



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		June 13, 2016		
Department:		Neighborhood Services		
Department Head		Lori Feild Schwarz		
Agenda Coordinator (include phone #): Doris Carter ext. 8209				
CAPTION				
Consideration of an Ordinance of the City of Plano, Texas, amending various sections of Division 3 of Article III, Chapter 6, Buildings and Building Regulations; Article I, Chapter 14, Offenses - Miscellaneous; and Article VI, Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano; providing revised definitions to conform to the reorganization of City staff; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Amending existing ordinances to reflect the City of Plano's current organizational structure and correctly identify the city department with proper enforcement authority relates to the City's goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
The proposed amendments update the City of Plano Code of Ordinances and changes Property Standards Department and Director Titles to Neighborhood Services. This will ensure the City of Plano Code Of Ordinances remain consistent with the current City of Plano Organizational Structure and accurately identify the proper enforcement authority of related ordinances.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Memo and attachment				



Memorandum

Date: May 18, 2016

To: Bruce D. Glasscock, City Manager
Jack Carr, Deputy City Manager

From: Lori F. Schwarz, AICP, Director of Neighborhood Services

Subject: Amendments to the Code of Ordinances Sections 6-61, 6-63, 6-70, 6-73, 14-3 and 16-116

Item Summary

The proposed amendments update the City of Plano Code of Ordinances and changes Property Standards Department and Director Titles to Neighborhood Services.

Background

In March of 2015, the City of Plano Property Standards Department combined with the Community Services and Best Neighborhoods Divisions of the Planning Department to form the Neighborhood Services Department. The merging of the departments was to provide residents of Plano with a streamlined process that involves related administrative operations and services. Amending of the ordinances changes those related Department and Title references to Neighborhood Services.

Outcome

This amendment will ensure the City of Plano Code Of Ordinances remain consistent with the current City of Plano organizational structure and accurately identify the proper enforcement authority of related ordinances.

Attachment A: Redline of Proposed Ordinances

Sec. 6-61. - Definitions.

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Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

Accessory building or use means a building or use that is clearly subordinate to and functionally related to the primary building or use, which contributes to the comfort, convenience, or necessity of occupants of the primary building or use on the same platted lot. Accessory buildings shall be detached from the primary building and shall not be used for living quarters.

Bedroom means any room or space used or intended to be used for sleeping purposes.

Building official means the officer or other designated authority charged with the administration and enforcement of the building code, or the building official's duly authorized representative.

Code official means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Common area means communal areas of the complex, including hallways, stairways, lobby areas, laundry rooms, pool facilities, green spaces, recreation rooms and parking lots.

Director of Neighborhood Services or director means the code compliance director or the director's duly authorized representative who is charged with the administration and enforcement of this article.

Dwelling unit means a building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters of a family and including facilities for food preparation, sleeping and sanitation.

Exterior property means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Landlord means the owner, operator, lessor, management company, managing agent or on-site manager of a multi-family dwelling.

Multi-family dwelling/building/residence means any building or portion thereof that is five (5) years old or older, which is designed, built, rented, leased, or let to be occupied as five (5) or more dwelling units or apartments. The term shall not include hotels, motels, U.S. Department of Housing and Urban Development (HUD) approved Section 8 units, or such owner occupied dwelling units.

Occupancy means the purpose for which a building or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a building, or having possession of a space within a building.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person means an individual, corporation, partnership or any other group acting as a unit.

Premises mean a lot, plot or parcel of land, easement or public way, including any structures thereon.

~~Property standards director or director means the code compliance director or the director's duly authorized representative who is charged with the administration and enforcement of this article.~~

Tenant means a person, corporation, partnership or group other than the legal owner of record, occupying a building or portion thereof as a unit.

Sec. 6-63. - Applicability and administration.

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- (a) This article shall apply to multi-family complexes located in the city which are five (5) years old or older with five (5) or more dwelling units.
- (b) The ~~property standards director~~ Director of Neighborhood Services and the director's authorized representatives are authorized to administer and enforce the provisions of this article.

(Ord. No. 2005-11-25, § I, 11-28-05; Ord. No. 2007-1-19, §§ I, II, 1-22-07; Ord. No. 2008-12-3, § III, 12-8-08)

Sec. 6-70. - Registration required.

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- (a) The landlord of a multi-family dwelling complex that is five (5) years old or older with five (5) or more dwelling units shall annually register the complex with the ~~property standards director~~ Director of Neighborhood Services by October 31st of each calendar year.
- (b) A registration is valid for one calendar year, unless the ownership of the complex changes.
- (c) If a change in ownership of the complex occurs during the period that a registration is otherwise valid, the landlord of the complex shall have thirty (30) days from the date the change of ownership occurred to file a new registration with the ~~property standards director~~ Director of Neighborhood Services and shall pay a twenty-five dollar (\$25.00) fee to re-issue the registration.
- (d) Annual registration or renewals postmarked or received after October 31st shall be assessed an additional fee increase of:
 - (1) Ten (10) percent of registration fee if within one month of due date;
 - (2) Thirty (30) percent of registration fee if within two (2) months of due date;
 - (3) Fifty (50) percent of registration fee thereafter.
- (e) Registration re-issues received after thirty (30) days of ownership change shall be assessed a late fee of seventy-five dollars (\$75.00) at the time of registration re-issue.
- (f) All fees and assessments must be current with the city prior to the renewal of a registration certificate.
- (g) The registration shall be on a form prescribed by the ~~property standards director~~ Director of Neighborhood Services and shall at a minimum contain the following information about the complex:
 - (1) The trade name, physical address, business mailing address and total number of units;
 - (2) The names of designated employees or authorized representatives who shall be assigned to respond to emergency conditions and a telephone number where said employees can be contacted during any twenty-four (24) hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard and violent crime;

- (3) The names, addresses, and telephone numbers of the property owner, property manager, resident manager, registered agent, all federal, state, and local funding agencies; and the type of business entity which owns the complex;
- (4) The names, addresses and telephone numbers of any mortgage lienholders.
- (h) A landlord commits an offense if the landlord operates a multi-family dwelling complex which is not currently registered with the director as prescribed.

(Ord. No. 2005-11-25, § I, 11-28-05; Ord. No. 2007-1-19, §§ I, II, 1-22-07; Ord. No. 2008-12-3, § IV, 12-8-08; Ord. No. 2011-4-16, § I, 4-25-11)

Sec. 6-73. - Landlord/tenant self inspections.

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- (a) The landlord or their designee of a multi-family dwelling complex shall inspect each dwelling unit within the complex:
 - (1) The inspection of a dwelling unit shall be conducted with the unit's tenant:
 - a. A minimum of once annually; and
 - b. When the occupancy of the unit changes;
 - (2) The landlord shall sign each inspection report, and shall require the tenant to sign the report for the tenant's dwelling unit. If the tenant disagrees with any notation made by the landlord on the report, the landlord shall permit the tenant to make written comments on the report prior to signing it. The landlord shall provide the tenant with a copy of the report after it is signed by the tenant and the landlord.
 - (3) The minimum building and property maintenance standards established by the International Property Maintenance Code and other applicable city codes shall be covered by the inspection, including but not limited to the following items:
 - a. Electrical facilities
 - b. Plumbing facilities
 - c. Heating facilities
 - d. Ventilation
 - e. Smoke detectors
 - f. Occupancy limitations
 - g. Means of ingress/egress
 - h. Handrails and guardrails
 - i. Rubbish and garbage
- (b) A landlord shall maintain reports of the inspections conducted pursuant to subsection (a) for all dwelling units within the multi-family dwelling complex.
 - (1) The reports shall be in written form on a form prescribed by the ~~property standards director~~ Director of Neighborhood Services.
 - (2) The report shall include places for marking whether the dwelling unit complies with the standards set by this section and shall include the names of all persons occupying the dwelling unit excluding overnight guests.

- (3) The report shall also include:
- a. The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions;
 - b. The telephone number where said employees can be contacted during any twenty-four (24) hour period. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes or violent crime; and
 - c. A notice for reporting code violations to the city as follows:

"TO REPORT UNRESOLVED VIOLATIONS OF CITY PROPERTY MAINTENANCE CODE FOR THESE PREMISES, PLEASE CONTACT THE ~~PROPERTY STANDARDS~~ NEIGHBORHOOD SERVICES DEPARTMENT AT (972) ~~941-7124~~208-8150."

- (4) The inspection reports shall be maintained by the landlord for a minimum of three (3) years.

(Ord. No. 2005-11-25, § I, 11-28-05; Ord. No. 2007-1-19, §§ I, II, 1-22-07)

Sec. 14-3. - Weeds, rubbish or unsanitary matter.

Sec. 14-3. - Weeds, rubbish or unsanitary matter.

- (a) Definitions: For purposes of this section, the terms used herein shall have the following meanings:

Brush shall mean scrub vegetation or dense undergrowth.

Carrion shall mean the dead and putrefying flesh of any animal, fowl or fish.

Code official shall mean the official who is charged with the administration and enforcement of this code, their designee or any city employee or employees designated by the city manager to perform activities related this section.

Filth shall mean any matter in a putrescent state.

Garbage shall mean all decayable wastes.

Junk shall mean all worn out, worthless, or discarded material, including, but not limited to, odds and ends, old iron or other metal, glass, and cordage.

Impure or unwholesome matter shall mean an putrescible or nonputrescible condition, object or matter which tends, may, or could produce injury, death, or disease to human beings.

Objectionable, unsightly or unsanitary matter shall mean any matter, condition, or object which is or should be objectionable, unsightly, or unsanitary to a person of ordinary sensitivities.

Owner shall mean a person having title to real property.

Person shall mean any individual, firm, partnership, association, business, corporation, or other entity.

Refuse shall mean a heterogeneous accumulation of worn out, used up, broken, rejected or worthless materials and includes garbage, rubbish, paper or litter and other decayable or nondecayable waste.

Rubbish shall mean trash, debris, rubble, stone, useless fragments of building materials, or other miscellaneous useless waste or rejected matter.

Weeds shall mean vegetation, including grass, that because of its height is objectionable, unsightly or unsanitary, but excluding:

- (1) Shrubs, bushes, and trees,
- (2) Cultivated flowers, and
- (3) Cultivated crops.

Any word not defined herein shall be construed in the context used and by ordinary interpretation; not as a word of art.

- (b) A person owning, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied, within the city limits of the City of Plano, Texas, and outside the city limits for a distance of five thousand (5,000) feet, commits an offense if said person permits or allows any stagnant or unwholesome water, sinks, filth, carrion, weeds, rubbish, brush, refuse, junk or garbage, or impure or unwholesome matter of any kind, or objectionable, unsightly matter of whatever nature to accumulate or remain on such real property or within any easement area on such real property or upon any adjacent right-of-way for streets and alleys between the property line of such real property and where the paved surface of the street or alley begins. Such condition or conditions are hereby defined as public nuisances.
- (c) A person, owner, tenant, agent or person responsible for any premises within the city, occupied or unoccupied, commits an offense if said person permits or allows weeds to grow on the premises to a greater height than twelve (12) inches. Said premises shall include, but not be limited to, the parkway between sidewalk and the curb; the right-of-way between any fence, wall or barrier and the curb or pavement if such exists or the center line of said right-of-way; or the area between a fence, wall or barrier and within any abutting drainage channel easement to the top of such channel closest to the property.
- (d) With respect to uncultivated agricultural properties, a person, owner, tenant, agent or person responsible for such property commits an offense if said person permits or allows weeds to grow to a greater height than twelve (12) inches within one hundred fifty (150) feet from any adjacent property under different ownership or any street right-of-way. However, on cultivated agricultural properties where the distance between the growing crop and abutting property under different ownership or street right-of-way is less than one hundred fifty (150) feet, the person, owner, tenant, agent or person responsible for such property commits an offense if said person permits or allows weeds to grow to a greater height than twelve (12) inches between such growing crop and such property or street right-of-way, so long as no traffic visibility obstruction will exist.
- (e) In the event that any person violates the provisions of this section, the code official, shall give notice to such person setting forth the noncompliance with this section. Such notice shall be given in any one of the following ways:
 - (1) Personally to the owner in writing;
 - (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
 - (3) If personal service cannot be obtained:
 - a. By publication at least once;
 - b. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - c. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

If the notice to a property owner is returned by the United States Postal Service as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

If such person fails or refuses to comply with the demand for compliance in the notice within seven (7) days of such notice or publication, the city may do such work or cause such work to be done to bring the real property into compliance with this section. The costs, charges, and expenses incurred in doing or having such work done or improvements made to the real property shall be a charge to and personally liability of such person (called "charges").

The charges to be collected by the city under this section shall include, in addition to the costs and expenses of mowing or correcting a condition upon a tract of land, the sum of two hundred dollars (\$200.00)

per lot or tract of land, which sum is hereby found to be the cost to the city of administering the terms of this section.

If a notice as provided herein is delivered to the owner of such real property, and he fails or refuses to comply with the demand for compliance within the applicable time period as herein provided, the aforementioned costs, charges, and expenses shall be, in addition to a charge to and personal liability of the owner, a privileged lien upon and against such real property, including all fixtures and improvements thereon. In order to perfect such lien, the code official shall first give such owner written notice of demand for payment of such charges. Such written notice may be given by any one (1) of the methods provided for the initial notice requiring compliance. If the owner fails or refuses to make complete payment of the charges within twenty (20) days of such notice, the code official shall file a written statement of such charges with the county clerk of the county in which the real property is located, for filing in the county land records. The statement shall be sufficient if it contains the following:

- (1) The name of the owner;
- (2) A description of the real property;
- (3) The amount of the charges, including interest thereon;
- (4) A statement that all prerequisites required by this section for the imposition of the charges and the affixing of the lien have been met;
- (5) A statement signed by the code official under oath, that the statements made therein are true and correct.

The statement may also contain such other information deemed appropriate by the code official.

All charges shall bear interest at the rate of ten (10) percent per annum from the date the city incurs the expense. The city may bring suit to collect the charges, institute foreclosure proceedings, or both. The statement, as provided herein, or certified copy thereof, shall be prima facie evidence of the city's claim for charges or right to foreclose the lien. The owner or any other person responsible as provided herein, shall be jointly and severally liable for the charges.

(f) In the event that a property owner permits or allows weeds to grow on the premises to a height greater than forty-eight (48) inches and such weeds are deemed by the code official to be an immediate danger to the health, life, or safety of any person, the building-code official, or his-their designee, without notice to [LS1] the property owner, may do such work or cause such work to be done to bring the real property into compliance with this section. The costs, charges, and expenses incurred in doing or having such work done or improvements made to the real property shall be assessed to the property owner. Not later than the tenth day after the date upon which the weeds were abated under this section, notice shall be given to the property owner of the abatement. Such notice shall be sufficient if it contains the following:

- (1) An identification of the property, which is not required to be a legal description;
- (2) A description of the violations that occurred on the property;
- (3) A statement that the city abated the weeds;
- (4) The amount of the charges, including interest thereon; and
- (5) An explanation of the property owner's right to request an administrative hearing about the city's abatement of the weeds.

(g) If, not later than the thirtieth day after the date of the abatement of the weeds, the property owner files a written request for a hearing with the code official, the official shall conduct an administrative hearing on the abatement of weeds under this section. The administrative hearing shall be conducted not later than the twentieth day after the date the request for a hearing is filed. The property owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.

(h) The city may inform the property owner by regular mail and a posting on the property that if the owner commits another violation of the same kind or nature that poses a danger to the public health and

safety on or before the first anniversary of the date of the notice, the city, without further notice, may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city, without notice, may take any action permitted to bring the real property into compliance with this section and assess the costs, charges, and expenses incurred in such action to the owner.

- (i) The provisions of this section shall be enforced by representatives of the city's ~~property standards department~~ **Neighborhood Services Department**. Notwithstanding any provisions of this section to the contrary, the code official has authority to issue immediate citations to persons violating any provision of this section in the presence of said official. It shall be unlawful for any person to interfere with the official in the exercise of their duties under this section.

(Ord. No. 65-9-1, §§ 1—4, 9-13-65; Ord. No. 71-3-9, §§ 1, 3, 3-22-71; Ord. No. 74-4-5, §§ 1—3, 4-8-74; Ord. No. 87-2-6, § II, 2-9-87; Ord. No. 92-9-34, § I, 9-28-92; Ord. No. 99-11-11, §§ I—V, 11-8-99; Ord. No. 2010-2-16, §§ II, III, 2-22-10)

Cross reference— Sanitation standards for property, § 6-520; fire prevention and protection, Ch. 8.

State Law reference— Similar provisions, Vernon's Ann. Civ. St., art. 4436.

Sec. 16-116. - Demolition or removal of heritage resources.

Sec. 16-116. - Demolition or removal of heritage resources.

- (a) Purpose. Demolition or removal of any heritage property, pre-designated heritage resource, designated heritage resource, or structure located within a designated heritage district constitutes an irreplaceable loss affecting the quality of life and character of the city. Therefore, a demolition or removal of heritage property shall be allowed only in limited situations.
- (b) Procedure. An owner seeking demolition or removal of a structure shall submit a complete application to the chief building official. The building official shall immediately forward the application to the heritage preservation officer (HPO). The HPO shall forward a completed application to the heritage preservation commission.
- (c) Application. An application for demolition of any structure located within a designated heritage district must be signed and sworn to by all the owners of the property or their duly authorized representatives. Applicants for demolition or removal of individually designated resources shall state one (1) of the following reasons for removal or demolition, and shall provide the corresponding documentation to substantiate the request for removal or demolition. If the applicant seeks to demolish or remove a structure for more than one (1) reason, he/she shall provide all documentation required for each reason. Applicants for demolition or removal of a heritage resource property other than an individually designated resource shall solely be required to provide the documentation listed in subsection 16-116(c)(1)a.

If the information requested is not available or cannot be provided, the applicant must state the item that is unavailable and provide an explanation regarding its absence from the application.

- (1) Replacing an existing structure with another structure. An application for demolition or removal for the purpose of replacing the existing structure with another structure and all other heritage resource property application for demolition or removal for any purpose shall include the documentation listed below.
 - a. Records depicting the original construction of the existing structure, including drawings, pictures, or written descriptions.
 - b. Records depicting the current condition of the existing structure, including drawings, photographs, or written descriptions.

- c. Estimated cost of restoration and/or repair.
 - d. Any conditions the applicant proposes to place on the proposed structure that would mitigate the loss of the existing structure.
 - e. Architectural drawings of the structure that is proposed to replace the existing structure and approval of a certificate of appropriateness.
- (2) No economically viable use of the property exists—Individually designated resource heritage property. An application for demolition or removal of property for individually designated resource heritage property based on lack of economic viability shall include the documentation listed in a. to j. below for all properties and additional information in k. and l. below for commercial properties. The information in this section shall not be required of heritage resource property other than individually designated resources. A permit under this section shall not be denied if the owner cannot realize a reasonable rate of return on his property. The city shall retain an economic expert knowledgeable in the area of valuation, renovation, redevelopment, and rehabilitation of real estate. The expert shall review the documentation submitted by each applicant and provide a written report to the commission regarding the economic viability of each property.
- a. The amount paid for the property and date of purchase;
 - b. Remaining balance on any mortgage or other financing secured by the property and annual debt service;
 - c. Real estate taxes for the previous three (3) years and assessed value of the property according to the most recent valuation;
 - d. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - e. The fair market value of the property at the time the application is filed as determined by a licensed appraiser;
 - f. Any listing of the property for sale or rent, name of broker/agent, price asked and offers received, if any, for the previous two (2) years, including relevant documents or affidavits;
 - g. The price or rent sought by the applicant;
 - h. Any advertisements placed for the sale or rent of the property;
 - i. A report from any one (1) or more of the following: An architect, engineer, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation of historic property as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - j. Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return;
 - k. Form of ownership or operation of the property. (i.e. sole proprietorship, partnership, corporation, joint venture, for profit, not for profit, etc.);
 - l. A documented report attested to by a certified public accountant that includes the annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses, depreciation deduction, and annual cash flow before and after debt service, if any, during the same period.
- (3) The structure poses an imminent threat to public health or safety—Individually designated resource heritage property. If a disaster renders a structure an immediate threat to health and public safety, the chief building official upon agreement with the heritage preservation officer, may approve a certificate of appropriateness for demolition without the necessity of an application.

An application for demolition or removal of an individually designated resource heritage property structure that poses a threat to public health or safety shall include the documentation listed below.

The information in this section shall not be required of heritage resource property other than individually designated resources.

The owner has the burden of proof to establish by a preponderance of the evidence the necessary facts to prove demolition is necessary to alleviate a threat to public health and safety.

- a. Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.
 - b. A study regarding the nature, imminence, and severity of the threat, as performed by a licensed architect or engineer.
 - c. A study regarding both the cost of restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.
 - d. An assessment of the property by the ~~property standards department~~Neighborhood Services Department may be requested by the commission or applicant.
- (4) Other evidence.
- a. The applicant may submit any other relevant evidence to support his application.
 - b. City departments and private persons and organizations may submit relevant evidence.
 - c. The heritage commission may request other documentation in order to fully consider a request.
 - d. The heritage commission may consider evidence of the necessity of preserving the structure as an historic landmark, reasonableness of the cost of restoration or repair, and economic usefulness of the building, including existing and potential usefulness.
- (5) Burden of proof. The applicant has the burden of proof to establish the necessity of a permit by a preponderance of the evidence.
- (d) Hearing.
- a. The heritage commission shall hold a public hearing on the application within forty-five (45) business days from the date the HPO receives a complete application from the applicant.
 - b. The heritage commission shall review and consider all submitted documents and testimony of any interested parties.
 - c. The applicant(s) shall be given ten (10) business days written notice of the hearing by certified letter, return receipt requested to the address provided in the application.
- (e) Decision.
- a. The commission must render a decision within sixty (60) business days of the first public hearing. The applicant shall be notified by the HPO by mail within five (5) business days of the final decision.
 - b. For individually designated heritage resource properties (individually designated resources), the commission shall render a decision to delay, deny, or grant a permit for demolition in accordance with this section.
 - c. For heritage resources that contribute to a heritage district (contributing resources and pre-designated resources) but are not individually designated heritage resources, the commission shall render a decision to grant or delay a permit for demolition in accordance with this section and shall not render a decision to deny a permit for demolition.
 - d. Failure of the commission to decide or suspend said application within the sixty (60) business day time limit described above shall be deemed to be approval of the application and the building official shall issue the necessary permits to allow the requested demolition or removal.

(f) Demolition delay.

- a. The heritage commission may suspend an application for removal or demolition that proposes to replace an existing structure with another structure by determining that, in the interest of preserving historical values, the demolition of the structure may be delayed, and, in that event, the application shall be suspended for a period not exceeding ninety (90) calendar days from the date of application. Within the suspension period, the commission may request an extension of the suspension period by the city council.

If the city council, after notice to the applicant and a public hearing, determines that there are reasonable grounds for preservation, the city council may extend the suspension period for an additional period not exceeding one hundred twenty (120) calendar days, for a total of not more than two hundred forty (240) calendar days from the date of application for demolition. During the period of suspension of the application, no permit shall be issued for such demolition or removal, nor shall any person demolish or remove the building or structure.

- b. During the suspension time of the demolition delay, the commission may prepare and submit to the applicant a salvage plan which may suggest proposals to preserve the site for purposes consistent with this chapter. The plan may include complete or partial tax abatements, tax credits, authority for alteration or construction not inconsistent with the purposes of this article and other actions allowable by law. If a reasonable agreement for salvage cannot be obtained with the applicant, then the permits shall be issued for demolition at the end of the delay period.
- c. Demolition delay shall not be ordered for properties that request relief based on the fact that they are not economically viable or for properties that are a threat to public safety.
- (g) Penalty. Any person, firm or corporation failing to comply with the provisions to demolish or rebuild structures pursuant to the requirements herein shall be deemed guilty of an offense and upon conviction thereof shall be punished in accordance with subsection 16-102(b) herein. Each and every day any person, firm, or corporation is in non-compliance with the provisions in this article shall constitute a separate offense.

(Ord. No. 2007-10-23, § II, 10-8-07)

An Ordinance of the City of Plano, Texas, amending various sections of Division 3 of Article III, Chapter 6, Buildings and Building Regulations; Article I, Chapter 14, Offenses - Miscellaneous; and Article VI, Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano; providing revised definitions to conform to the reorganization of City staff; and providing a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.

WHEREAS, Division 3 of Article III, Chapter 6, Buildings and Building Regulations; Article I, Chapter 14, Offenses - Miscellaneous; and Article VI, Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano vests certain authority in the director of the City's property standards department; and

WHEREAS, the City has reorganized its former property standards department into the Department of Neighborhood Services; and

WHEREAS, the City's ordinances require updating to reflect the current organizational structure of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Council hereby adopts the findings set forth above.

Section II. Section 6-61 of Article III, Chapter 6, Buildings and Building Regulations, of the Code of Ordinances, City of Plano, Texas, is hereby amended to read as follows:

“Sec. 6-61. - Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

Accessory building or use means a building or use that is clearly subordinate to and functionally related to the primary building or use, which contributes to the comfort, convenience, or necessity of occupants of the primary building or use on the same platted lot. Accessory buildings shall be detached from the primary building and shall not be used for living quarters.

Bedroom means any room or space used or intended to be used for sleeping purposes.

Building official means the officer or other designated authority charged with the administration and enforcement of the building code, or the building official's duly authorized representative.

Code official means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Common area means communal areas of the complex, including hallways, stairways, lobby areas, laundry rooms, pool facilities, green spaces, recreation rooms and parking lots.

Director of Neighborhood Services or director means the code compliance director or the director's duly authorized representative who is charged with the administration and enforcement of this article.

Dwelling unit means a building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters of a family and including facilities for food preparation, sleeping and sanitation.

Exterior property means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Landlord means the owner, operator, lessor, management company, managing agent or on-site manager of a multi-family dwelling.

Multi-family dwelling/building/residence means any building or portion thereof that is five (5) years old or older, which is designed, built, rented, leased, or let to be occupied as five (5) or more dwelling units or apartments. The term shall not include hotels, motels, U.S. Department of Housing and Urban Development (HUD) approved Section 8 units, or such owner occupied dwelling units.

Occupancy means the purpose for which a building or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a building, or having possession of a space within a building.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person means an individual, corporation, partnership or any other group acting as a unit.

Premises mean a lot, plot or parcel of land, easement or public way, including any structures thereon.

Tenant means a person, corporation, partnership or group other than the legal owner of record, occupying a building or portion thereof as a unit.”

Section III. Section 6-63 of Article III, Chapter 6, Buildings and Building Regulations, of the Code of Ordinances, City of Plano, Texas, is hereby amended to read as follows:

“Sec. 6-63. - Applicability and administration.

- (a) This article shall apply to multi-family complexes located in the city which are five (5) years old or older with five (5) or more dwelling units.
- (b) The Director of Neighborhood Services and the director's authorized representatives are authorized to administer and enforce the provisions of this article.”

Section IV. Section 6-70 of Article III, Chapter 6, Buildings and Building Regulations, of the Code of Ordinances, City of Plano, Texas, is hereby amended to read as follows:

“Sec. 6-70. - Registration required.

- (a) The landlord of a multi-family dwelling complex that is five (5) years old or older with five (5) or more dwelling units shall annually register the complex with the Director of Neighborhood Services by October 31st of each calendar year.
- (b) A registration is valid for one calendar year, unless the ownership of the complex changes.
- (c) If a change in ownership of the complex occurs during the period that a registration is otherwise valid, the landlord of the complex shall have thirty (30) days from the date the change of ownership occurred to file a new registration with the Director of Neighborhood Services and shall pay a twenty-five dollar (\$25.00) fee to re-issue the registration.
- (d) Annual registration or renewals postmarked or received after October 31st shall be assessed an additional fee increase of:
 - (1) Ten (10) percent of registration fee if within one month of due date;
 - (2) Thirty (30) percent of registration fee if within two (2) months of due date;
 - (3) Fifty (50) percent of registration fee thereafter.
- (e) Registration re-issues received after thirty (30) days of ownership change shall be assessed a late fee of seventy-five dollars (\$75.00) at the time of registration re-issue.
- (f) All fees and assessments must be current with the city prior to the renewal of a registration certificate.
- (g) The registration shall be on a form prescribed by the Director of Neighborhood Services and shall at a minimum contain the following information about the complex:
 - (1) The trade name, physical address, business mailing address and total number of units;
 - (2) The names of designated employees or authorized representatives who shall be assigned to respond to emergency conditions and a telephone number where said employees can be contacted during any twenty-four (24) hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard and violent crime;
 - (3) The names, addresses, and telephone numbers of the property owner, property manager, resident manager, registered agent, all federal, state, and local funding agencies; and the type of business entity which owns the complex;
 - (4) The names, addresses and telephone numbers of any mortgage lienholders.
- (h) A landlord commits an offense if the landlord operates a multi-family dwelling complex which is not currently registered with the director as prescribed.”

Section V. Section 6-73 of Article III, Chapter 6, Buildings and Building Regulations, of the Code of Ordinances, City of Plano, Texas, is hereby amended to read as follows:

“Sec. 6-73. - Landlord/tenant self inspections.

- (a) The landlord or their designee of a multi-family dwelling complex shall inspect each dwelling unit within the complex:
 - (1) The inspection of a dwelling unit shall be conducted with the unit's tenant:
 - a. A minimum of once annually; and
 - b. When the occupancy of the unit changes;
 - (2) The landlord shall sign each inspection report, and shall require the tenant to sign the report for the tenant's dwelling unit. If the tenant disagrees with any notation made by the landlord on the report, the landlord shall permit the tenant to make written comments on the report prior to signing it. The landlord shall provide the tenant with a copy of the report after it is signed by the tenant and the landlord.
 - (3) The minimum building and property maintenance standards established by the International Property Maintenance Code and other applicable city codes shall be covered by the inspection, including but not limited to the following items:
 - a. Electrical facilities
 - b. Plumbing facilities
 - c. Heating facilities
 - d. Ventilation
 - e. Smoke detectors
 - f. Occupancy limitations
 - g. Means of ingress/egress
 - h. Handrails and guardrails
 - i. Rubbish and garbage
- (b) A landlord shall maintain reports of the inspections conducted pursuant to subsection (a) for all dwelling units within the multi-family dwelling complex.
 - (1) The reports shall be in written form on a form prescribed by the Director of Neighborhood Services.
 - (2) The report shall include places for marking whether the dwelling unit complies with the standards set by this section and shall include the names of all persons occupying the dwelling unit excluding overnight guests.
 - (3) The report shall also include:
 - a. The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions;
 - b. The telephone number where said employees can be contacted during any twenty-four (24) hour period. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes or violent crime; and
 - c. A notice for reporting code violations to the city as follows:

"TO REPORT UNRESOLVED VIOLATIONS OF CITY PROPERTY MAINTENANCE CODE FOR THESE PREMISES, PLEASE CONTACT THE NEIGHBORHOOD SERVICES DEPARTMENT AT (972) 208-8150."

- (4) The inspection reports shall be maintained by the landlord for a minimum of three (3) years."

Section VI. Section 14-3 of Article I, Chapter 14, Offenses—Miscellaneous, of the Code of Ordinances, City of Plano, Texas, is hereby amended to read as follows:

“Sec. 14-3. - Weeds, rubbish or unsanitary matter.

- (a) Definitions: For purposes of this section, the terms used herein shall have the following meanings:

Brush shall mean scrub vegetation or dense undergrowth.

Carrion shall mean the dead and putrefying flesh of any animal, fowl or fish.

Code official shall mean the official who is charged with the administration and enforcement of this code, their designee or any city employee or employees designated by the city manager to perform activities related this section.

Filth shall mean any matter in a putrescent state.

Garbage shall mean all decayable wastes.

Junk shall mean all worn out, worthless, or discarded material, including, but not limited to, odds and ends, old iron or other metal, glass, and cordage.

Impure or unwholesome matter shall mean an putrescible or nonputrescible condition, object or matter which tends, may, or could produce injury, death, or disease to human beings.

Objectionable, unsightly or unsanitary matter shall mean any matter, condition, or object which is or should be objectionable, unsightly, or unsanitary to a person of ordinary sensitivities.

Owner shall mean a person having title to real property.

Person shall mean any individual, firm, partnership, association, business, corporation, or other entity.

Refuse shall mean a heterogeneous accumulation of worn out, used up, broken, rejected or worthless materials and includes garbage, rubbish, paper or litter and other decayable or nondecayable waste.

Rubbish shall mean trash, debris, rubble, stone, useless fragments of building materials, or other miscellaneous useless waste or rejected matter.

Weeds shall mean vegetation, including grass, that because of its height is objectionable, unsightly or unsanitary, but excluding:

- (1) Shrubs, bushes, and trees,
- (2) Cultivated flowers, and
- (3) Cultivated crops.

Any word not defined herein shall be construed in the context used and by ordinary interpretation; not as a word of art.

- (b) A person owning, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied, within the city limits of the City of Plano, Texas, and outside the city limits for a distance of five thousand (5,000) feet, commits an offense if said person permits or allows any stagnant or unwholesome water, sinks, filth, carrion, weeds, rubbish, brush, refuse, junk or garbage, or impure or unwholesome matter of any kind, or objectionable, unsightly matter of whatever nature to accumulate or remain on such real property or within any easement area on such real property or upon any adjacent right-of-way for streets and alleys between the property line of such real property and where the paved surface of the street or alley begins. Such condition or conditions are hereby defined as public nuisances.
- (c) A person, owner, tenant, agent or person responsible for any premises within the city, occupied or unoccupied, commits an offense if said person permits or allows weeds to grow on the premises to a greater height than twelve (12) inches. Said premises shall include, but not be limited to, the parkway between sidewalk and the curb; the right-of-way between any fence, wall or barrier and the curb or pavement if such exists or the center line of said right-of-way; or the area between a fence, wall or barrier and within any abutting drainage channel easement to the top of such channel closest to the property.
- (d) With respect to uncultivated agricultural properties, a person, owner, tenant, agent or person responsible for such property commits an offense if said person permits or allows weeds to grow to a greater height than twelve (12) inches within one hundred fifty (150) feet from any adjacent property under different ownership or any street right-of-way. However, on cultivated agricultural properties where the distance between the growing crop and abutting property under different ownership or street right-of-way is less than one hundred fifty (150) feet, the person, owner, tenant, agent or person responsible for such property commits an offense if said person permits or allows weeds to grow to a greater height than twelve (12) inches between such growing crop and such property or street right-of-way, so long as no traffic visibility obstruction will exist.
- (e) In the event that any person violates the provisions of this section, the code official, shall give notice to such person setting forth the noncompliance with this section. Such notice shall be given in any one of the following ways:
 - (1) Personally to the owner in writing;
 - (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
 - (3) If personal service cannot be obtained:
 - a. By publication at least once;
 - b. By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - c. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

If the notice to a property owner is returned by the United States Postal Service as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

If such person fails or refuses to comply with the demand for compliance in the notice within seven (7) days of such notice or publication, the city may do such work or cause such work to be done to bring the real property into compliance with this section. The costs, charges, and expenses incurred in doing or having such work done or improvements made to the real property shall be a charge to and personally liability of such person (called "charges").

The charges to be collected by the city under this section shall include, in addition to the costs and expenses of mowing or correcting a condition upon a tract of land, the sum of two hundred dollars (\$200.00) per lot or tract of land, which sum is hereby found to be the cost to the city of administering the terms of this section.

If a notice as provided herein is delivered to the owner of such real property, and he fails or refuses to comply with the demand for compliance within the applicable time period as herein provided, the aforementioned costs, charges, and expenses shall be, in addition to a charge to and personal liability of the owner, a privileged lien upon and against such real property, including all fixtures and improvements thereon. In order to perfect such lien, the code official shall first give such owner written notice of demand for payment of such charges. Such written notice may be given by any one (1) of the methods provided for the initial notice requiring compliance. If the owner fails or refuses to make complete payment of the charges within twenty (20) days of such notice, the code official shall file a written statement of such charges with the county clerk of the county in which the real property is located, for filing in the county land records. The statement shall be sufficient if it contains the following:

- (1) The name of the owner;
- (2) A description of the real property;
- (3) The amount of the charges, including interest thereon;
- (4) A statement that all prerequisites required by this section for the imposition of the charges and the affixing of the lien have been met;
- (5) A statement signed by the code official under oath, that the statements made therein are true and correct.

The statement may also contain such other information deemed appropriate by the code official.

All charges shall bear interest at the rate of ten (10) percent per annum from the date the city incurs the expense. The city may bring suit to collect the charges, institute foreclosure proceedings, or both. The statement, as provided herein, or certified copy thereof, shall be prima facie evidence of the city's claim for charges or right to foreclose the lien. The owner or any other person responsible as provided herein, shall be jointly and severally liable for the charges.

- (f) In the event that a property owner permits or allows weeds to grow on the premises to a height greater than forty-eight (48) inches and such weeds are deemed by the code official to be an immediate danger to the health, life, or safety of any person, the code official, or their designee, without notice to the property owner, may do such work or cause such work to be done to bring the real property into compliance with this section. The costs, charges, and

expenses incurred in doing or having such work done or improvements made to the real property shall be assessed to the property owner. Not later than the tenth day after the date upon which the weeds were abated under this section, notice shall be given to the property owner of the abatement. Such notice shall be sufficient if it contains the following:

- (1) An identification of the property, which is not required to be a legal description;
 - (2) A description of the violations that occurred on the property;
 - (3) A statement that the city abated the weeds;
 - (4) The amount of the charges, including interest thereon; and
 - (5) An explanation of the property owner's right to request an administrative hearing about the city's abatement of the weeds.
- (g) If, not later than the thirtieth day after the date of the abatement of the weeds, the property owner files a written request for a hearing with the code official, the official shall conduct an administrative hearing on the abatement of weeds under this section. The administrative hearing shall be conducted not later than the twentieth day after the date the request for a hearing is filed. The property owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
- (h) The city may inform the property owner by regular mail and a posting on the property that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city, without further notice, may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city, without notice, may take any action permitted to bring the real property into compliance with this section and assess the costs, charges, and expenses incurred in such action to the owner.
- (i) The provisions of this section shall be enforced by representatives of the city's Neighborhood Services Department. Notwithstanding any provisions of this section to the contrary, the code official has authority to issue immediate citations to persons violating any provision of this section in the presence of said official. It shall be unlawful for any person to interfere with the official in the exercise of their duties under this section.”

Section VII. Section 16-116 of Article VI, Chapter 16, Planning and Development, of the Code of Ordinances, City of Plano, Texas, is hereby amended to read as follows:

“Sec. 16-116. - Demolition or removal of heritage resources.

- (a) Purpose. Demolition or removal of any heritage property, pre-designated heritage resource, designated heritage resource, or structure located within a designated heritage district constitutes an irreplaceable loss affecting the quality of life and character of the city. Therefore, a demolition or removal of heritage property shall be allowed only in limited situations.

- (b) Procedure. An owner seeking demolition or removal of a structure shall submit a complete application to the chief building official. The building official shall immediately forward the application to the heritage preservation officer (HPO). The HPO shall forward a completed application to the heritage preservation commission.
- (c) Application. An application for demolition of any structure located within a designated heritage district must be signed and sworn to by all the owners of the property or their duly authorized representatives. Applicants for demolition or removal of individually designated resources shall state one (1) of the following reasons for removal or demolition, and shall provide the corresponding documentation to substantiate the request for removal or demolition. If the applicant seeks to demolish or remove a structure for more than one (1) reason, he/she shall provide all documentation required for each reason. Applicants for demolition or removal of a heritage resource property other than an individually designated resource shall solely be required to provide the documentation listed in subsection 16-116(c)(1)a.

If the information requested is not available or cannot be provided, the applicant must state the item that is unavailable and provide an explanation regarding its absence from the application.

- (1) Replacing an existing structure with another structure. An application for demolition or removal for the purpose of replacing the existing structure with another structure and all other heritage resource property application for demolition or removal for any purpose shall include the documentation listed below.
 - a. Records depicting the original construction of the existing structure, including drawings, pictures, or written descriptions.
 - b. Records depicting the current condition of the existing structure, including drawings, photographs, or written descriptions.
 - c. Estimated cost of restoration and/or repair.
 - d. Any conditions the applicant proposes to place on the proposed structure that would mitigate the loss of the existing structure.
 - e. Architectural drawings of the structure that is proposed to replace the existing structure and approval of a certificate of appropriateness.
- (2) No economically viable use of the property exists—Individually designated resource heritage property. An application for demolition or removal of property for individually designated resource heritage property based on lack of economic viability shall include the documentation listed in a. to j. below for all properties and additional information in k. and l. below for commercial properties. The information in this section shall not be required of heritage resource property other than individually designated resources. A permit under this section shall not be denied if the owner cannot realize a reasonable rate of return on his property. The city shall retain an economic expert knowledgeable in the area of valuation, renovation, redevelopment, and rehabilitation of real estate. The expert shall review the documentation submitted by each applicant and provide a written report to the commission regarding the economic viability of each property.
 - a. The amount paid for the property and date of purchase;

- b. Remaining balance on any mortgage or other financing secured by the property and annual debt service;
 - c. Real estate taxes for the previous three (3) years and assessed value of the property according to the most recent valuation;
 - d. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - e. The fair market value of the property at the time the application is filed as determined by a licensed appraiser;
 - f. Any listing of the property for sale or rent, name of broker/agent, price asked and offers received, if any, for the previous two (2) years, including relevant documents or affidavits;
 - g. The price or rent sought by the applicant;
 - h. Any advertisements placed for the sale or rent of the property;
 - i. A report from any one (1) or more of the following: An architect, engineer, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation of historic property as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - j. Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return;
 - k. Form of ownership or operation of the property. (i.e. sole proprietorship, partnership, corporation, joint venture, for profit, not for profit, etc.);
 - l. A documented report attested to by a certified public accountant that includes the annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses, depreciation deduction, and annual cash flow before and after debt service, if any, during the same period.
- (3) The structure poses an imminent threat to public health or safety—Individually designated resource heritage property. If a disaster renders a structure an immediate threat to health and public safety, the chief building official upon agreement with the heritage preservation officer, may approve a certificate of appropriateness for demolition without the necessity of an application.

An application for demolition or removal of an individually designated resource heritage property structure that poses a threat to public health or safety shall include the documentation listed below. The information in this section shall not be required of heritage resource property other than individually designated resources.

The owner has the burden of proof to establish by a preponderance of the evidence the necessary facts to prove demolition is necessary to alleviate a threat to public health and safety.

- a. Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.

- b. A study regarding the nature, imminence, and severity of the threat, as performed by a licensed architect or engineer.
- c. A study regarding both the cost of restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.
- d. An assessment of the property by the Neighborhood Services Department may be requested by the commission or applicant.

(4) Other evidence.

- a. The applicant may submit any other relevant evidence to support his application.
- b. City departments and private persons and organizations may submit relevant evidence.
- c. The heritage commission may request other documentation in order to fully consider a request.
- d. The heritage commission may consider evidence of the necessity of preserving the structure as an historic landmark, reasonableness of the cost of restoration or repair, and economic usefulness of the building, including existing and potential usefulness.

(5) Burden of proof. The applicant has the burden of proof to establish the necessity of a permit by a preponderance of the evidence.

(d) Hearing.

- a. The heritage commission shall hold a public hearing on the application within forty-five (45) business days from the date the HPO receives a complete application from the applicant.
- b. The heritage commission shall review and consider all submitted documents and testimony of any interested parties.
- c. The applicant(s) shall be given ten (10) business days written notice of the hearing by certified letter, return receipt requested to the address provided in the application.

(e) Decision.

- a. The commission must render a decision within sixty (60) business days of the first public hearing. The applicant shall be notified by the HPO by mail within five (5) business days of the final decision.
- b. For individually designated heritage resource properties (individually designated resources), the commission shall render a decision to delay, deny, or grant a permit for demolition in accordance with this section.
- c. For heritage resources that contribute to a heritage district (contributing resources and pre-designated resources) but are not individually designated heritage resources, the commission shall render a decision to grant or delay a permit for demolition in accordance with this section and shall not render a decision to deny a permit for demolition.
- d. Failure of the commission to decide or suspend said application within the sixty (60) business day time limit described above shall be deemed to be approval of the application

and the building official shall issue the necessary permits to allow the requested demolition or removal.

(f) Demolition delay.

- a. The heritage commission may suspend an application for removal or demolition that proposes to replace an existing structure with another structure by determining that, in the interest of preserving historical values, the demolition of the structure may be delayed, and, in that event, the application shall be suspended for a period not exceeding ninety (90) calendar days from the date of application. Within the suspension period, the commission may request an extension of the suspension period by the city council.

If the city council, after notice to the applicant and a public hearing, determines that there are reasonable grounds for preservation, the city council may extend the suspension period for an additional period not exceeding one hundred twenty (120) calendar days, for a total of not more than two hundred forty (240) calendar days from the date of application for demolition. During the period of suspension of the application, no permit shall be issued for such demolition or removal, nor shall any person demolish or remove the building or structure.

- b. During the suspension time of the demolition delay, the commission may prepare and submit to the applicant a salvage plan which may suggest proposals to preserve the site for purposes consistent with this chapter. The plan may include complete or partial tax abatements, tax credits, authority for alteration or construction not inconsistent with the purposes of this article and other actions allowable by law. If a reasonable agreement for salvage cannot be obtained with the applicant, then the permits shall be issued for demolition at the end of the delay period.
- c. Demolition delay shall not be ordered for properties that request relief based on the fact that they are not economically viable or for properties that are a threat to public safety.

- (g) Penalty. Any person, firm or corporation failing to comply with the provisions to demolish or rebuild structures pursuant to the requirements herein shall be deemed guilty of an offense and upon conviction thereof shall be punished in accordance with subsection 16-102(b) herein. Each and every day any person, firm, or corporation is in non-compliance with the provisions in this article shall constitute a separate offense.”

Section VIII. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IX. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section X. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under

or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section XI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED THIS THE 13th DAY OF JUNE, 2016

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY