



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: November 19, 2019

AGENDA ITEM: F.1

CASE: TA2019-10005

ORDINANCE NO.: 9349-20 (previously advertised as Ordinance 9349-19)

REQUEST: The Community Development Board (CBD) is reviewing a request to amend the City of Clearwater's Community Development Code to adopt the International Property Maintenance Code with Certain Local Amendments in Section 3-1502 in place of Chapter 47, Article VII, Unsafe Buildings and Systems and Chapter 49, Housing Code and expanding the powers of the Building/Flood Board of Adjustment and Appeals to hear violations and appeals related to the International Property Maintenance Code, and making a recommendation to the City Council.

INITIATED BY: City of Clearwater, Planning and Development Department

BACKGROUND:

The City enforces unsafe building and housing cases through two different provisions: Article VII, Chapter 47, which adopts the 1985 Standard Unsafe Building Abatement Code with certain amendments, and Chapter 49, which adopts the 1991 Standard Housing Code with certain amendments. These codes were published by an entity known as the Southern Building Code Congress International, Inc. ("SBCCI").

In 1998 the SBCCI participated in the first ever International Property Maintenance Code ("IPMC") which compiled the standard unsafe building code and the standard housing code into one uniform code. Several editions of the IPMC have been published throughout the years, and the 2018 edition is the latest one.

The City desires to amend its unsafe building and housing codes in three respects. First, the City's proposed ordinance adopts the IPMC with several local amendments. And because the IPMC supersedes the Standard Unsafe Building Abatement Code and the Standard Housing Code, Article VII, Chapter 47 and Chapter 49 of the Clearwater Community Development Code ("the Code" or

“the Development Code”) would be obsolete if the IPMC is adopted and therefore the City suggests repealing those sections in their entirety.

Second, the City’s proposed ordinance expands the power of the Building/Flood Board of Adjustment and Appeals (“the Flood Board” or “the Board”). Under the new ordinance, the Flood Board now has the power to enter orders requiring repair of unsafe structures and to allow the City to enter onto the property to make the repairs on the owner’s behalf.

The remaining amendments are technical in nature and remove certain references to the Standard Unsafe Building Abatement Code and the Standard Housing Code found in the Code.

ANALYSIS:

- **Adoption of the IPMC**

At its heart, the IPMC sets “property maintenance” standards for buildings and structures after they have been built. In Florida, such property maintenance standards complement the Florida Building Code which is a regulatory framework for construction of buildings and structures. In other words, the Florida Building Code instructs how to build a structure; property maintenance codes like the IPMC instructs how to keep a construed structure from deteriorating after it is built.

The Code already contains certain property maintenance standards at Sect. 3-1502. Those standards generally deal with aesthetic issues found on the outside of a structure, such as exterior surface problems or overgrown grass, and not necessarily the structural integrity of a building or structure. But since certain property maintenance standards already exists in the Code, and because the IPMC is a property maintenance code, it makes sense that if adopted, the IPMC should be placed within Sect. 3-1502 as proposed by the ordinance.

The local amendments to the IPMC proposed by the ordinance were made in conjunction with the Planning and Development Director, the Building Official, and the Assistant City Attorney, and serve two main purposes. First, the amendments eliminate any redundancy or conflict between the IPMC and what is currently contained in the City’s property maintenance standards by deleting those provisions in the IPMC that are either redundant to or in conflict with what is currently in Sect. 3-1502 of the Code. Second, the amendments ensure that the IPMC comports with Florida law in general and the local law of the City in specific. For instance, the ordinance proposes to amend the terms “form” and “method of service” to ensure that all unsafe notices are sent in the same form as violation notices sent pursuant to Sect. 7-102(B) of the Code and in the same manner as contemplated by § 162.12, Fla. Stat.

- **Expanding the powers of the Flood Board**

Under the Code, the Flood Board merely has the power to hear appeals of the Building Official’s decision related to unsafe buildings, structures, and service systems. *See* Sect. 47.033, Clearwater Community Development Code. It does not, however, have any power to enforce those decisions. The proposed ordinance changes that.

Specifically, the ordinance grants the Flood Board the authority to hear violations of the IPMC and, in cases where the Board finds that a building or structure is dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, it can order corrective action to be taken. This corrective action includes repair, improvement, vacation, or demolition of the building or structure. Moreover, the proposed ordinance grants the Flood Board the power to issue orders allowing the City entry onto the property and have the corrective action done at the owner's expense. Finally, the ordinance grants the Board the power to issue fines as provided in Sect. 7-103(B) of the Code.

- **Remaining amendments technical in nature**

The remaining amendments are technical in nature in that they remove references to the Standard Unsafe Building Abatement Code, the Standard Housing Code, and other obsolete codes found throughout the Community Development Code. Removal of these references is necessary since the proposed ordinance repeals Article VII, Chapter 47 and Chapter 49 of the Code in their entirety.

CRITERIA FOR TEXT AMENDMENTS:

Community Development Code Section 4-601 sets forth the procedures and criteria for reviewing text amendments. All text amendments must comply with the following:

1. The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan.

A review of the Clearwater Comprehensive Plan identified the following Goals, Objectives and Policies which will be furthered by the proposed Code amendments:

Goal A.6 The City of Clearwater shall utilize innovative and flexible planning and engineering practices, and urban design standards in order to protect historic resources, ensure neighborhood preservation, redevelop blighted areas, and encourage infill development.

The proposed amendments are geared towards efficiently and effectively removing blight from unsafe building and structures, whether done by the property owner's own accord or the City's. Moreover, the provision in the ordinance allowing the Flood Board to issue fines and render orders requiring corrective action acts as a deterrence against future unsafe violations, which protects historic resources and ensures neighborhood preservation.

Objective A.6.1 The redevelopment of blighted, substandard, inefficient and/or obsolete areas shall be a high priority and promoted through the implantation of redevelopment and special area plans, the construction of catalytic private projects, city investment, and continued emphasis on property maintenance standards.

The IPMC is a property maintenance standard code which allows the City to efficiently and effectively deal with unsafe buildings and structures.

Moreover, granting the Flood Board additional authority to issue fines and render orders requiring corrective action speeds up enforcement against unsafe buildings and structures. Consequently, the proposed ordinance furthers redevelopment of blighted, substandard, inefficient, and obsolete properties.

Policy A.6.1.13 The City of Clearwater will continue to promote infill development and the removal of blight through the Unsafe Structures Program.

As of August 2006, the City's Unsafe Structures Program has resulted in either demolition or full code compliance of over 1,020 structures. Adopting the IPMC and giving the Flood Board additional enforcement authority will hasten the City's ability to remove blight.

2. The proposed amendment furthers the purposes of the Community Development Code and other City ordinances and actions designed to implement the Plan.

The proposed text amendments will further the purposes of the CDC in that it will be consistent with the following purposes set forth in Section 1-103.

- It is the purpose of this Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedure for land development approvals; to enhance the character of the city and the preservation of neighborhoods; and to enhance the quality of life of all residents and property owners of the city. *(Section 1-103.A., CDC)*
- It is the further purpose of this Development Code to make beautification of the city a matter of the highest priority and to require that existing and future uses and structures in the city are attractive and well-maintained to the maximum extent permitted by law. *(Section 1-103.D, CDC)*
- Protect the character and the social and economic stability of all parts of the city through the establishment of reasonable standards which encourage the orderly and beneficial development of land within the city. *(Section 1-103.E.2, CDC)*
- Preserve the natural resources and aesthetic character of the community for both the resident and tourist population consistent with the city's economic underpinnings. *(Section 1-103.E.5, CDC)*
- Coordinate the provisions of this Development code with corollary provisions related to parking, fences and walls, signs, minimum habitable area and like supplementary requirements designed to establish an integrated and complete regulatory framework for the use of land and water within the city. *(Section 1-103.E.12, CDC)*

The amendments proposed in proposed ordinance will further the above referenced purposes by implementing the Comprehensive Plan policies related to unsafe buildings and structures, and by establishing a regulatory framework geared towards eradicating such unsafe conditions. These regulations will ensure that blight is effectively and efficiently dealt with thereby enhancing the City's character.

SUMMARY AND RECOMMENDATION:

The proposed ordinance amends the City's unsafe building and housing codes. The amendments adopt the IPMC with certain local amendments; expand the power of the Flood Board; and removes references to the Standard Unsafe Building Abatement Code and the Standard Housing Code found in the Clearwater Community Development Code. The proposed ordinance is consistent with and will further the goals of the Clearwater Comprehensive Plan and the purposes of the Community Development Code. Based upon the above, the Planning and Development Department recommends:

APPROVAL of Ordinance No. 9349-20 that amends the Community Development Code.

Prepared by Planning and Development Department Staff:



Kevin Garriott

Building Official

Planning and Development Department

ATTACHMENT: Ordinance No. 9349-20