

A-G-E-N-D-A
REGULAR MEETING
PLANNING BOARD
CITY HALL CONFERENCE ROOM
308 E. STADIUM DRIVE

TUESDAY, APRIL 23, 2019
5:30 P.M.

1. Meeting called to order.
2. Roll Call.
3. Set Meeting Agenda.
4. Approval of minutes of the regular meeting on March 26, 2019.
5. New Business:

(A) ZONING CASE Z-19-04 MAP AMENDMENT

- (1) Consideration of a zoning map amendment request to rezone property at 338 W. Stadium Drive from Office & Institutional to Business-General. Submitted by Richard Dyer.
- (2) Amend the request to include three (3) additional parcels of land known as 328 W. Stadium Drive (PIN 7070-16-82-8525), 350 W. Stadium Drive (7070-16-82-3757) and a vacant lot identified as PIN 7070-16-82-4752.
- (3) Consideration of a Resolution adopting a statement of consistency regarding the proposed map amendment request to rezone property at 338 W. Stadium Drive and the additional three (3) parcels from Office & Institutional to Business-General. Submitted by Richard Dyer.

(B) CITY CODE AMENDMENT CCA-19-01 TEXT AMENDMENT

- (1) Initiate action to amend Chapter 4, Article I, Section 4-4(A)(3) to change the standards for vacating and closing structures and to add Sections 4-5 through 4-14 to provide for a Vacant Commercial Property Registration.
- (2) Consideration of amending Chapter 4, Article I, Section 4-4(A)(3) to change the standards for vacating and closing structures and to add Sections 4-5 through 4-14 to provide for a Vacant Commercial Property Registration.

6. Items from Staff:
7. Items from the Planning Board:
8. Adjournment.

**PLEASE CALL THE PLANNING AND
INSPECTIONS DEPARTMENT IMMEDIATELY
TO LET US KNOW YOUR PLANS FOR
ATTENDING THE MEETING**

336-623-2110 OPTION 2

EDEN PLANNING BOARD
MARCH 26, 2019

The regular meeting of the Eden Planning Board was held on Tuesday, March 26, 2019, at 5:30 P.M. in the conference room at City Hall. Members present:

Amelia Dallas
Barbara Garland
Carol Helms
Steve Morgan
Fred Ramsey
Matthew Smith
Frank Wyatt

Members absent: Eddie Barker*
Gwen Taylor
Jerry W. Holland, Jr.*

Staff Present: Kelly K. Stultz, Planning Director
Debra M. Madison, Planning Coordinator/Legal Assistant

Others Present: Tarus Hale
Victoria Hale

*Excused absence.

Chairman Matthew W. Smith called the meeting to order.

ROLL CALL:

Debra Madison took note of everyone that was present and established a quorum.

SET MEETING AGENDA:

Steve Morgan made a motion to set the agenda as presented. Amelia Dallas seconded the motion. Motion carried unanimously.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON JANUARY 22, 2019.

The minutes of the regular meeting on January 22, 2019, were presented to the Board. Carol Helms made a motion that the minutes be approved. Steve Morgan seconded the motion. Motion carried unanimously.

NEW BUSINESS:

ZONING CASE

Z-19-03

TEXT AMENDMENT

- (1) Consideration of a zoning text amendment request to amend Section 11.24(m)(5) to allow Truck Driver Training Schools in the Business-Shopping Center District. Submitted by Victoria Hale.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the proposed text amendment request to amend Section 11.24(m)(5) to allow Truck Driver Training Schools in the Business-Shopping Center District.

Kelly Stultz gave the Staff Report which included a recommendation that the Board recommend approval of the text amendment to the City Council.

Tarus Hale addressed the Board to explain how their proposed business would operate. The Board Members had questions for the Applicants, Victoria and Tarus Hale, and discussed the various types of vehicles that require driving schools.

Fred Ramsey made a motion to amend the text amendment to say: "Driving schools for vehicles that require a CDL license and passenger vehicles." Frank Wyatt seconded the motion and it passed.

Fred Ramsey made a motion to recommend approval of the text amendment as amended to the City Council and to adopt the Statement of Consistency. Frank Wyatt seconded the motion and the motion passed.

ITEMS FROM STAFF:

None

ITEMS FROM THE PLANNING BOARD:

None

ADJOURNMENT:

There being no further business to come before the Board, Steve Morgan made a motion for adjournment. Fred Ramsey seconded the motion. Motion carried unanimously.

Respectfully submitted,

Attest:

Kelly K. Stultz, Administrative Assistant
To the Planning Board

Matthew W. Smith, Chairman



PLANNING & INSPECTIONS DEPARTMENT
APPLICATION FOR ZONING ORDINANCE AMENDMENT

PETITION FOR MAP AMENDMENT

INSTRUCTIONS: Please complete this application and provide the required information. In order for this application to be accepted, all applicable sections of this form must be completed, all required information provided and the application fee paid at the time of submittal.

(1) APPLICANT INFORMATION:

NAME: Richard Dyer TELEPHONE: 336-613-3440
MAILING ADDRESS: P.O. Box 672
CITY Eden STATE NC ZIP CODE 27288
APPLICANT'S PROPERTY INTEREST OR LEGAL RELATIONSHIP TO OWNER(S): 1/4 owner

(2) PROPERTY OWNER INFORMATION:

NAME: Dyer / Pace TELEPHONE: 336-613-3440
MAILING ADDRESS: P.O. Box 672
CITY Eden STATE NC ZIP CODE 27288

(3) PROPERTY INFORMATION:

TAX PROPERTY IDENTIFICATION NUMBER(S)(PIN): 173231
STREET LOCATION: 338 W Stadium Dr
DEED BOOK: 1209 PAGE NUMBER 1089
YEAR CURRENT OWNER ACQUIRED PROPERTY: 2007
PROPERTY SIZE (in acres or in square feet if less than 1 acre): 16.71 acres
PUBLIC WATER AVAILABLE YES NO PUBLIC SEWER AVAILABLE YES NO
CURRENT USE OF PROPERTY: 01

(4) ZONING INFORMATION:

EXISTING ZONING DISTRICT: 01 REQUESTED ZONING DISTRICT: BG

(5) ADDITIONAL INFORMATION:

INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED DEED TO THE PROPERTY.
INCLUDE WITH THIS APPLICATION A COPY OF THE RECORDED PLAT OR SURVEY FOR THE PROPERTY. IF SUCH A PLAT DOES NOT EXIST, THEN INCLUDE A MAP THAT INDICATES THE DIMENSIONS OF THE PROPERTY.

(6) APPLICANT CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

Richard Dyer
Applicant's Signature

4-3-19
Date of Signature

(7) PROPERTY OWNER(S) CERTIFICATION:

I hereby certify that, to the best of my knowledge, the information shown on this application is true and accurate, and that I hereby petition the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

Richard Dyer
Property Owner's Signature

4-3-19
Date of Signature

William J. Pace
Property Owner's Signature

4-3-19
Date of Signature

(8) CORPORATION CERTIFICATION:

IT IS HEREBY CERTIFIED, that _____, a Corporation, is the owner in fee simple of lands which is described in this application for zoning ordinance amendment and that the Corporation hereby petitions the Planning Board to recommend and the City Council to approve this application for zoning ordinance amendment.

IN TESTIMONY WHEREOF, that said Corporation has caused these presents to be signed by its duly authorized officer and has caused its Corporate Seal to be affixed thereto.

Witness the signature(s) and seal(s) this _____ day of _____, 20_____.

CORPORATE SEAL

Name of Corporation

Secretary

By: _____

President

DEPARTMENTAL USE ONLY

APPLICATION NUMBER: _____

FEE PAID: \$150⁰⁰

RECEIVED BY: Madison

DATE: 4-4-2019

**PLANNING AND INSPECTIONS DEPARTMENT
ZONING CASE REPORT
April 9, 2019**

CASE NUMBER:	Z-19-04
EXISTING ZONING DISTRICT:	Office & Institutional (O&I)
REQUESTED ZONING DISTRICT:	Business-General (BG)
APPLICANT:	Richard Dyer
APPLICANT'S STATUS:	Property Owner

PROPERTY INFORMATION

LOCATION:	338 W. Stadium Dr.
PIN:	7070-2082-4244
SIZE:	16.71 acres
ACCESS:	Stadium Dr.
LAND USE:	Church (former municipal building)
PHYSICAL CHARACTERISTICS:	Large, mostly undeveloped parcel containing a church building
ZONING HISTORY:	Zoned O&I at time of original zoning

AREA INFORMATION

CHARACTERISTICS:	Bordered on the north (across Stadium Dr.) by BG property containing a used car dealership, a daycare and a self-storage business; bordered on the east by undeveloped O&I property and O&I property containing an EMS facility; bordered on the south by undeveloped O&I property and undeveloped R20 property; bordered on the west by O&I property containing a former municipal building, a vacant O&I tract, O&I property containing a greenway and a BG property containing a former water treatment plant.	
ADJACENT ZONING:	North:	BG
	South:	O&I, R20
	East:	O&I
	West:	O&I, BG

PLANNING AND DEVELOPMENT INFORMATION

STREET IMPROVEMENTS:	Yes
PUBLIC WATER AVAILABLE:	Yes
PUBLIC SEWER AVAILABLE:	Yes
LAND DEVELOPMENT PLAN (2007):	Commercial
FLOOD HAZARD AREA:	AE & Shaded X (rear edge of property)
WATER SUPPLY WATERSHED:	None

STAFF ANALYSIS

The request is to rezone approximately 16.71 acres from Office and Institutional to Business General. The O&I District is established primarily for office and institutional uses which have only limited contact with the general public and which have no offensive noises, odors, smoke, fumes, and other objectionable conditions. As residences are permitted in this district and as this district is usually adjacent to residential districts, provisions are made for yards, off-street parking and off-street loading areas. The Business General districts are generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of land is for dispensing retail goods and services to the community and to provide public space for wholesaling and warehousing activities. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement, and suitable landscaping.

The subject property is a large, mostly undeveloped, parcel located in the central area of the City along a major thoroughfare. The area is characterized by various types of business uses. There has been no recent development pressure in the area. The subject parcel adjoins three properties which are zoned O&I and another property which was recently rezoned from O&I to BG. The request is to rezone a single large parcel, leaving the three smaller parcels zoned O&I. Staff is of the opinion that it would make sense to rezone the subject property, as well as the three adjoining O&I properties to BG, particularly since another adjoining property was also recently rezoned to BG. Because of these properties' location on a major thoroughfare and because of their proximity to other BG properties, rezoning these parcels to BG would be a sound zoning decision. Therefore staff recommends amending the request to include the properties located at 328 and 350 E. Stadium Dr. as well as the vacant property identified as PIN 7070-1682-4752.

Based upon the character of the area and the other business uses in the area, staff recommends in favor of the amended request.

STAFF RECOMMENDATION: **Approval of the amended BG request.**

ZONING CASE

Z-19-04

AERIAL MAP



Subject Property

Amended Request

338 W. Stadium Drive

**Zoned:
Office & Institutional**

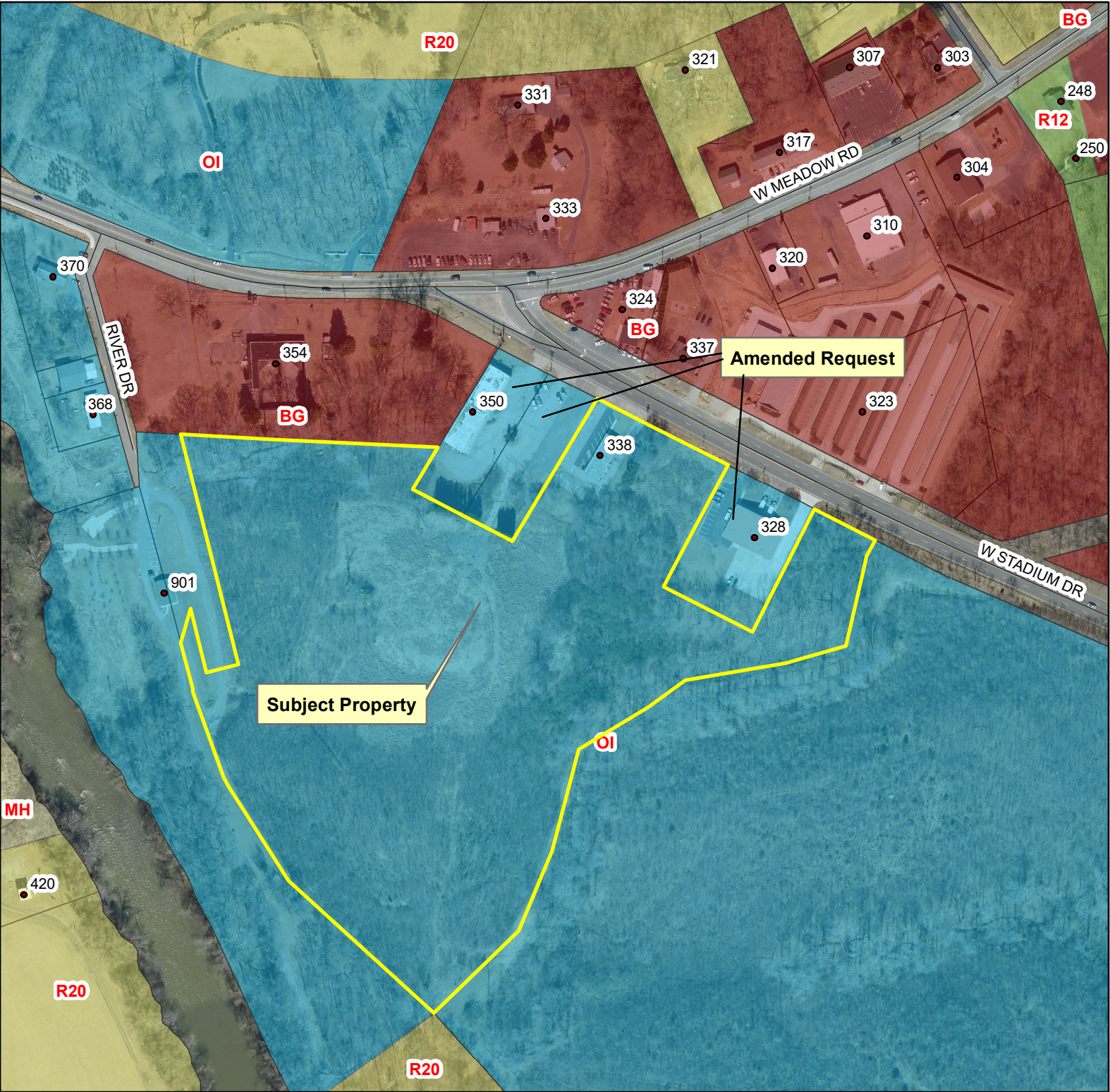
**Requested:
Business-General**

**Amended to Add
3 Additional Parcels**

ZONING CASE
Z-19-04
ZONING MAP



338 W. Stadium Drive
Zoned:
Office & Institutional
Requested:
Business-General
Amended to Add
3 Additional Parcels



A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-19-04
MAP AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, all City of Eden zoning decisions must be made in accordance with the Land Development Plan. Prior to adopting or rejecting any zoning amendment, the City of Eden Planning Board shall advise and comment in writing as to whether the proposed amendment is consistent with the Land Development Plan and why the Board considers the action taken to be reasonable and in the public interest; and

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances; and

WHEREAS, the City of Eden Planning Board received a request for an amendment to the Zoning Ordinance as follows:

To rezone property located at 338 W. Stadium Drive from Office & Institutional to Business - General.

STATEMENT OF NEED:

The subject property is a large, mostly undeveloped, parcel located in the central area of the City along a major thoroughfare. The area is characterized by various types of business uses. There has been no recent development pressure in the area. The subject property and three (3) adjoining parcels are located in an area designated as Commercial Center in the City of Eden Land Development Plan. The rezoning of the property would bring it in compliance with the Land Development Plan.

STATEMENT OF CONSISTENCY.

The goals of the 2007 City of Eden Land Development Plan, as amended, are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.

- E. Protect natural, cultural and historic resources and open space as we grow.

WHEREAS, The Board finds that this amendment would be consistent with the goals and policies expressed in the Land Development Plan, including, but not limited to, strategically locating new land development in appropriate places; maintaining the city's character; using infrastructure investments as effectively as possible, attracting new jobs and a more diverse tax base; and protecting natural, cultural and historic resources and open space with growth consistent with our Growth Strategy Map and Future Land Use Map;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD THAT:

- 1. The Planning Board of the City of Eden finds that the proposed map amendment, including the three (3) additional parcels, to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.
- 2. At no time are land use regulations or plans of the City of Eden, nor any jurisdiction in the State of North Carolina, permitted to be in violation of the North Carolina General Statutes.
- 3. Therefore, based upon the foregoing information, the amendment to the Zoning Ordinance is reasonable and in the public's best interest.

Approved, adopted and effective this 23rd day of April, 2019.

CITY OF EDEN PLANNING BOARD

By _____
Matthew W. Smith, Chair

ATTEST:

Kelly K. Stultz, Administrative
Assistant to the Planning Board

**PLANNING AND INSPECTIONS DEPARTMENT
CITY CODE AMENDMENT REPORT
April 15, 2019**

CASE NUMBER:	CCA-19-01
REQUESTED ACTION:	To amend Chapter 4, Article I, Section 4-4(A)(3) of the Eden City Code and to add Sections 4-5 – Section 4-14.
APPLICANT:	Planning Board

EXISTING TEXT

Chapter 4, Article I, Section 4-4 – Standards for Vacating and Closing Structures

(A) Whenever a structure is ordered vacated and closed under this chapter, the following standards shall be met before the structure is considered vacated and closed:

(3) The owner shall insure that all windows, doors, and crawl space openings are secured using plywood or similar materials (½ inch thickness) cut to fit the specific openings. Boards will then be painted to increase weather resistance.

Chapter 4, Article I, Section 4-5 – Vacant Commercial Property Registration

(Does not exist)

PROPOSED TEXT

Chapter 4, Article I, Section 4-4 – Standards for Vacating and Closing Structures

(A) Whenever a structure is ordered vacated and closed under this chapter, the following standards shall be met before the structure is considered vacated and closed:

(3) The window(s) and door(s) of building(s)/structure(s) of the property shall be intact and operable and maintained in a way that does not provide Evidence of Vacancy. The owner shall insure that all windows, doors and crawl spaces shall be maintained and or improved so that there are no broken windows or non-functioning doors. All such windows and doors shall be protected with paint where applicable.

Chapter 4, Article I, Section 4-5 – Vacant Commercial Property Registration

§ 4-5 VACANT COMMERCIAL PROPERTY REGISTRATION.

(A) It is the purpose and intent of the Eden City Council, through the adoption of this Section, to establish a vacant property registration ordinance as a mechanism to preserve the historic integrity of Eden's Historic Downtown areas and to protect these areas from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant properties.

(B) Additionally, the City desires to deter crime and theft of materials, to minimize loss of property value to vacant properties and surrounding occupied properties, to reduce the risk of damage from fire, flooding or other hazards, and to promote the comfort, happiness and emotional stability of area residents. The City finds that the presence of properties exhibiting evidence of vacancy pose special risks to the health, safety, and welfare of the community and therefore require heightened regulatory attention. The provisions of this Chapter shall apply to all properties in the traditional downtown areas of The Boulevard, Leaksville, Draper and the Cook Block. These are more fully identified by the maps attached hereto and made a part of this ordinance.

(C) **Definitions** For the purposes of this Section, certain words and phrases used in this Chapter are defined as follows:

"**Days**" means consecutive calendar days.

"**Evidence of Vacancy**" means any aesthetic condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the Property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, extensively chipped or peeling exterior paint, exterior walls in poor condition, porches and steps in poor condition, roof in poor condition, broken windows and other signs of general disrepair, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, statements by neighbors, passersby, delivery agents, government employees that the Property is vacant.

"**Government Agency**" means any public body having authority over the Property and residents of the City, including but not limited to the Eden City Council and the Eden Planning and Inspections Department.

"**Government Official**" means any public official representing a public body which has authority over the Property and residents of the City, including but not limited to the Planning and Inspections Director and/or his or her designee.

"**Non-residential Property**" means any real property used or intended to be used for anything other than residential property as defined herein.

"**Out of Area**" means located in excess of forty (40) road or driving miles distance away from the subject Property.

"**Owner**" means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in any real property. No trustee in any Deed of Trust shall be considered an owner.

"**Owner of Record**" is the person or entity listed on recorded deed, probated will or heir by intestacy.

"**Property**" means any unimproved or improved real property or portion thereof, situated in the City and includes the buildings or structures located on the Property regardless of condition.

"**Residential Property**" means a building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, multiple dwellings, mobile homes, house trailers, boarding and lodging houses, apartment houses, and apartment hotels.

"**City**" means the City of Eden corporate limits and its extraterritorial jurisdiction.

"**Utilities**" means water, sewer, telephone, natural and propane gas, and electricity services.

"**Vacant**" means a Property that has not been legally occupied for thirty days. Legally occupied means occupancy by the owner or any business or individual whose presence therein is with the consent of the owner.

§ 4-6 REGISTRATION REQUIRED

(A) Any vacant commercial property located within the City's traditional downtown districts as per maps attached must be registered by the Owner with the Director of the Planning and Inspections' Department, either (1) of the Owner of a Vacant Property's own accord before receiving a Notice of Registration Requirement, or (2) within 30 days of receiving a Notice of Registration Requirement from the City.

(B) The City will send a Notice of Registration Requirement to the Owner of Record of Properties that exhibit Evidence of Vacancy. The Owner shall register Property within the time period set forth in (A) of this Section unless Owner can provide clear and convincing evidence to the Director of the Planning and Inspections' Department, within such time period, that the Property is not Vacant.

(C) The Registration shall contain:

- (1) the name of the Owner (corporation or individual),
- (2) the direct street/office mailing address of the Owner and P.O. Box if applicable,
- (3) a direct contact name and phone number,
- (4) the name, address and telephone number of any local property management company hired by the Owner to meet the Maintenance requirements of this Chapter if Owner's principal residence is not Local.

(D) Any changes in the information in (C)(1)-(C)(4) of this Section shall be reported to the City within thirty (30) days of such changes.

(E) Registration must be renewed annually.

(F) Vacant properties shall remain subject to the annual registration, maintenance, and security requirements of this Chapter as long as they remain Vacant.

(G) Once the Property is no longer Vacant or is sold and a code compliance and fire inspection has been completed, the owner must provide written proof of occupancy or sale (lease or deed) to the Director of the Planning and Inspections' Department.

§ 4-7 FEES

(A) The fee for registering a Vacant Property shall be \$15 annually, beginning on July 1. Fees will not be prorated.

(B) Registration fee may be waived by the City Council if Owner can demonstrate with clear and convincing evidence (1) that the Property has been sold, or (2) that the Property will be occupied within 30 days from the date of Notice of Registration Requirement.

§ 4-8 MAINTENANCE REQUIREMENTS

Properties subject to this Chapter shall be kept in compliance with the following maintenance requirements:

(A) The exteriors of building(s)/structure(s) on the Property shall be painted and maintained in a way that does not exhibit any Evidence of Vacancy.

(B) The yard(s) of the Property shall be maintained in a way that does not provide Evidence of Vacancy.

(C) The deck(s) and porch(s) located on the Property shall be maintained in a way that does not provide Evidence of Vacancy.

(D) The window(s) and door(s) of building(s)/structure(s) of the property shall be intact and operable and shall be maintained in a way that does not provide Evidence of Vacancy.

(E) Instances of rotting of building(s)/structure(s) located on the Property or portion thereof shall be corrected in order to eliminate Evidence of Vacancy so that no visible rotting, with the exterior painted and kept in good aesthetic condition.

(F) The Property shall be maintained so as to exhibit no Evidence of Vacancy.

(G) The storefronts and facades of buildings shall be maintained in a way that does not provide Evidence of Vacancy.

(H) The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit Evidence of Vacancy.

§ 4-9 SECURITY REQUIREMENTS.

Vacant properties subject to this Chapter shall comply with the following security requirements.

(A) The Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (including but not limited to walk-through, sliding, and garage), gates, pet doors, and any other such opening of such size that it may allow a child to access the interior of the Property or structure(s).

(B) Broken windows shall be replaced and/or re-glazed; windows at street level shall not be boarded up.

§ 4-10 REQUIREMENT TO HIRE LOCAL PROPERTY MANAGEMENT COMPANY FOR OUT-OF-AREA OWNERS.

(A) If the Property Owner's principal residence is not Local, then a Local property management company shall be contracted to fulfill the maintenance and security requirements of this section.

(B) The Property shall be posted with the name and 24-hour contact phone number of the local property management company. The posting shall be 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall be placed in the interior of a window facing the street to the front of the Property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the Property so it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the Property but not readily accessible to vandals. The exterior posting must be constructed of and printed with weather resistant materials.

(C) The requirement set forth in part (A) of this section may be waived by the City Council for owners who (1) reliably demonstrate an ability to maintain the property and (2) have not received any citations for maintenance violations in the previous quarter.

(D) Owner may appeal this requirement to the City Council which may excuse Owner from compliance if Owner can present the ability to meet the requirements of this Chapter without hiring a local property management company.

§ 4-11 INSPECTIONS.

The City shall have the authority and the duty to inspect properties subject to this Chapter for compliance and to issue citations for any violations. The City shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this Chapter is enforced.

§ 4 -12 ENFORCEMENT; VIOLATIONS; AND PENALTIES.

(A) It shall be unlawful for any Owner to be in violation of any of the provisions of this Chapter.

(B) Any person who violates a provision of this Chapter or fails to comply with any order made thereunder and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by appeal, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in this Chapter.

(C) The imposition of one penalty for any violation shall not excuse the violation, or authorize its continuance.

(D) All such persons shall be required to submit an acceptable plan of action to the Director of the Planning and Inspections Department within 10 business days of notification. This plan of action must include, but is not limited to, a description of the work to be done, by whom and a specific schedule. Plans shall be reviewed by the Planning and Inspections Director and work is to commence within 15 days of the Director's approval. When not otherwise specified, failure to meet any stated condition within 10 days of required action shall constitute a separate offense.

(E) Penalties for failure to comply:

- (1) Initial Registration. Failure to initially register with the City within the time frame required is punishable by a civil penalty of \$50.
- (2) Changes to Registration. Failure to report changes to registration information within the time frame required is punishable by a civil penalty of \$50.
- (3) Annual Registration. Failure to register annually is punishable by a civil penalty of \$50.
- (4) Maintenance and Security Requirements. Failure to meet the maintenance and security requirements is punishable by a civil penalty of \$500.
- (5) Failure to submit plan. Failure to submit a plan of corrective action is a violation punishable by a civil penalty of \$50.

- (6) Failure to implement plan. Failure to implement plan within 15 days of approval or complete it in a timely manner is a violation punishable by a civil penalty of \$500.
- (7) The general penalty for violation of this Section shall be as provided by §1-16.1 which penalties shall be nonexclusive.

§ 4-13 APPEALS.

Any person aggrieved by any of the requirements of this Chapter may present an appeal in writing to the City Council.

§ 4-14 SEVERABILITY.

Should any provision, section, paragraph, sentence or word of this Chapter be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect.

GENERAL INFORMATION

This request was submitted by the Planning Board.

STAFF ANALYSIS

This amendment was initiated to better deal with the numerous vacant properties in the downtown areas. Over the years, as more properties have become vacant, many have fallen into disrepair. The City has dealt with these issues primarily through the non-residential maintenance code. However, by the time action can be taken on a property, they are often in such a condition as to be very costly to repair and the only option becomes demolition. This revision to the City Code is an effort to encourage property owners to better manage and maintain their properties in order to preserve the downtown buildings and to encourage development and economic development in the downtown areas. Many other municipalities have utilized a similar approach, with great success in preserving downtown buildings.

Based upon the foregoing information, staff recommends in favor of the text amendment.

STAFF RECOMMENDATION:

Approval of the text amendment.