

M E M O R A N D U M

DATE: December 17, 2012

TO: Planning and Zoning Board

THROUGH: Robin D. Meyer, AICP, Director
Planning, Zoning and Building Department

FROM: Steve Schield, AICP, ASLA, CFM, Town Planner
Planning, Zoning and Building Department

SUBJECT: Ordinance 2012-26, Minimum Property Maintenance Code

At the September 22, 2011, regular Town Commission workshop, staff discussed the possibility of amending the Town Code to address property maintenance on the island. As a result of the discussion, the Commission directed staff to obtain input from the community and agreed to hold a workshop to further discuss the matter.

Staff held a community meeting on the matter on January 24, 2012 (notice and minutes attached). Advertisements for the meeting were placed in the local papers and included in all Town utility bills. Invitations were also sent to all property managers, landscape maintenance companies, and condominium and neighborhood associations. A presentation was made by staff about the *International Property Maintenance Code* (IPMC) (attached) and included discussion of other property maintenance complaints (parking, vegetation, etc.) The meeting was attended by approximately 40 people representing a cross section of the community. Participants supported the higher maintenance standards required by the IPMC, as well as restrictions regarding trailer and boat parking. However additional maintenance requirements regarding vegetation/landscaping was not supported.

During the community meeting held on January 24, 2012, several residents raised concerns that over the past few years, due to financial reasons, absentee owners, and other factors, the general aesthetic condition of some structures and the properties on Longboat Key have deteriorated to an unacceptable level. However, the Town has not adopted property maintenance standards beyond issues such as high weeds and grass and conditions that may pose a threat to health and safety. Consequently, Town staff is unable to cite these types of issues as code violations.

Many communities, both in Florida and nationally, have adopted the International Code Council's (ICC) IPMC, either in whole or in part, or have adopted similar code provisions that are effective in maintaining the desired aesthetic condition. Some examples of what the IPMC and other codes address are:

- Maintenance of swimming pools so that they are kept in clean and sanitary condition
- Eliminates peeling, flaking and chipping paint
- Maintenance of doors, window and window frames, porches, decks and fences
- Unmaintained parking lots (e.g. potholes, etc.)

- Torn screening (both window screens and lanai screening)
- Maintenance of accessory structures (seawalls, docks, fences, walls)
- Outdoor storage

If this increased level of property maintenance is desired, it is important that the adopted regulations are clear and enforceable. Part of this effort will be the ability to clearly determine what is a violation of the code and what conditions are not considered a violation. Enforceability is determined both by the actual code itself and by the staffing available to educate and proactively enforce the regulations. Staff recommends that if the town wishes to improve its ability to elevate its property maintenance standards, then amendments to the Town Code would have to be adopted.

The following is a condensed list of complaints brought to the attention of the Town's Code Enforcement Officer, to which code violations could not be issued because they are not addressed in the code, but most of them would be covered by the adoption of the IPMC. These observations include, but are not limited to:

- Maintenance of swimming pools so that they are kept in clean and sanitary condition
- Eliminates peeling, flaking and chipping paint
- Maintenance of doors, window and window frames, porches, decks and fences
- Unmaintained parking lots (e.g. potholes, etc.)
- Torn screening (window screens, lanai screening, pool enclosures)
- Unmaintained landscaping (non-high weeds and grass)
 - Trimming of overgrown hedges
 - Removal/trimming of dead vegetation
 - Brown/dead grass
 - Fallen fruit from trees
- Items stored on the exterior of structures and within view of public streets
- Rusted handrails (that are not a life/safety issue)
- Rotting garage doors
- Broken windows
- Cracks in stucco
- Dilapidated mailboxes
- Fences in disrepair

The planning staff have worked with the building staff and the Town Attorney to draft Ordinance 2012-26. The proposed ordinance incorporates sections of the IPMC into a new Chapter 104 titled "Property Maintenance Code." The proposed ordinance also amends Chapter 150, *Buildings*, to incorporate sections from the IPMC and relocates sections from Chapter 96, *Health and Sanitation*, that deal with overgrowth of vegetation and mosquito breeding sites into the new Chapter 104. These higher standards will allow staff to better enforce both our current requirements and to allow staff to enforce a minimum aesthetic condition for structures and for properties. Ordinance 2012-26 will work to improve the community and to protect our property values.

Staff presented Ordinance 2012-26 at the November 12, 2012, Town Commission workshop. The Town Commission directed staff to forward Ordinance 2012-26 to the Planning and Zoning Board for recommendations and to receive additional public input.

Staff recommends approval of Ordinance 2012-26.

Attachments: Ordinance 2012-26
 Notice and minutes for January 24, 2012 Community Meeting
 Minutes for November 12, 2012, Town Commission Workshop
 2012 International Property Maintenance Code

Xc: Robin D. Meyer, AICP, Director-Planning, Building & Zoning Department
 Wayne Thorne, Building Official
 David Persson, Town Attorney