

ORDINANCE 2023-O1
AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE
DEMOLITION BY NEGLECT AND ENFORCEMENT

WHEREAS North Carolina General Statute 160D-605 and 160D-701 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS the Board of Commissioners finds that the proposed text amendment to the Unified Development Ordinance regarding demolition by neglect to be consistent with the Town of Swansboro CAMA LAND USE Plan updated January 22, 2019.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Unified Development Ordinance be amended including renumbering section starting with Section 152.485 through Section 152.488 to add a new Demolition by Neglect section.

TITLE XV: LAND USAGE
CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE

§ 152.485 DEMOLITION BY NEGLECT

Demolition by Neglect (DBN) shall mean and include the failure by the owner or such other person who may have legal possession, custody, and control of any building or structure (including walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features), either designated as an historic landmark or found to have historic significance, to keep the exterior features free of decay, deterioration, and structural defects, in order to ensure that the same shall be preserved. The term “demolition by neglect” shall also include the failure of such owner or other person having such legal possession, custody, and/or control, to repair, upon written request by the Town of Swansboro Historic Preservation Commission on behalf of the Town of Swansboro, such exterior features as are found to be deteriorating, or to correct any condition contributing to deterioration, including, but not limited to, the following defined and prohibited conditions of neglect and defect:

1. Deterioration of exterior walls, foundations, or other vertical supports that cause leaning, sagging, splitting, listing, or buckling.
2. Deterioration of flooring or floor supports, roofs, or other horizontal members that cause leaning, sagging, splitting, listing, or buckling.
3. Deterioration of external chimneys causing leaning, sagging, splitting, listing, or buckling.
4. Deterioration or crumbling of exterior plasters or mortars.
5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
6. Defective protection or lack of weather protection for exterior walls and rood coverings, including lack of paint, or weathering due to lack of paint and/or other protective coverings.
7. Rotting holes, and other forms of decay.

8. Deterioration of exterior stairs, porches, handrails, windows, and door frames, cornices, entablatures, wall facings, and architectural details that cause the delamination, instability, loss of shape and form, or crumbling.
9. Heaving, subsidence, or cracking of sidewalks, steps or pathways.
10. Deterioration of fences, gates, and/or accessory structures.
11. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

§ 152.486 PROCEDURAL REMEDIES WHEN DEMOLITION BY NEGLECT IS DETERMINED

1. Applicants must provide a sealed report from a structural engineer who has inspected the site and consult with the Town Planner who will consult with NC State preservation office on the submittal and ask for additional information if needed as well as the Town Building Official and Town Engineer.
2. The report must contain a breakdown of the structural integrity of the building including the roof, walls, floors, windows, doors, and foundation. A detailed description of each structural component that needs work must be provided with the remedy for repair along with documentation that the component is 50% or more structurally unsound.
3. If water infiltration is occurring an engineer must provide a sealed site plan showing solutions to the stormwater issue. The calculations will be reviewed by the Town's Engineer.
4. Submit 2 sealed sets of building plans and a site plan along with any exhibits that are needed for the review. The Town staff will work through the review process prior to taking the recommended drawings and exhibits to the Swansboro Historic Commission for consideration of a COA to facilitate and document the corrective action needed.

§ 152.4857 COMPLIANCE AND ENFORCEMENT.

(C) When Demolition by Neglect (DBN) properties have been identified and added to the DBN List, the general steps, actions, decision points, and owner's needed responses when receiving notice of violation from the Town Planner is as follows:

1. A completed DBN complaint form is submitted to the Planner and stamped with the received date and initials. Staff may fill out the complaint form based on email or phone call from a complaint. Email or regular mail is preferred, however if a phone call is received the Town Planner will respond by email and email should be sent to the complainer and the HPC. The Planner will report to the HPC at the next regular meeting.
2. Within 14 days following receipt of the DBN complaint, a status report of the complaint investigation and actions taken is mailed to the complainant and, if warranted, the property owner is notified of the violation. The complaint investigation is reported to the HPC at its next regular meeting if there is a basis for complaint. The Town Planner is the responsible party to prepare and present the reports to HPC.

3. If there is a basis for complaint, the property owner in violation has thirty calendar days to respond to the documented violation(s) contributing to demolition by neglect. The property owner may respond by phone, email or in writing. A follow-up shall be sent in the event the property owner responds by phone. A copy of that email shall be sent to the HPC within two business days of the call. The Planner shall maintain a record of communication with the property owner. The Town Planner is the responsible party to prepare and present the reports to HPC.
4. If the property owner fails to respond or to address the violation(s) by the required deadline, The Town Planner will report Town enforcement action at the next HPC meeting.
5. The HPC evaluates the staff notification of the DBN findings for a property and determines whether to proceed with further action.

§ 152.4868 MUNICIPALLY OWNED PROPERTY

(A) Municipally owned property will be subject to the same regulations as privately owned property if located within the Historic District.

(B) If consideration is being made for possible town acquisitions of historic property, the Swansboro Historic Preservation Commission should provide input in all stages of planning on the usefulness of the acquisition. However, acquisition and restoration of historic property should remain the domain of private enterprise whenever possible.

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, January 9, 2023.

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk