

Date	UDO Section	Public Comment
11/15/2021	36.2 Planning Commission	36.2 B needs an added #5 which should read: Comply with the membership requirements of Session law 2019-111 (GS 160D-307)
11/15/2021	36.2 Planning Commission	36.2 D (2) needs to be amended to require that Staff abide by the Code of Ethics and Conduct of the AICP
11/15/2021	36.3 UDO Board of Adjustment	36.3 B 1 needs to have the following added: Membership shall comply with the requirements of GS 160D-307 as to ETJ representation
11/15/2021	36.5 Administrators and Directors	36.5 there is no definition of UDO Administrator in this document
11/11/2021	38.1 Amending the Unified Development Ordinance	I want to comment on how the changes and updates will be communicated. While the redline idea is good it would also be helpful to include a side by side or summary of changes. I say that because the original document is 608 pages. Adding redlines will substantially increase the number of pages and create an even more level of difficulty in trying to follow the document. For those of us who already have full time jobs, reading the redlined drafts will create another full-time job. Again, please consider providing some level of summary of updates. Thanks!
10/27/2021	38.2 Zoning Map Amendments	38.2(C)(3)(b) - why wouldn't these benefits (or some of them) be included in the section 16.3 bonus list?
11/15/2021	38.2 Zoning Map Amendments	38.2 C 3 says that the standards can not be waived in their entirety, but that is not a requirement of state law. if you want Exceptions, you need maximum flexibility. remove that caveat
11/15/2021	38.2 Zoning Map Amendments	And in section 5 on page 38-7 requiring text that specifies the ACTUAL use intended for the property is poor wording. Say the 'intended use'.
11/15/2021	38.2 Zoning Map Amendments	Paragraph O 3 on top of page 38-11 needs to allow for plural statements..... city clerk shall deliver ALL SUCH written statements (this will prohibit the stunt pulled by a specific staff member on the 2040 plan comments)
11/15/2021	38.2 Zoning Map Amendments	Section T on page 38-13 needs to require an affirmative action by the petitioner or City to remove Zoning Map Amendment not approved in 2 yrs. Without a specific action the ambiguity of when the 2 yr clock started will cause too much confusion
11/15/2021	38.3 Administrative Minor Amendments	38.3 B 1 c item ii - the word thoroughfare is not used in this document. change to the new terminology.
11/15/2021	38.3 Administrative Minor Amendments	38.3.B.1 item viii - since it's not legal to differentiate between ownership and rental this item must be struck
11/15/2021	38.3 Administrative Minor Amendments	changes in vested plans called out in sections F 1 e and F 2, F 5 and G 1 appear to violate state vesting law. please clarify the language in compliance with State law

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11/15/2021	38.3 Administrative Minor Amendments	38.7 A 1 a- (1) definition includes those uses just obtained by a Building permit -- such activity & rights not governed by the City but only by the county.
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11/15/2021	38.8 Variances and Appeals	#6 on page 38-28 Supplemental regulations: If the assessing Department loses upon appeal the filing fee should be refunded to the applicant
11/15/2021	38.8 Variances and Appeals	In (b)- the UDO Board of Adjustments is prohibited by state law 142-215 from Increasing civil penalties upon appeal. . A contested case proceeding is an administrative remedy for the violator to appeal the penalty that was assessed. Increasing the amount of a penalty when it is appealed is not a decision on the penalty that was assessed, it is assessing a new penalty, and is not consistent with statute (per NC Asst AG)
11/15/2021	38.8 Variances and Appeals	in c ii (A) The penalty can not be increased upon an appeal per GS 113A-64. A contested case proceeding is an administrative remedy for the violator to appeal the penalty that was assessed. Increasing the amount of a penalty when it is appealed is not a decision on the penalty that was assessed, it is assessing a new penalty, and is not consistent with statute (per the NC Asst AG)
11/15/2021	38.8 Variances and Appeals	and on D (Drainage appeals): The penalty can not be increased upon an appeal per GS 142-215. A contested case proceeding is an administrative remedy for the violator to appeal the penalty that was assessed. Increasing the amount of a penalty when it is appealed is not a decision on the penalty that was assessed, it is assessing a new penalty, and is not consistent with statute (per the NC Asst AG). And this appeal should go to SWAC who has subject matter intelligence
11/27/2021	38.8 Variances and Appeals	And this appeal should go to SWAC who has subject matter intelligence
10/27/2021	39.2 Nonconforming Uses	39.2(F): Very onerous.
10/27/2021	39.2 Nonconforming Uses	39.2(G): Timeframe is unreasonably short - could be fights with insurance and lender before design can start. Design + permitting = 9 months. (Separately, consider tying to permit application rather than permit approval; developer can't control timeframe for permit issuance)

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11/27/2021	39.2 Nonconforming Uses; 39.3 Nonconforming Structures; 39.5 Nonconforming Exterior Lighting	Section C correctly matches state law but conflicts with article 33.8 (required road improvements for expansions/ change of use or repairs/building permits)
11/27/2021	39.2 Nonconforming Uses; 39.3 Nonconforming Structures; 39.5 Nonconforming Exterior Lighting	39.5 who is the Zoning Administrator? is it the UDO Administrator?
10/27/2021	39.3 Nonconforming Structures	39.3(D)(1)(a)(I): add provision saying "if practical". An existing building might be too far back to make this work.
11/15/2021	39.3 Nonconforming Structures; 39.5 Nonconforming Exterior Lighting	D. Uses the words Zoning Administrator which has been changed elsewhere to be UDO Administrator. Who do you mean here?
11/27/2021	40.1 Inspections; 40.2 Enforcement	section A 4 - please add language speaking to posting of bonds as an alternative to 100% completion (allowed by law & discussed elsewhere in the UDO. Omitted here)
11/27/2021	40.1 Inspections; 40.2 Enforcement	sect C Signs is a gross over-reach. Proactive stalking of property owners and the requirement for written statements & filing of reports for SIGN? what is the nexus? where is the statutory authority?
11/27/2021	40.1 Inspections; 40.2 Enforcement	Under E Stormwater as least the reports are part of an investigation (still a bully tactic) but for SIGNS?
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section F SS&I - need to add that they have to present credentials

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11/27/2021	40.1 Inspections; 40.2 Enforcement	Section B 2 d (page 40-5) add the language that says that when appealed all fines are stayed .
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section B 2 omitted hearing info & protocol following hearing
11/27/2021	40.1 Inspections; 40.2 Enforcement	section D page 40-9 why are appeals of PCCO not to SWAC?
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section E Signs - typo line 3: what is 'temporary temporary'.
11/27/2021	40.1 Inspections; 40.2 Enforcement	top of page 40-10 refers to section 40.2.b but that is flood plain not signs. fix the reference
11/27/2021	40.1 Inspections; 40.2 Enforcement	section 2 top of page 40-1 has a typo: it's a notice of violations.... not notices
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section 3 A- How can you have the authority to put me in jail (section 4) but not the obligation to actually notify me of an alleged violation?? Citations should be given to the owner or manager. saying you can give the Citation to anyone having 'immediate beneficial use of the property' is saying you can give the notice to the drunk guy on the 4th bar stool. And with that non-notification I have no right to appeal or correct an alleged violation. that's unconscionable & must be a violation of law
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section 5 b (pg 40-10) conflicts with the Non-conforming regulations of the UDO and the rights afforded by state law
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section 6 a (page 40-11) is about signs but it includes the language "use of land, building or structure or to prevent any illegal act, business or use in or about the site or premise." this needs to be removed as it has nothing to do with remedy for an incorrect sign.
11/27/2021	40.1 Inspections; 40.2 Enforcement	Erosion Control violations page 40-13 section e iv should read "the amount of money saved through noncompliance' and after vii insert the word AND since they aggravating factors is all 8 items
11/27/2021	40.1 Inspections; 40.2 Enforcement	page 40-14 section f i the correct entity is the NC State Sedimentation Control Commission
11/27/2021	40.1 Inspections; 40.2 Enforcement	section iii : what are 'clear' proceeds? those that aren't cloudy? fix wording
11/27/2021	40.1 Inspections; 40.2 Enforcement	the last line of section iv is not allowed per the State Model Ordinance. Fines must be in compliance with NC GS 113A-64
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section 3 a & b- remove the word 'threatening. Attitude is not a reason for injunctive relief. A violation & notice has to have occurred.

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11/27/2021	40.1 Inspections; 40.2 Enforcement	same note on item g page 40-17- (withholding of building permits) is not authorized by State Ordinance.
11/27/2021	40.1 Inspections; 40.2 Enforcement	item g iv - NC GS 160A-193 limits the enforcement to City Limits & 1 mile. it can NOT apply to the entire ETJ. change the language
11/27/2021	40.1 Inspections; 40.2 Enforcement	section J Tree protections incorrectly says that penalties can be assessed immediately (WITHOUT NOTICE) and then correctly says notice & time to correct (matching Notice provision 4)
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section 4 top of page 40-20 omitted the specifics of notification delivery
11/27/2021	40.1 Inspections; 40.2 Enforcement	section 6 Page 40-20) failed to say that criminal penalties can only be assessed after adjudication.
11/27/2021	40.1 Inspections; 40.2 Enforcement	Zoning violations section #3 (page 40-21) omitted the sentence about delivery of citation
11/11/2021	40.2 Enforcement	Criminal Penalties - Is the City really going to spend tax payer dollars on trying to prove someone knowingly or willfully violated a provision of these regulations. A fine not exceeding \$500 should suffice. Imprisonment is unreasonable.
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