

**NOTICE OF PUBLIC HEARING  
BEFORE THE CITY COUNCIL AND THE PLANNING COMMISSION  
OF THE CITY OF GOLDSBORO, NORTH CAROLINA  
TO CONSIDER CHANGES AND AMENDMENTS TO  
THE UNIFIED DEVELOPMENT ORDINANCE  
OF THE CITY OF GOLDSBORO CODE OF ORDINANCES**

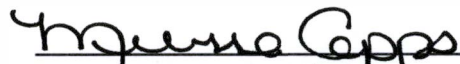
Notice is hereby given that a public hearing will be held before the City Council and the Planning Commission of the City of Goldsboro on **Monday, June 17, 2019**, at 7:00 p. m., in the Council Chambers, City Hall, 214 North Center Street, Goldsboro, North Carolina, to consider certain changes and amendments to the Unified Development Ordinance of the Goldsboro Code of Ordinances.

The following Sections of the Unified Development Ordinance under consideration for amendment are as follows:

Article 5.11 – Demolition by Neglect – Updated standards

The full text amendment may be reviewed in the Office of Planning and Community Development located at 200 North Center Street, Goldsboro, North Carolina, between the hours of 8:00 a. m. and 5:00 p. m., Monday through Friday.

All interested persons are invited to attend this public hearing and to be heard. If you plan to attend and require an interpreter, please contact the City Manager's office at City Hall at least four (4) days prior to the hearing.

  
Melissa Capps, City Clerk

  
Ronald T. Lawrence, City Attorney

PUBLISH:      May 30, 2019  
                      June 6, 2019

**1. STANDARDS**

The exterior features of any building or structure located within the corporate limits of the City of Goldsboro shall be preserved by the owner and/or parties in interest against decay, deterioration and structural defects. The owner and/or parties in interest shall upon written request of the City repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to, any of the following defects:

- a. Deterioration of exterior walls, foundations, flooring, parapet walls, roofs, beams, chimneys and either horizontal or vertical load bearing supports that causes leaning, sagging, splitting, listing or buckling;
- b. Ineffective waterproofing of exterior walls, roofs and foundations, including broken windows/doors, failed paint, leaking roofing, decayed brickwork or failed siding materials;
- c. Rotting, holes and other forms of decay;
- d. Damages caused by fire or other calamity;
- e. Deterioration of exterior stairs, porches, handrails, window/door frames, cornices, entablatures, wall facings or other architectural details that causes delaminating, instability, loss of shape or crumbling;
- f. Deterioration of fences, gates, garden walls or accessory structures;
- g. Deterioration of any exterior feature that creates or permits a hazardous or unsafe condition to life, health or other property.
- h. Boarded up windows and street barricades are allowed in the ~~downtown redevelopment district~~ **Central Business District and Historic District** only as follows:
  1. Emergency approvals granted by the Chief Building Inspector for unsecured buildings not exceeding 30 days.
  2. Projects that have a valid building permit and are making substantial progress towards removing the boarded up windows and permanently securing the building.
  3. Windows or boarded up doors shall obtain building permits within 30 days to secure and repair the structure. The Hardship Review Committee may extend this deadline if a hardship is demonstrated. Any extensions beyond 30 days issued by the Hardship Review Committee shall require the boarded up windows or doors to be painted a similar color to the remaining exterior façade.
  4. Windows and doors may be boarded up to secure any building damaged by a hurricane or other calamity. Repairs to remedy the structure shall commence within 30 days of the building receiving damage or as otherwise specified by this ordinance.
- i. **Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.**
- j. **Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.**
- k. **Deterioration of crumbling of exterior plasters or mortars.**

- l. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- m. Heaving, subsidence, or cracking of sidewalks, steps or pathways.
- n. Deterioration that has a detrimental effect upon the special character of a district as a whole or the unique attributes and character of the district.

2. **REVIEW AUTHORITY**

Authority to assure compliance with the standards set forth above is vested with the **Planning Director and the** Chief Building Inspector or his/her designee.

3. **PETITION AND ACTION**

Property owners or other concerned parties, **which may include but not be limited to a City employee,** may file a petition listing the specific defects with the **Planning Director or** Chief Building Inspector no earlier than six months after the adoption of this ordinance. **The petition shall** requesting that **he the Director or Inspector** act to require the correction of the deterioration or the making of repairs. The **Director or Chief Building Inspector** will use the six-month timeframe to systematically inspect these ~~downtown districts~~ **buildings and/or structures within the corporate limits of the City of Goldsboro** and contact property owners to notify them of any violations. Correction or repairs will be required under the following procedures:

1. Whenever a petition is filed with the **Planning Director or** Chief Building Inspector that a building or structure is undergoing demolition by neglect, the **Director, Inspector, or a designated agent** shall, if his **or her** preliminary investigation discovers a basis for such charges, within fifteen days issue and cause to be served upon the owner and/or **such other person who may have legal possession, custody, and control thereof, as the same by be determined by reasonable diligence** ~~parties in interest~~ a complaint stating:
  - o The charges **in that respect** and containing a notice that a hearing will be held before the **Planning Director or** Chief Building Inspector in City Hall, not less than ten nor more than thirty days after the serving of such complaint;
  - o That the owner and/or parties of interest shall be given a right to answer and give testimony;
  - o That the Hardship Review Committee, as defined in this Ordinance, shall also be given notice of the hearing; and
  - o That the rules of evidence prevailing in courts of law or equity shall not be controlling in hearing before the **Director or** Inspector.
2. The purpose of the hearing is to receive evidence concerning the charge of deterioration and **to ascertain whether the owner and/or other parties in interest wishes to petition the Hardship Review Committee for a demolition by neglect and to consider any claim of undue economic hardship made by the owner and/or other parties of interest.**
3. Within 15 days after such notice and hearing, the **Planning Director or** Chief Building Inspector determines that the building or structure is undergoing demolition by neglect **because it is deteriorating, or if its condition is contributing to deterioration,** according to the standards listed in this Section, the **Director or** Inspector shall state in writing the findings of fact in support of such determination and shall issue and cause to be

- served upon the owner and/or parties in interest an order to repair within the time specified, those elements of the building or structure that are deteriorating, contributing to deterioration or deteriorated.
4. Complaints or orders issued by the **Planning Director or** Chief Building Inspector shall be served upon persons either personally, or by registered or certified mail. If after using reasonable diligence the whereabouts of such persons remains unknown or they have refused to accept service by certified or registered mail, the **Director or Chief Building Inspector** shall make an affidavit to that effect, **stating the steps taken to determine and locate the persons in interest**, then the **servicing of such Chief Building Inspector shall serve the** complaint or order **may be made** by publishing the same once each week for two consecutive weeks in a newspaper generally circulated **within** the City. Where such service is by publication, a notice of pending proceedings shall be posted in a conspicuous place on the premises thereby affected.
  5. Failure on the part of any owner and/or parties of interest to receive or have served upon him any complaint, notice or order herein provided for, shall not affect or invalidate the proceedings with respect to any other owner or parties in interest or any other person.
  6. In the event that the owner and/or other parties in interest wish to petition for a claim of undue economic hardship, the **Planning Director or** Chief Building Inspector's order shall be stayed until after the Hardship Review Committee's determination of such economic hardship. All claims of undue economic hardship shall be made within 15 days of the issuance of the order to repair the **building or** structure.

#### 4. **SAFEGUARDS FROM UNDUE ECONOMIC HARDSHIP**

- a. When a claim of undue economic ~~or other hardship~~ is made, the **Planning Director or** Chief Building Inspector shall notify the Hardship Review Committee, which consists of the **Planning Community Development** Director, Finance Director and City Engineer, within three days following the hearing on the complaint. The Committee shall schedule a hearing on the claim within 15 days of receiving notice that a hearing is requested. **The petitioner shall present the information provided under subsection (b) to the Committee. The Committee may require that the owner and/or parties in interest furnish such additional information that is relevant to its determination of undue economic hardship. The Committee may direct its staff to furnish additional information as the Committee believes is relevant. The Committee shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained. Enforcement proceedings shall be stayed until the Committee makes a decision.**
- b. When a claim of undue economic hardship is made ~~owing~~ **due** to the effects of demolition by neglect, the burden of proof shall be upon the owner and/or parties in interest to provide evidence during the hearing upon the claim, describing the circumstances of the hardship. **The minimum evidence which shall include for all property:**
  1. Nature of ownership (individual, business or nonprofit) or legal possession, custody, control, residency and a description of the building or structure;

2. Financial resources of the owner and/or parties of interest;
3. Cost of repairs;
4. Assessed value of the land and improvements;
5. Real estate taxes for the previous two years;
6. Amount paid for the property, date of purchase and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased or other means of acquisition of title, such as by gift or inheritance.
7. Annual debt service, if any for previous two years; and
8. Any listing of the property for sale or rent, price asked and offers received, if any.
9. Proof of application status, **if any**, for historic tax credits as filed with the State of North Carolina.
10. ~~If the property is~~ **For income-producing property additional evidence is required as follows:**
  - o Annual gross income from the property for last two years;
  - o Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed;
  - o Annual cash flow, if any, for the previous two years.

**5. COMMITTEE'S ACTIONS ON DEMOLITION BY NEGLECT CLAIMS**

Within fifteen days of the Committee's hearing on the claim, the Committee shall make a finding of undue or no undue economic hardship and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the Committee shall report such a finding to the **Planning Director or Chief Building Inspector** and the **Director or Chief Building Inspector** shall issue an order for such property to be repaired within the time specified.

In the event of a finding of **undue** economic hardship, the finding ~~shall~~ **may** be accompanied by a **recommended plan recommendation** to relieve the economic hardship. This plan may include, but is not limited to, **property tax relief as may be allowed under North Carolina law**, loans or grants from the City or other public, private or non profit sources, acquisition by purchase **or eminent domain, building code modifications**, changes in applicable zoning regulations or relaxation of the provisions of this Section sufficient to mitigate the **undue** economic hardship. The Committee shall report the finding and plan to the **Planning Director or Chief Building Inspector**. The **Director or Chief Building Inspector** shall issue an order for such property to be repaired within a specified time and according to the provisions of the recommended plan. The Hardship Review Committee may extend the deadline specified by the **Director or Chief Building Inspector** if substantial progress to remedy the situation is demonstrated.

**6. APPEALS**

Findings **made by** ~~of~~ the **Planning Director**, Chief Building Inspector or Hardship Review Committee may be appealed to the Board of Adjustment in accordance with the procedures found in Section **32.326** of the **City of Goldsboro City Code of Ordinances**. The aggrieved party must file the application for an appeal within ten days following the receipt of the order for repair of the property or the determination. All appeals shall be in the nature of certiorari.

7. **OTHER CITY POWERS**

Nothing contained within this Section shall diminish the City's power to declare a building unsafe or in violation of the minimum housing ordinance.

8. **PENALTIES AND REMEDIES**

Enforcement of this Section may be by any one (1) or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.

a. Equitable Remedy

The City may apply for any appropriate equitable remedy to enforce the provisions of this Section.

b. Order of Abatement

The City may apply for and the court may enter an order of abatement. An order of abatement may direct that improvements or repairs be made, or that any other action be taken that is necessary to bring the property into compliance with this Section. Whenever the party is cited for contempt by the court and the City executed the order of abatement, the City shall have a lien, in the nature of a mechanic's and materialman's, on the property for the cost of executing the order of abatement.

c. Civil Penalty

No civil penalty shall be levied unless and until the Planning Department or Inspections Department shall deliver a written notice by personal service or by registered mail or by certified mail, return receipt requested, to the person responsible for each violation indicating the nature of the violation and ordering corrective action. The notice shall also set forth the time period when corrective measure must be completed. The notice shall state that failure to correct the violation within the specified time period will result in the assessment of civil penalties and other enforcement action. If after the allotted time period has expired and after the hearing of an appeal, if any by the Board of Adjustment, corrective action has not been completed, a civil penalty shall be assessed in the amount of one hundred dollars (\$100.00) per day of continuing violation.

d. Any penalty, fines or fees may be waived or reduced at the discretion of the Planning Director IF the property owner or other responsible party for the repairs thereof have substantially [herein "substantially" or "substantial" as to repairs means that seventy-five percent (75%) or more of the repairs that were previously ordered to be made have been so made] been accomplished.

e. If penalties, fines and/or fees total Three Thousand Dollars (\$3,000.00) or more AND the property has not been substantially improved/repaid pursuant to the order, then at the discretion of the Planning Director any other legal remedies available to the City of Goldsboro may be implemented/pursued; including but not limited to those contained in N.C.G.S. §160A-439.1.