



Discussion: Vacant Lot Ordinance

PLANNING COMMISSION— JUNE 23, 2021

Background:

Vacant Lot Issues

- Vacant properties and buildings are a major cause and source of blight in residential and nonresidential neighborhoods, especially when the owner of the building fails to maintain and manage the building
- Often attract squatters and criminals and can become dumping grounds for junk and debris and are often overgrown with weeds and grass
- Boarded up buildings and other long-term vacancies discourage economic development and hinder appreciation of property values

Examples Sites



Purpose of Ordinance

“To establish a registration and maintenance program of abandoned, vacant and/or defaulted mortgage properties; providing for additional property owner responsibilities, as well as additional enforcement options by the city.”

Key Definitions:

- “Abandoned” means any real property that is vacant or shows evidence of vacancy, and (1) is subject to a current notice of default and/or notice of trustee's sale, pending tax assessors lien sale and/or (2) is the subject of a foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust, and/or (3) was conveyed to the current owner under a deed in lieu of foreclosure/sale.
- “Evidence of vacancy” means any real property condition that independently, or in the context of the totality of circumstances relevant to that real property would lead a reasonable enforcement official to believe that a property is vacant or occupied by a person without a legal right of occupancy. Such real property conditions include but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; and/or statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

Key Definitions:

- “Neighborhood standard” means the condition of real property that prevails in and through the neighborhood where an abandoned building, structure or real property is located. When determining the neighborhood standard no abandoned or distressed building, structure or real property shall be considered.
- “Vacancy/vacant” means any building, structure or real property that is unoccupied or occupied by a person without a legal right of occupancy.
- “Vacant building” means a building where at least thirty-five (35) percent of the total floor area within the building is not occupied.
- “Vacant shopping center/industrial complex” means a shopping center or industrial complex on a single property containing one or more buildings where fifty (50) percent of the gross leasable area is not occupied.

Key Components: Maintenance Standards

- Within thirty (30) days after a premises becomes a vacant building as defined herein, the owner of a vacant residential, commercial or industrial building shall cause said building to be registered as a vacant building
- Property shall be kept free of weeds, dry brush, dead vegetation, excessive foliage growth, trash, junk, debris, building materials
- Property shall be maintained free of graffiti, tagging or similar marking
- Visible front and side yards shall be landscaped and maintained to the neighborhood standard

Key Components: Security Requirements

- The property shall be posted with the name and 24-hour contact phone number of the local property management company. The posting shall be no less than 18" × 24" in size, shall be of a font that is legible from a distance of forty-five (45) feet, and shall contain the following verbiage: "THIS PROPERTY MANAGED BY _____," and "TO REPORT PROBLEMS OR CONCERNS CALL (name and phone number)."
- If the abandoned property is owned by a corporation and/or out of area beneficiary/trustee/owner, a local property management company shall be contracted to perform weekly inspections to verify that the abandoned property is maintained in accordance with the requirements of this section, and any other applicable laws.

Key Components: Security Requirements

- Whenever a building remains vacant for a period of ninety (90) days or more, the owner, beneficiary or trustee, shall post with the city a bond or similar security in an amount equal to three (3) months estimated costs of blight prevention and security activities, as estimated by Development Services Director or Code Enforcement Manager.

Key Components: Monitoring

- Will establish a monitoring program
- A fee will be established and imposed upon every owner of a vacant building monitored pursuant to this chapter, an annual vacant building monitoring fee in an initial amount as the city council may establish by resolution, provided that the fee shall not exceed the estimated reasonable cost of monitoring the vacant building.
- The fee shall be payable as to any building, residential or nonresidential, which:
 - (a) Is boarded up by voluntary action of the owner or as the result of enforcement activities by the city; or
 - (b) Is vacant for more than ninety (90) days for any reason.

Next Steps:

- Public Hearing at City Council on July 19th