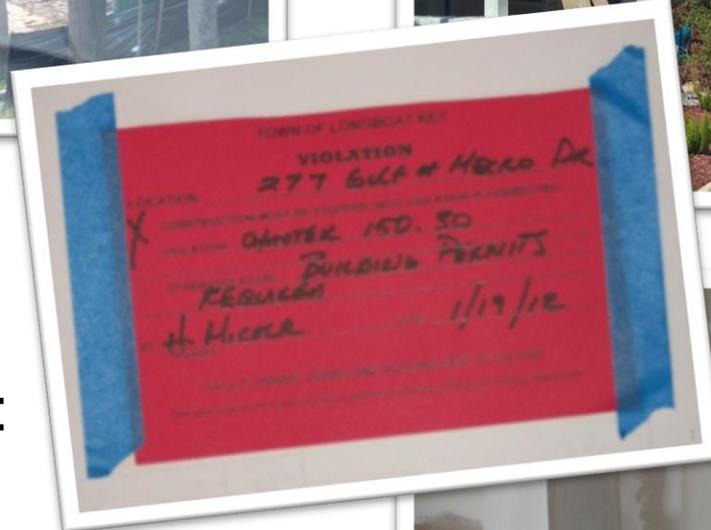
- **2,900 notices send out in utility bills**
- **103 letters sent to HOA's**
- **Chamber of Commerce email blast**
- **Legal ads in both local papers**

**Staff presented Ordinance 2012-26 at  
Town Commission Workshop on  
November 12, 2012. The Town  
Commission directed staff to have the  
Planning Board review Ordinance  
2012-26 along with an ordinance that  
regulated the parking of trailers,  
storage pods and boat trailers  
(Ordinance 2013-03)**



# **Our Current Code Enforcement Program**

# Building Permit Violations



Violations related to:

- Working without a permit
- Revoked permits
- Job site maintenance
- Unlicensed contractor complaints



# Sign Violations



Violations related to:

- Prohibited signs
- Open house violations
- Non-permitted signs
- Sign placement
- Too many signs at a connecting street



# Chapter 96, Maintenance of Premises



Violation related to:

- Weeds and grass in excess of 12 inches
- Accumulation of brush

# Vacant Lots



Vacant lots which have previously been mowed are required to be maintained at 12 inches or less.

# Chapter 98, Trees



Violations related to:

- Removal without permit
- Planting under electrical facilities
- Over trimming of palms

## 95.25, Junk Accumulation



Violations related to:

- Unregistered vehicles
- Trash accumulation
- Abandon equipment

# Chapter 100, Sea Turtles



# Abandoned Property



Procedure for items left on public property:

Chairs tagged with a 5 day notice

- After 5 days removed and stored
- Notice to claim posted for 90 days



# Zoning Violation



Modifying non-open space coverage requires approval by Zoning Exception for driveways, pathways, and other surfaces.

# Zoning Violation



Installing fences requires approval by Zoning

# Intersection Visibility

Before

After



## 158.127, Accessory Use



Vacant lot used for parking and storage.



Utilizing a vacant lot for parking is considered an illegal use.

130.08, Construction materials—Hurricane protection.



It shall be unlawful for any person to allow construction related materials to remain loose or otherwise unsecured at a construction site at the time a mandatory evacuation has been ordered for the town and continuing until the evacuation order has been lifted. The police department enforce this code.

Violations- 2005 thru 2011	2005	2006	2007	2008	2009	2010	2011
Building permit violation	207	189	189	279	106	68	114
Signs	141	168	173	92	187	279	265
Maintenance of premises	129	73	82	69	114	141	100
Trees	0	0	4	1	0	1	8
Junk Accumulation	13	9	12	3	5	19	13
Turtles	19	63	53	71	105	117	96
Misc.	21	35	42	24	29	19	29
Abandoned property-beach chairs	0	0	0	0	4	22	6
<b>Zoning Code Regulations</b>							
Driveways/fences/misc.	14	20	21	24	14	15	17
Rental complaints	2	3	5	1	1	5	11
Schedule use of regulations	0	1	3	3	3	3	3
Accessory use	0	1	1	0	2	8	8
Utilization of yards	2	4	3	1	11	20	11
Yard regulations	3	7	4	1	4	6	3
Walls, fences, hedges	10	9	0	1	0	8	1
Screening regulations	0	0	2	0	0	1	4
Intersection visibility	5	4	2	1	3	19	32
Home occupations	0	0	0	0	1	1	2
Outdoor dining	0	1	0	0	0	1	1
Structures over water	0	0	34	9	0	0	0
<b>Totals</b>	566	587	630	580	589	753	724
<b>Cases taken to Code Enforcement Board</b>	4	5	21	51	39	74	16
<b>Number of cases Town cut grass</b>	0	0	3	2	1	7	0



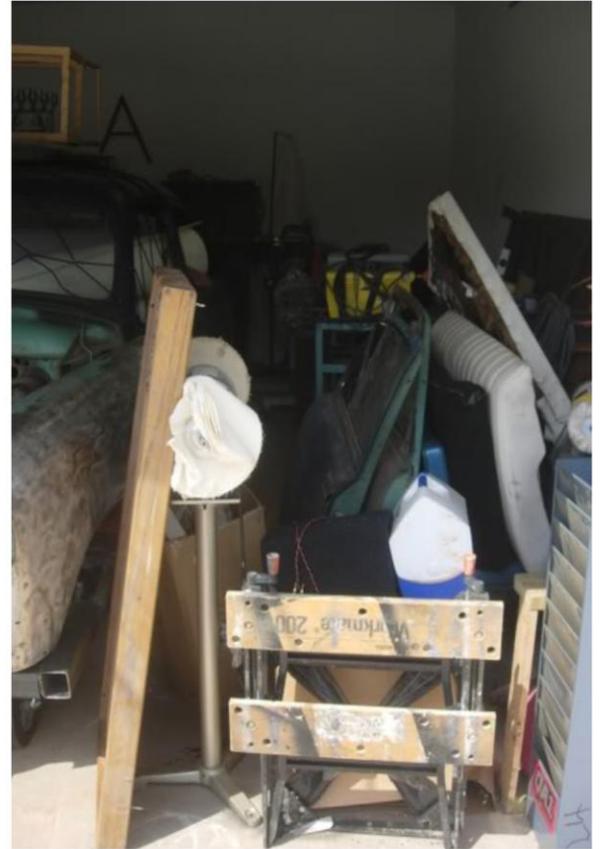
# Current Code Enforcement Problems

# Problems our community faces without a Minimum Property Maintenance Code

- Deterioration of structures
- Unsafe structures
- Neighborhood blight
- Neighborhood nuisances
- Decline of property values



# Open Storage



**carports would be regulated by our new Code**

## Exterior Storage



These would be possible violations

# Exterior Storage



The number or type of toys stored outside in plain view may be a violation

# Exterior Storage



Storage not seen from the public way would not be a violation

# Exterior Storage



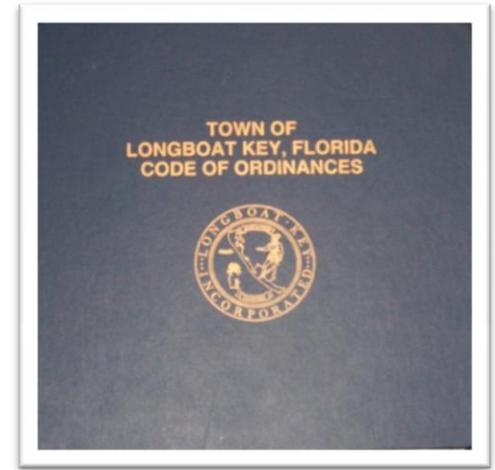
Storage of construction material with an active building permit would not be a violation

# Unmaintained property



## What has created the problem

- Property foreclosures
- Investment properties
- Vacant properties
- Lack of codes—Not a lack of enforcement



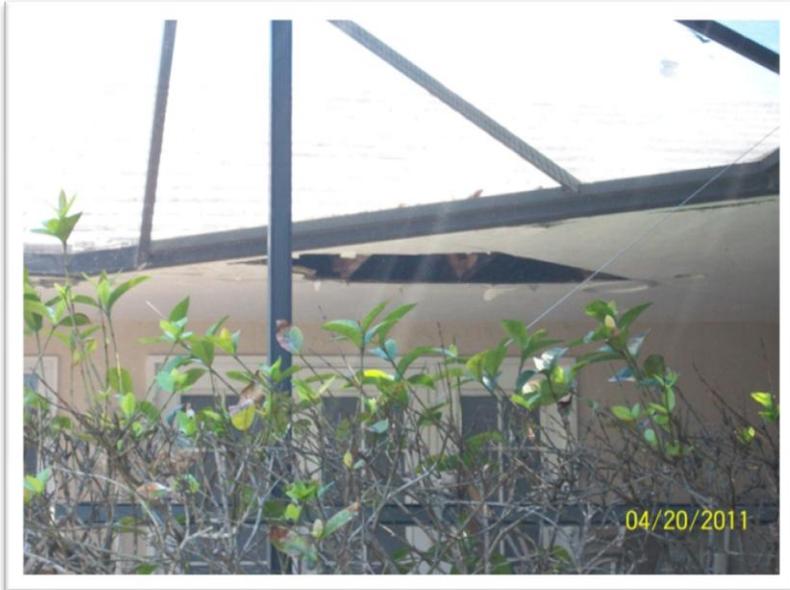
## Questions and Concerns

How will the Town enforce peeling paint and a crack in the stucco? My house has a crack near a window and the paint is peeling off the window sill --will I be getting a Notice of Code Violation? How is the Town going to determine if this property is in violation?

Possible factors to consider when determining a violation

- Is the property a vacant structure or an occupied dwelling
- Have we received complaints from the community on this property
- Is the condition creating blight
- Can the crack be seen from the road
- Are there other visible signs of deterioration

# A look into the backyards of our neighborhoods...



- Unsanitary pools
- Torn screens
- Homes are deteriorating

# A look into our backyards and our neighborhoods...



- Home repairs are ignored
- Homes are deteriorating
- Structures are failing



- Peeling paint
- Broken window
- Boarded up window
- Mold



- Structures are deteriorating without proper maintenance

## Vacant Homes



One of the biggest problems currently creating blight to our community are the vacant homes that have been purchased by investors who are waiting to the right time to demolish or improve. Many of these homes sit vacant without water or electricity and with only the minimum property maintenance being applied—the grass is being cut.

Changes to the Town's Code will change our neighborhoods.



DEMOLISH

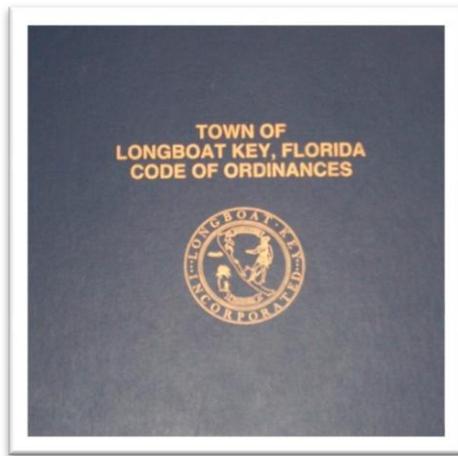


MAINTAIN

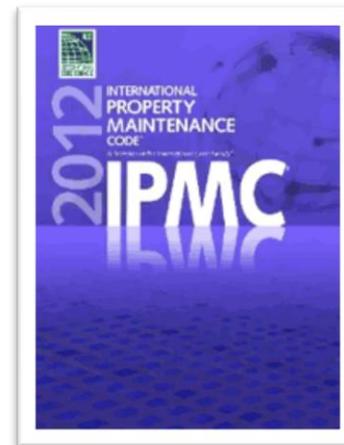
Property owners/investors would be required to make a decision to either maintain the structure to the Town's minimum standard or remove the structure.

## The Question

As society has changed is it time to change our codes related to property maintenance?

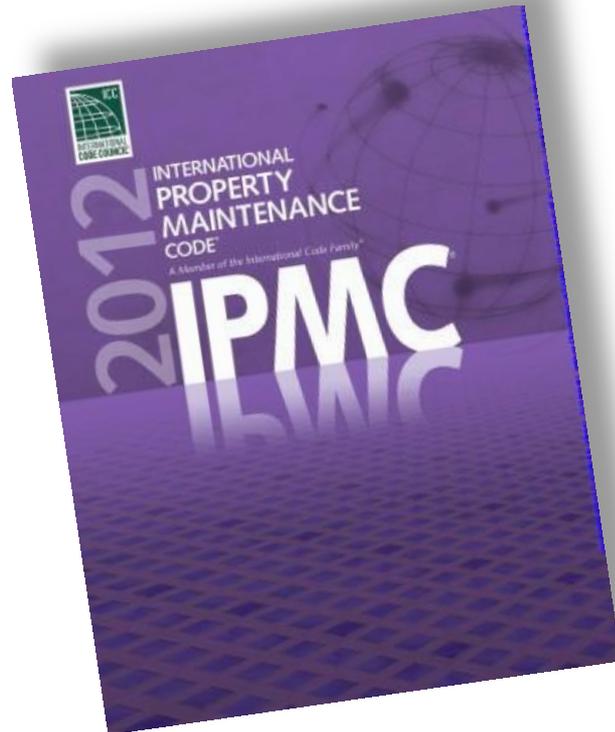


Town Code

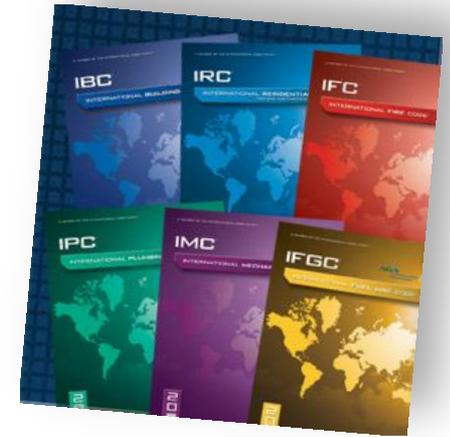


IPMC

# Possible solution through adoption of parts of the International Property Maintenance Code (IPCM)



# What is the IPMC?



One of many codes developed by  
The International Code Council  
(ICC)

Founded by:

- Building Officials and Code Administrators International (BOCA)
- International Conference of Building Officials (ICBO)
- Southern Building Code Congress International (SBCCI)

Purpose: Establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare.

# IPMC Chapter Breakdown

- Chapter 1      Scope/Application
- Chapter 2      Definitions
- Chapter 3      General Requirements
- Chapter 4      Light/Ventilation and  
Occupancy Limits
- Chapter 5      Plumbing Facilities
- Chapter 6      Mechanical/Electrical  
Requirements
- Chapter 7      Fire Safety

# IPMC Chapter 3 Breakdown

- Section 301 General
- Section 302 Exterior Property Areas
- Section 303 Swimming Pools and Enclosures
- Section 304 Exterior Structure
- Section 305 Interior Structure
- Section 306 Component Serviceability
- Section 307 Handrails and Guardrails
- Section 308 Rubbish and Garbage
- Section 309 Pest Elimination

# How can the IPMC help Longboat Key?



Swimming  
Pools/Screen  
Enclosures  
IPMC Section 303  
(Town Code 104.13)



Rodents  
IPMC Section 309  
(Town Code 104.17)



**Unsafe Structures  
IPMC Section 304.1  
(Town Code 150.21)**



Windows and Doors  
IPMC Section 304.2  
(Town Code 104.14)





Peeling Paint/Mold  
IPMC Section 304.2  
(Town Code 104.14)



Cracked Block/Stucco  
IPMC Section 304  
(Town Code 104.14)



# Seawall

Cracked Block/Stucco  
IPMC Section 304  
(Town Code 104.14)



# Does the enforcement process change???

- Doesn't change- Follow Florida Statute Chap. 162 and LBK Ordinance Chap. 33
- Cite violation and give adequate time to correct the issue.
- If not corrected, case goes before Code Enforcement Board (CEB) or Town Commission.
- Order is written by the CEB with a compliance date.
- If still not corrected, fine begins and runs until corrected.

# How to adopt the IPMC

- Many communities adopt the whole code by reference
  - ex. Florida Building Code or National Electric Code (NEC).
- Adoption by Chapter or Section.
  - Requires restructuring of current codes and ordinances and the creation of new chapters and sub-sections.

The property maintenance issues on Longboat Key may be resolved by adopting parts of the IPMC, and by making a few additional adjustments to our current code.

At this point, our current Town Code does not have the necessary and desired property maintenance sections to address the conditions that are frequently complained about.

# Adoption of Ordinance 2012-26

- Staff is proposing to adopt Chapter's 100, 200, 300 and a subsection of Chapter 700 of the IPMC by creating a new Chapter 104 *Property Maintenance Code* and amending sections in Chapter 150 *Buildings*.



# Other Property Maintenance Issues

Not currently addressed in the  
Town Code

- 1) Boat parking
- 2) Storage trailers
- 3) Storage pods

Section 158.128 allows a registered boat, on a trailer with a current license plate, in any setback or yard (except waterfront yards) in an approved driveway.



**Does the Town Code need more regulations for boat parking?**  
**The Code for Holmes Beach states that only ONE recreational vehicle (boat, boat trailer , utility trailer, vehicle trailer...) in the front yard or driveway.**

**‘Storage’ trailers**, pictured below, with current registration, are legally parked in an approved driveway or side yard.



The Town Code regulates ***‘travel’ trailers*** more strictly. 72.06 defines a travel trailer, in sum, as a structure intended for habitation. Travel trailers may be parked for no more than 5 days in any 30 day period, unless in a carport or garage.

# Storage PODS are not regulated by our Town Code



Other jurisdictions regulates temporary storage units including PODS. They may be in the front yard for no more than 5 days.

# Adoption of Ordinance 2013-03

- Staff is proposing to restrict storage trailers and storage pods in the same way that travel trailers are restricted. They would be allowed to be parked no more than 5 days in any 30 day period, unless in a carport or garage.
- Staff is recommending that boat trailer parking be restricted to one boat trailer to be parked in an open parking area, unless in a carport or garage.

Questions  
and  
Discussion?