



CITY OF CHERRYVILLE

116 S. MOUNTAIN STREET

CHERRYVILLE, N.C. 28021

PHONE: 704-435-1709 FAX: 704-435-9933

E-MAIL: pgreen@cityofcherryville.com

**REGULAR WORK SESSION MEETING
TUESDAY SEPTEMBER 24, 2024 @ 5:30 PM
CHERRYVILLE FIRE DEPARTMENT
TRAINING ROOM
411 E. CHURCH STREET CHERRYVILLE, NC 28021**

ITEMS FOR DISCUSSION OR CONSIDERATION:

- I. AGENDA APPROVAL
- II. PROCLAMATION RE: FIRE PREVENTION WEEK (See Agenda Materials) pg.(s) 1-2
- III. CONSIDERATION OF APPOINTMENT TO THE PLANNING AND ZONING BOARD,
PLANNING & ZONING DIRECTOR RICHARD ELAM (See Agenda Material) pg. 3
- IV. PRESENTATION OF POWER POINT RE: PROPOSED BUILDING ORDINANCE,
MARKETING COORDINATOR STEVE PANTON (See Agenda Materials) pg.(s) 4-45
- V. OTHER BUSINESS
- VI. ADJOURNMENT

Providing exceptional service to our community that inspires life to blossom



2024 Fire Prevention Week Proclamation

WHEREAS, the City of Cherryville is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, nearly half, precisely 49%, of all home fires involve cooking equipment; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, City of Cherryville residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and

WHEREAS, City of Cherryville residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, City of Cherryville residents will make sure their smoke and CO alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, City of Cherryville first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, City of Cherryville residents are responsive to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2024 Fire Prevention Week theme, "Smoke alarms: Make them work for you" effectively serves to remind us that it is paramount to learn the importance of having working smoke alarms and carbon monoxide detectors within the home.

THEREFORE, I, H.L. Beam III, Mayor of the City of Cherryville, do hereby proclaim October 6–12, 2024, as Fire Prevention Week throughout this state, and I urge all the people of Cherryville to “Install, Test and Replace” their smoke alarms for Fire Prevention Week 2024.

H.L. Beam, Mayor

Paige H. Green, CMC, NCCMC, City Clerk

(SEAL)

From: Richard Elam
Sent: Monday, September 16, 2024 10:26 AM
To: pgreen cityofcherryville.com; bdalton cityofcherryville.com
Cc: Richard Elam
Subject: Agenda item for Sept 24th City Council Work Session

Good morning.

Would you please place on Agenda the following:

CONSIDERATION OF APPOINTMENT TO THE PLANNING & ZONING BOARD **AS AN ETJ MEMBER**

WILLIAM SCOTT BEAM
134 Buck Braley Rd
Cherryville NC 28021

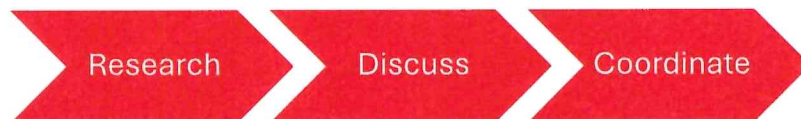
Mr. Beam would be filling the vacant seat of Veda Jackson.
The term would expire on 6-30-2025. I will be asking Gaston County Commissioners to extend the expiration date to 6-30-26, so that is the date I would need City Council to approve Mr. Beam's term for.
Mr. Beam has experience on these Boards and has agreed to serve on these Boards again.

Cordially,

Richard A. Elam
Director of Planning , Zoning, Code Enforcement
116 S. Mountain St
City of Cherryville NC 28021
Phone: 704-435-1705

relam@cityofcherryville.com

Ordinances Development



PRODUCTS

- ✓ ARB (Chapter 2, Article IV, Division 4)
- **CBD building standards (Chapter 8, Article VI)**
- ✓ Murals (Chapter 8, Article VII)
- **CBD vacant buildings (Chapter 8, Article VIII)**
- ✓ Sidewalk marking (Chapter 24.6)

Our road to simplicity

- Drop re-listing the fire and general building codes
- Drop “Unified Development Ordinance” structure
- Refer to Zoning Ordinance
- Sort design standards: “new” vs “post renovation”
- Set maintenance standards
- Define boarding standards
- List tax credit requirements
- Make separate ordinances
- Streamline verbiage

Coordination

Informal

- ✓ Brian
- ✓ Richard
- ✓ Gary
- ✓ Jill
- ✓ Donna
- ✓ Vickie

Official

- CMSP BOD
- City Council work session
- (Public Meeting)
- (City Council final approval)



Standards for Buildings, Grounds, and Structures in the CBD

Article VI of Chapter 8, Buildings and Building Regulations
of the
City of Cherryville Code of Ordinances

Agenda

- Purpose
- Applicability
- Responsibilities
- Standards
- Tax credits
- Enforcement
- CBD Work Approvals

- Status report (notional)

Purpose

Keep

- historic character

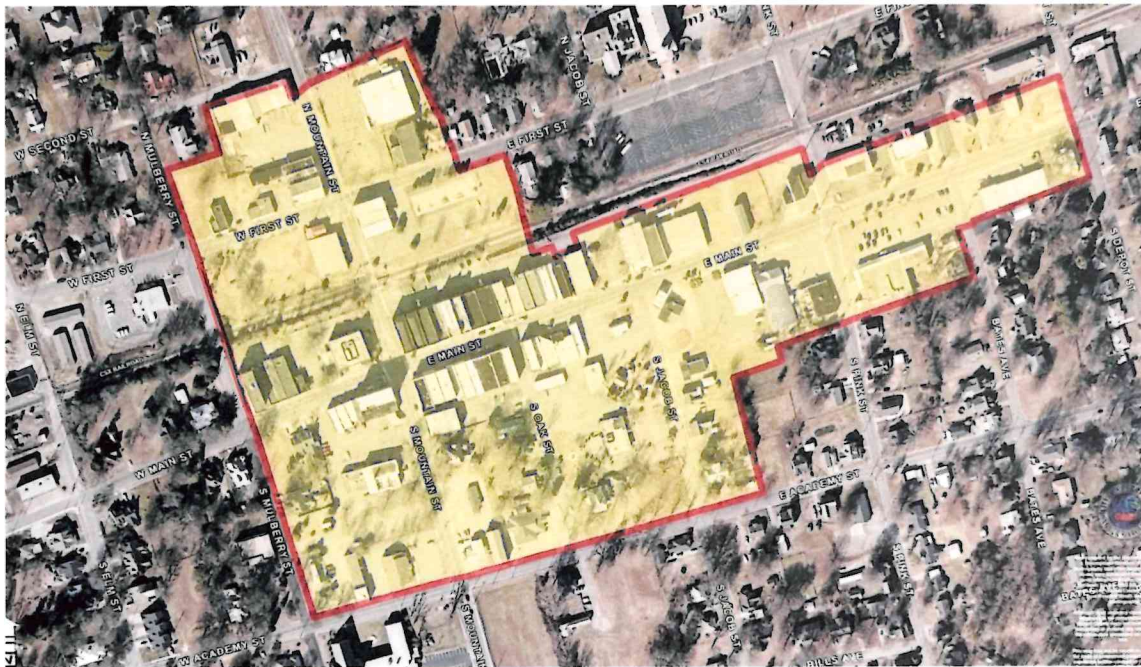
Enhance

- property values
- appeal

Prevent

- blight or vacancy

Applicability





Responsibilities

Zoning Administrator

- ✓ Enforcement
- ✓ Inspections
- ✓ Permits
- ✓ Warnings after ratification



Downtown Director

- ✓ Identifying noncompliance
- ✓ ARB
- ✓ Incentive Grants
- ✓ Tax Credits
- ✓ Marketing



End state strictures to be in effect for the CBD

- Fire and building codes
- Cherryville Zoning Ordinance
- ***Standards for Buildings, Grounds, and Structures in the CBD (Chapter 8, Article VI)***

Provisions extant in Cherryville Zoning Ordinance

New and expanding construction

- Screening (trash and mechanical)
- Awning clearance & depth
- Building materials
- Roof design and materials

Existing building and grounds

- Signage (sidewalk signs, abandoned signs, etc.)
- Sidewalk clearance
- Outdoor storage (prohibited)
- Indoor storage (limited to 50% and screened)
- Fencing (no chain link)

Standards to be enforced within 180 days

Maintenance

- Graffiti removed within 14 days
- Awnings repaired and clean
- Leaking roofs repaired
- Walls painted & repaired
- Cargo trailers restored (no new)
- Broken glass repaired
- Signs not in disrepair

Design

- Outside storage prohibited*
- Inside storage limited*
- Flowers alive
- Window displays in place
- Signs professionally lettered

Per Zoning Ordinance*

Boarding standards (to be enforced within 180 days)

| Type boarding | Permit timeframe | Cost of permit | Times allowed to be renewed | When installed | Notes |
|----------------------|------------------|---|-----------------------------|--|--|
| Short term emergency | 60 days | 1 st free 2 nd \$100 (per window) | once | Required within 24 hours of broken front facing doors or windows. See notes. | On non-street facing broken windows, long term boarding is allowed until 1/1/28. |
| Construction | 180 days | 1 st free 2 nd \$100 (per building) | once | During active construction. | |
| Long term | Not required | NA | NA | Prohibited after 7/1/27 | |

Standards to be enforced upon re-use or renovation

Design

- No barred windows
- No new opaque glass
- Awnings
 - Fabric preferred; plastic prohibited
 - Placement not on multiple businesses
- Materials and design per zoning ordinance
- Paint color and scheme approved by ARB
- Pristine brick surfaces left intact

*Historic tax credit requirements**

- Make minimal changes.
- Keep historic details.
- Don't add faux historic details.
- Preserve details, materials, and finishes.
- Repair, don't replace.
- Don't use chemical peels or sandblasting.
- Protect architectural resources.
- Ensure new construction is reversable.
- Differentiate new construction from old.

* Adopted from NC Secretary of the Interior Standards for Historic Preservation

Enforcement by zoning administrator

- ✓ Notification in writing
- ✓ Escalating monetary penalties
 - *Warning citation* \$0
 - *1st Citation (issued after 10 days)* \$25
 - *2nd Citation (issued after 3 more days)* \$50
 - *3rd Citation (issued after three days & then escalates daily):* \$50
- ✓ Potential civil penalties
- ✓ Appeals through 1) city manager, 2) city council

Requirements for approval of exterior renovation work in the CBD

- Architectural Review Board: Certificate of Appropriateness
- City of Cherryville: Zoning Permit
- Gaston County: Building Permit

- Compliance with all local, county, state codes.

Analysis of Maintenance Issues (1st Draft – Notional)

Immediate maintenance issues (180-day grace)

| Repair/paint walls | Remove graffiti | Repair or board windows | Remove opaque covering | Restore cargo trailers |
|-------------------------------------|----------------------------|------------------------------------|---|--|
| Flowers and More Old Post Office | Old Post Office Ribbons | Jan building Old Great Outdoors | Jan Building Tai Kwan Do Faith Ministries Old Jacks Pawn Elite Fire Apparel | McGinnis Furniture Cherryville Distributing |

Immediate design issues (180-day grace)

| Remove outdoor storage | Reconfigure indoor storage | Replace dead flowers | Remove abandoned sign | Emplace window display |
|---|--|----------------------|--|------------------------|
| Alray Tire Cherryville Distributing Office Supply | Old Great Outdoors Flowers and More | ? | Old Pepperoni Express Old MM Holdings Cherryville Distributing | multiple |

Draft -- Notional

Upon re-use or renovation issues

| Remove bars in windows | Replace multi-business awning | | | |
|--------------------------------------|-------------------------------|--|--|--|
| Old Jacks Pawn Old Great Outdoors | | | | |

Boarding issues

| Replace window | Apply for construction boarding | Remove long term boarding NLT 1/1/28 |
|----------------|----------------------------------|--|
| | Blue building Old Post Office | Tai Kwan Do McGinnis Furniture ??? |

Draft -- Notional



Vacant Buildings in the CBD

Article VIII of Chapter 8, Buildings and Building Regulations
of the
City of Cherryville Code of Ordinances

Agenda

- Purpose
- Applicability
- City Responsibilities
- Definition
- Owner Responsibilities
- Required info
- Registration fees
- Exceptions
- Enforcement
-
- Status report (notional)

Purpose

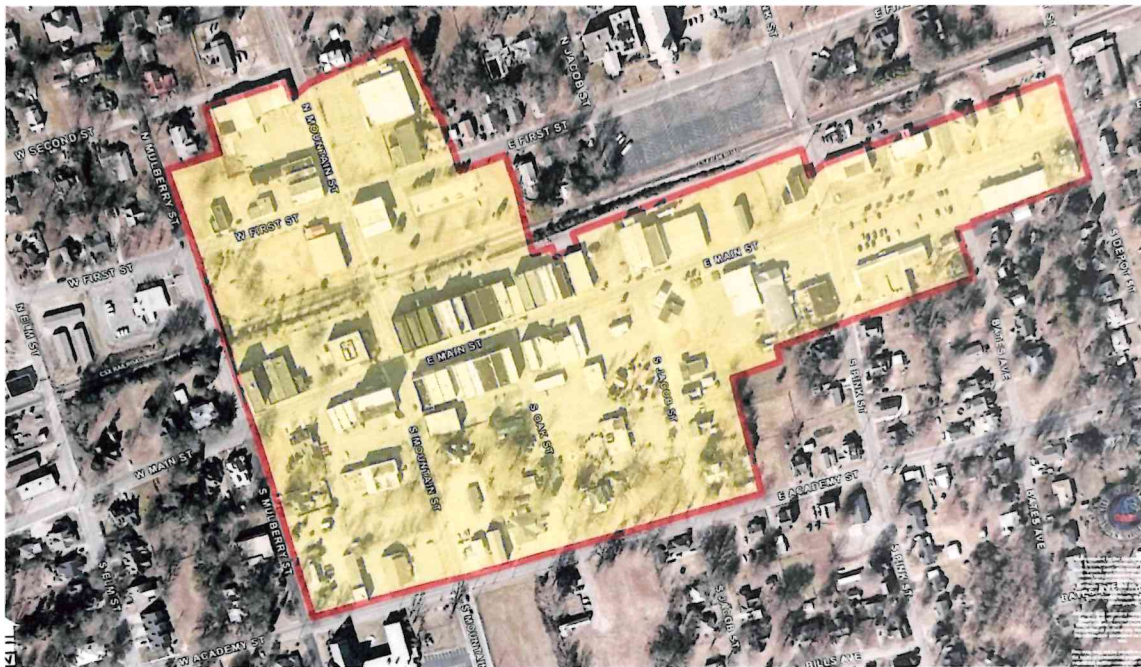
historic character

☒ **property values**

☒ **appeal**

blight or vacancy

Applicability



Responsibilities

Zoning Administrator

- ✓ Enforcement upon request

Downtown Director

- ✓ Administration
- ✓ Maintain registry



Definition of a Vacant Building

- Used for warehousing
- No regular hours
- Not open to the public

Registration Responsibilities of Owners

- Complete registration form
- Re-register annually
- Pay registration fees unless exempt
- Facilitate entry for inspection if asked

Required owner information

- Contact info (owner or local rep)
- Address, tax ID
- Date vacated
- Expected occupancy date
- Request for fee waiver
- Agreement to allow entry for inspection
- Signature

Vacant building registration fees

| Type fee | Due Date | Amount | Notes |
|----------------------|--|------------|-------|
| Initial | Upon registration | \$0.00 | |
| First annual | First anniversary of initial registration | \$100.00 | |
| Second annual | Second anniversary of initial registration | \$500.00 | |
| Third annual | Third anniversary of initial registration | \$1,000.00 | |
| Each year thereafter | Subsequent anniversary of initial registration | \$2,000.00 | |

Exemptions from vacant building registration fees

- Fire damage
- For sale or lease (actively)
- Under renovation

Enforcement by zoning administrator

- ✓ Notification in writing
- ✓ Escalating monetary penalties
 - *Warning citation* \$0
 - *1st Citation (issued after 10 days)* \$25
 - *2nd Citation (issued after 3 more days)* \$50
 - *3rd Citation (issued after three days & then escalates daily):* \$50
- ✓ Potential civil penalties
- ✓ Appeals through 1) city manager, 2) city council

Current CBD Vacant Building Status *(notional)* *(exempt from registration fees)*

Under active renovation

- Old BBT
- Old Post Office
- New Mexican Restaurant
- Kelly Beam
- Five Spur and Old YMCA

For active sale or rent

- Old Dollar General
- Old Roses
- Old Bank of America

Draft -- Notional

Current CBD Vacant Building Status *(subject to registration fees)*

- Old MMA Holdings
- Old Tom's Reef
- Old Pi Records
- Old Great Outdoors
- Old Roses
- 200 E. Main
- Old Bank of America
- New Bakery (Old Jack's Pawn)

Draft -- Notional



**AMENDING THE BUILDINGS AND BUILDING REGULATIONS
OF THE
CODE OF ORDINANCES OF THE CITY OF CHERRYVILLE, NORTH CAROLINA
TO CREATE AN ORDINANCE REGARDING:
BUILDING MAINTENANCE AND DESIGN STANDARDS
IN THE CENTRAL BUSINESS DISTRICT**

WHEREAS, the Central Business District of Cherryville is the heart of the city and its attractiveness is a key to the economic vitality of the entire city; and

WHEREAS, the City of Cherryville has previously adopted a Zoning Ordinance which does provide for the general regulation of construction and general design guidelines for the Central Business District; and

WHEREAS, a large percentage of the buildings in the Central Business District are in need of specific maintenance, and

WHEREAS, the Downtown Director has submitted a proposed article to the Cherryville Code of Ordinances to require a minimum standard for the maintenance of the buildings in the Central Business District; and

WHEREAS, the proposal will prevent blight and provide a standard to promote continued growth and investment in properties in the downtown Central Business District; and

WHEREAS, the City Council has conducted a public hearing on _____ at which time interested citizens, residents, property owners and agencies could be heard on whether they approved or disapproved of the proposed amendment; and

WHEREAS, the Director, City of Cherryville Planning and Zoning has made a recommendation to the City Council on this manner.

NOW THEREFORE BE IT ORDAINED and established by the City Council of Cherryville, North Carolina assembled in regular session this the ____ day of ____, 2025, as follows

That pursuant to the authority granted by NCGS 160-A-360 and 364, the Official City Code of Ordinances of the City of Cherryville, North Carolina shall be amended to add the following language to Chapter 8, Buildings and Building Regulations, as follows:

Article VI. Building Maintenance and Design Standards in Cherryville's Central Business District.

Sec. 8-151. Intent of this ordinance.

This ordinance ensures buildings, grounds, and structures in Cherryville's Central Business District (CBD) retain their historical character, don't exhibit blight or any sign of vacancy, maintain and/or enhance property values in the CBD, and form a pleasing, visually compatible streetscape which draws businesses and visitors.

Sec. 8-152. Applicability.

This ordinance applies to all buildings, grounds, and structures in the downtown CBD, also known as B-1 zoning, as adopted by the City Council and on file with the Planning and Zoning Department.

Sec 8-153. Responsibilities of the Zoning Administrator and Downtown Director.

a) Zoning Administrator. As the city's designated code enforcement officer, the Zoning Administrator will: 1) enforce the requirements of Sec 8-154, 2) enforce the requirements in the City of Cherryville Zoning Ordinance pertaining to the CBD, 3) upon request by other duly appointed city or county officials, help facilitate building code or fire code inspections in the CBD, 4) issue permits, and 5) upon ratification of this ordinance by the City Council, notify CBD owners in writing of existing items that must be rectified and the corresponding deadline.

b) Downtown Director. The Downtown Director will: 1) monitor compliance with this ordinance and report compliance issues to the Zoning Administrator 2) facilitate the activities of the Architectural Review Board in accordance with Sec 8-156 below regarding issuing Certificates of Appropriateness, 3) facilitate the activities of the Architectural Review Board in accordance with Chapter 2, Article IV, Division 4, regarding administering the Cherryville Incentive Grant Program (GIGP), and 4) facilitate applications for historic tax credits.

8-154. Specific standards for buildings, grounds, and structures in the CBD.

a) General. All CBD buildings must meet the objectives in Sec 8-151.

b) Compliance with fire safety and building codes. All CBD buildings must comply with North Carolina and Gaston County fire safety and building codes and are subject to enforcement actions.

c) Compliance with the City of Cherryville Zoning Ordinance. All CBD buildings must comply within 180 days of the passage of this ordinance with the already standing provisions of the City of Cherryville Zoning Ordinance which include, but are not limited to, strictures regarding: 1) outdoor storage, 2) indoor storage, 3) awning clearance and depth, 4) sidewalk clearance for sales, signage, and cafes, 5) chain link fences, and 6) temporary sidewalk signage.

d) Design standards for new or expandedⁱ construction in the CBD. Refer to the Cherryville Zoning Ordinance (Sec. 5.10 Non-Residential Building Design Standards) for standards regarding the following and other requirements: 1) screening of trash receptacles and mechanical equipment, 2) materials and color, 3) general design, 4) transparency, 5) roof slope and roof materials, 6) sidewalks, 7) awning clearance and depth, and 8) relationship of the building to the street.

e) Boarding in the Central Business District

| Type boarding | Permit timeframe | Cost of permit | Times allowed to be renewed | When installed | Notes |
|----------------------|------------------|--|-----------------------------|---|--|
| Short term emergency | 60 days | 1 st free 2 nd \$100 (per window) | once | Required within 24 hours of broken front facing doors or windows. See note. | On non-street facing broken windows, long term boarding is allowed until 1/1/28. |
| Construction | 180 days | 1 st free 2 nd \$100 (per building) | once | During active construction. | |
| Long term | Not required | NA | NA | Prohibited after 7/1/27 | |

f) Additional maintenance and/or design standards which must be met immediately upon ratification of this ordinance.

- 1) Graffiti. Graffiti shall be removed at the building owner's expense within 14 days.
- 2) Awnings. Fabric awnings must not appear worn or tattered or have missing areas and must be remediated within 180 days. If fabric awnings must be replaced, they must meet the color requirements in g3 below and must be approved by the ARB.
- 3) Chipped, faded, or peeling paint. Chipped, faded, or peeling paint is prohibited and must be remediated within 180 days. Paint colors must be approved by the ARB.
- 4) Visible disrepair. Exterior walls shall be clean and repaired and must be remediated within 180 days.
- 5) Opaque coverings. Opaque window or door coverings are permitted only during active construction and with a permit from the Zoning Administrator. Nonconforming windows must be remediated within 180 days.
- 6) Leaking roofs. Roofs shall be maintained in a leakproof and repaired condition and must be remediated within 180 days.
- 7) Storefront picture window displays. All storefronts, including those of vacant buildings, shall have either: a) attractive merchandise or business-related displays, b) works of art, or c) a seasonal display. Such displays will be refreshed at least twice yearly. Initial displays shall be in place within 180 days.
- 8) Signs. Abandoned signs must be removed IAW the Cherryville Zoning Ordinance and must be remediated within 180 days. All signs in the CBD must be professionally painted or applied, must not present a graffiti or hand painted look, and must not be worn, faded, defaced, or broken. Deficiencies must be remediated within 180 days.
- 11) Decorative flowerpots. Decorative flowerpots in the CBD which are positioned adjacent to building front entrances and which are adorned with attractive, live seasonal plants and blooming flowers are encouraged. Dead plants are prohibited.
- 12) Cargo trailers. Cargo trailers used for storage, which are extant in the CBD upon ratification of this ordinance, may continue but must be restored to a visually pristine condition within 180 days. Additional cargo trailers are not permitted.
- 13) Sidewalk furnishings. Sidewalk furnishings such as benches, tables, trash cans, and other like items must be approved by the ARB.

g) Design standards to be met upon reuse or renovation of a CBD property.

- 1) Barred windows and doors. Barred windows and doors are prohibited unless required by law.
- 2) Opaque glass. Fully opaque glass is prohibited unless already in place when this ordinance is ratified.
- 3) Awnings. Awnings must: a) not extend across multiple properties, b) be constructed of durable, protective, and fire repellant material, c) preferably be constructed of fabric, d) not be constructed of plastic or fiberglass, e) have coloring which compliments storefronts, signage, and building colors, and f) be approved by the ARB.

- 4) **Building materials and general design.** Building materials and general design standards for renovations should comply with the same strictures identified for new construction in the Cherryville Zoning Ordinance and must be approved by the ARB.
- 5) **Paint color and scheme.** All building color schemes in the CBD shall be approved by the ARB under the provisions of Sec. 8-157. The ARB will consult professional design counsel regarding appropriate options for color schemes.
- 6) **Brick surfaces.** Painting pristine brick surfaces in the CBD is prohibited. Existing painted surfaces may be repainted. But, if possible, brick surfaces should be exposed and restored.

8-155. Renovation standards to meet requirements for historic tax credits. Properties applying for tax credits for historic renovation must meet the specific standards of the NC Secretary of the Interior's Standards of Rehabilitation, which include but are limited to: 1) making minimal changes to the defining characteristics of the building, 2) retaining the historic character of a property and not removing or altering details, 3) not adding faux historical details, 4) preserving distinctive features, finishes, and construction techniques, 5) repairing rather than replacing historic features while matching historic design, color, and material, 6) not using chemical or physical treatments that damage historic materials, 7) protecting significant archeological resources, 8) ensuring new construction doesn't destroy historic materials, 9) differentiating new work from the old while ensuring its compatibility, and 10) ensuring new construction could be removed without impairing the integrity of the historic property.

8-156. Enforcement of specific standards for buildings, grounds, and structures in the CBD.

- a) **Violations of fire or building codes.** Penalties and procedures are as identified in the codes.
- b) **Violations of the Cherryville Zoning Ordinance.** Penalties and procedures are as identified in the Cherryville Zoning Ordinance.
- c) **Violations of Sec 8-154.**

1) **Notification.** After being alerted by the Downtown Director of a violation, the zoning director will issue a written citation to the building owner.

2) **Monetary Penalties for Noncompliance.**

| Type Citation | Penalty | When issued | Notes |
|--------------------------|---------|--------------------|-----------------|
| Warning | 0 | | |
| 1 st Citation | \$25.00 | After 10 days. | |
| 2 nd Citation | \$50.00 | After 3 more days. | |
| 3 rd Citation | \$50.00 | After 3 more days. | Escalates daily |

3) **Additional Penalties for Noncompliance.** The city may institute legal proceedings to compel compliance including but not limited to liens on the property.

4) **Appeals.** Appeals may be made to the city manager. Further appeals may be made to the city council whose decision is final.

Sec 8-157. Requirements for approval of exterior renovation work in the CBD.

a) **Exterior renovation work in the CBD requires approval by the ARB on a COA.**

1) **Prior approval required.** Exterior structural renovation work done to any buildings or spaces within the CBD requires prior approval by the Cherryville Architectural Review Board (ARB) via a certificate of appropriateness (COA) and must comply with the architecture guidelines in: 1) the Cherryville Zoning Ordinance, 2) this ordinance, and 3) if applying for tax credits, the NC Secretary of the Interior Standards of Rehabilitation.

2) **Approval for changes.** Any changes to approved work during construction must be approved in writing by the ARB.

b) Exterior renovation work in the CBD must comply with all city, county, and state codes.

1) Building permit and zoning permit required. All work requires a building permit from Gaston County and a zoning permit from the City of Cherryville in addition to the COA.

2) State and local building codes. All work must be completed according to state and local building codes and ordinances and be approved, when necessary, by the proper authorities.

3) Façade changes require a zoning permit. All façade changes require a zoning permit.

**ADOPTED BY THE CITY COUNCIL of CHERRYVILLE, NORTH CAROLINA
THIS __ DAY OF ____, 2025**

Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor

ⁱ "Expanded construction" in this context must mean enlarging a building's footprint and so, must then not refer to renovations of the existing structure when said renovations don't increase the building's square footage.



**AMENDING THE BUILDINGS AND BUILDING REGULATIONS
OF THE
CODE OF ORDINANCES OF THE CITY OF CHERRYVILLE, NORTH CAROLINA
TO CREATE AN ORDINANCE REGARDING:
VACANT BUILDINGS IN THE IN THE CENTRAL BUSINESS DISTRICT**

WHEREAS, the Central Business District of Cherryville is the heart of the city and its economic vitality and attractiveness is a key to the overall economic vitality of the entire city; and

WHEREAS, a large percentage of the buildings in the Central Business District are vacant and so don't in their present state contribute to the economic vitality of the Central Business District; and

WHEREAS, the Downtown Director has submitted a proposed article to the Cherryville Code of Ordinances to require registration for vacant buildings to spur the revitalization of said buildings; and

WHEREAS, the proposal will prevent blight and promote continued growth and investment in properties in the downtown Central Business District; and

WHEREAS, the City Council has conducted a public hearing on _____ at which time interested citizens, residents, property owners and agencies could be heard on whether they approved or disapproved of the proposed amendment; and

WHEREAS, the City of Cherryville Director of Planning and Zoning has made a recommendation to the City Council on this manner.

NOW THEREFORE BE IT ORDAINED and established by the City Council of Cherryville, North Carolina assembled in regular session this the ____ day of ____, 2025, as follows

That pursuant to the authority granted by NCGS 160-A-360 and 364, the Official City Code of Ordinances of the City of Cherryville, North Carolina shall be amended to add the following language to Chapter 8, Buildings and Building Regulations, as follows:

Article VIII. Vacant Buildings in the Central Business District

Sec. 8-251. Intent of this ordinance.

This ordinance helps to spur the economic revitalization of vacant buildings in the Central Business District and in so doing contribute to the economic vitality and property values of adjacent businesses and the entire city.

Sec. 8-252. Applicability.

This ordinance applies to all buildings in the downtown CBD, also known as B-1 zoning, as adopted by the City Council and on file with the Planning and Zoning Department.

Sec 8-253. Responsibilities of the Zoning Administrator and Downtown Director.

a) Zoning Administrator. The Zoning Administrator will upon written request from the Downtown Director, execute enforcement actions pertaining to noncompliance with Sec 8-255.

b) Downtown Director. The Downtown Director will: 1) administer the registration requirements for vacant buildings as outlined in Sec 8-255, and 2) maintain a vacant building registry.

8-254. Specific standards for vacant buildings. All vacant buildings must comply with the Cherryville Zoning Ordinance, fire safety codes, building codes, and the provisions of Article VI.

Sec 8-255. Registration requirements for vacant buildings.

a) Definition of a vacant building. For the purposes of this ordinance, vacant buildings are buildings used for warehousing of products and goods and/or are buildings which have no regular hours of operation and/or are not open to the public for sales or services.

b) Registration responsibilities of owners. Owners of vacant buildings must: 1) if the building has been vacant for more than 60 days complete a registration form with the Downtown Director as described in paragraph c, 2) re-register the building annually, 3) unless they are exempted according to paragraph e, pay registration fees according to the fee schedule in paragraph d, and 4) facilitate entry within 24 hours of a request by authorized officials.

c) Required owner registration information. Owners of vacant buildings must provide: 1) full 24-hour contact information, 2) full 24-hour contact information for a local representative if the owner lives more than 50 miles outside the city limits, 3) the building's regular street address and the tax parcel identification number, 4) the date the building was vacated and the projected occupancy date, 5) their request for a waiver of registration fees if they meet the requirements in paragraph d, 6) their authorization allowing city or county officials to enter and inspect the building for fire and/or building code violations, and 7) their signature.

d) Vacant Building Registration Fees.

| Type fee | Due Date | Amount | Notes |
|----------------------|--|------------|-------|
| Initial | Upon registration | \$0.00 | |
| First annual | First anniversary of initial registration | \$100.00 | |
| Second annual | Second anniversary of initial registration | \$500.00 | |
| Third annual | Third anniversary of initial registration | \$1,000.00 | |
| Each year thereafter | Subsequent anniversary of initial registration | \$2,000.00 | |

e) Exemptions from vacant building registration fees.

Types of buildings eligible for exemption status from the registration fee are as follows.

- 1) The building has fire damage. The owner then has 120 days to repair or demolish the building or register the building as vacant and pay the registration fee.
- 2) The building is actively for sale or lease for a maximum period of two years. The owner of the vacant building must provide proof of the building being actively and continuously marketed through a licensed real estate broker or by the owner and show proof of advertising in the area.
- 3) The property is under an active renovation process. The owner of the vacant building must present evidence of an active renovation process which may include: 1) application for, or possession of, a building permit, 2) current architectural drawings and a written time line for execution, or 3) ongoing construction work with a written time line for completion.

f) Enforcement of and Penalties for non compliance with building registration requirements.

- 1) Notification. After being alerted by the Downtown Director of a violation, the zoning director will issue a written citation to the building owner.
- 2) Monetary Penalties for Noncompliance.

| Type Citation | Penalty | When issued | Notes |
|--------------------------|---------|--------------------|-----------------|
| Warning | 0 | | |
| 1 st Citation | \$25.00 | After 10 days. | |
| 2 nd Citation | \$50.00 | After 3 more days. | |
| 3 rd Citation | \$50.00 | After 3 more days. | Escalates daily |

- 3) Additional Penalties for Noncompliance. The city may institute legal proceedings to compel compliance including but not limited to liens on the property.

- 4) Appeals. Appeals may be made to the city manager. Further appeals may be made to the city council whose decision is final.

ADOPTED BY THE CITY COUNCIL of CHERRYVILLE, NORTH CAROLINA
THIS __ DAY OF ____, 2025

H.L. Beam, Mayor

Paige H. Green, CMC, NCCMC, City Clerk

Ordinances Timeline

| DATE | Meeting | Action | Responsible | Comment |
|---------|-----------------------------------|---|----------------------------------|----------------|
| ASAP | -- | Schedule CFD | Paige | See below |
| ASAP | -- | Schedule City Council Agendas | Paige | See below |
| ASAP | -- | Schedule CMSP August Agenda | David | |
| ASAP | | Schedule City Council Reps for Informational Meeting | Steve/Brian | Jill and Gary? |
| ASAP | -- | Send materials to CMSP BOD | Steve | |
| Aug 28 | @ CMSP BOD Meeting | Conduct Power Point Briefing | Steve | |
| Aug 28 | @ CMSP BOD Meeting | Approve | Donna Beringer | |
| Sep 9 | @ City Council Regular Session | Proffer vote on moving 9/24 Council Work Session to CFD | Brian | |
| Sep 14 | -- | Send materials to City Council | Steve | |
| Sep 24 | @ City Council Work Session | Conduct Power Point Briefing | Steve | @ CFD |
| Oct 14* | @ City Council Regular Session | Set Public Meeting Date | Brian with Mayor & Council | |
| Nov 1 | -- | Send mailer to owners | Steve | |
| Nov 20 | @ (Informal) Citizen Info Meeting | Present PPT Briefing, Take Questions | Brian/Steve/ City Council Rep(s) | @ CFD |
| Jan 22 | -- | Deliver legal notice to <i>Eagle</i> | Steve | Via LTN |
| Jan 29 | -- | Publish legal Notice #1 | <i>Eagle</i> | (Wed)? |
| Feb 5 | -- | Publish legal Notice #2 | <i>Eagle</i> | (Wed)? |
| Feb 10 | @ City Council Regular Session | Public Meeting/Vote | Mayor & Council | |

*Columbus Day

Requests for Paige:

- Schedule the CFD for
 - City Council Work Session on 9/24 at 6 p.m.
 - Citizens Info Meeting on 11/20 at 6 p.m.
- Put on the 9/9 City Council Regular Session Agenda:
 - Brian Dalton to ask for vote on moving the 9/24 City Council Work Session to the CFD to receive a Power Point briefing from Steve Panton on these two draft building ordinances
 - *Building Maintenance and Design Standards in the Central Business District*
 - *Vacant Buildings in the Central Business District*
- Put on the 9/24 City Council Work Session Agenda:
 - Briefing by Steve Panton on these two draft building ordinances
 - *Building Maintenance and Design Standards in the Central Business District*
 - *Vacant Buildings in the Central Business District*

(Paige, please note that this briefing should take about an hour – unless we get bogged down.)
- Put on the 10/14 City Council Regular Session Agenda:
 - Brian Dalton to ask for a Public Hearing at the 2/10/2025 City Council Regular Session on these two draft building ordinances
 - *Building Maintenance and Design Standards in the Central Business District*
 - *Vacant Buildings in the Central Business District*
- Put on the 2/10/2025 City Council Regular Work Session Agenda:
 - Public Hearing and Council Vote regarding these two draft building ordinances
 - *Building Maintenance and Design Standards in the Central Business District*
 - *Vacant Buildings in the Central Business District*