

Date	UDO Section	Public Comment	Staff Response	Recommend Change to Draft UDO?
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)	UDO staff will review these requirements with the City Attorney's Office. Updated 03/08/22: Section 36.2.B will be updated to comply with NCGS Chapter 160D-307, addressing proportional representation.	Yes
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	UDO staff will review these requirements with the City Attorney's Office. Updated 03/08/22: Not all Planning Department staff for the Planning Commission have AICP (American Institute of Certified Planners) credentials.	No
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	UDO staff will review these requirements with the City Attorney's Office. Updated 03/08/22: Section 36.3.B will be updated to comply with NCGS Chapter 160D-307, addressing proportional representation	Yes
11/15/2021	36.5 Administrators and Directors	36.5 there is no definition of UDO Administrator in this document	A definition will be added for the UDO Administrator in the next draft UDO. Updated 03/17/22: Definitions for the various administrators will not be included in Article 2. Updated 04/25/2022: The role and responsibilities of the UDO Administrator are found in Article 36 at Section 36.5.	No

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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!	A summary of major changes will be provided in addition to the redline document.	No (however referenced info on changes will be provided)
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?	Some of these benefits are included in the bonus table such as uses sustainable, design and architecture (LEED, for example) and incorporation of affordable housing set-aside.	No
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	That is correct, zoning standards cannot be waived in their entirety. Flexibility is provided in multiple ways in the UDO. The EX zoning district provides flexibility to modify quantitative zoning and street cross-section standards; Administrative Minor Amendments allow for minor modifications to approved conditional and EX zoning district site plans or conditions that don't have a significant impact upon adjacent properties; Administrative Adjustments allow for up to a 10% adjustment of quantitative standards in the zoning regulations and tree protection regulations; and the quasi-judicial Variance process can allow a variance to standards in hardship situations.	No
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'.	Section 38.2.E.5.a will be revised to provide clarity in the next draft UDO. The text will be changed to the "proposed use". Updated 03/01/22: The term, "uses intended" will be changed to "proposed use".	Yes

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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)	This language in 38.2.O.3 will be revised to provide clarity in the next draft UDO. The word "statement" will be changed to "statement(s)".	Yes
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	This language will be revised to provide clarity in the next draft UDO. Section 38.2.T will specify that the clock starts from the date the zoning map amendment is submitted and deemed complete.	Yes
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.	This language will be revised to provide clarity in the next draft UDO. Updated 03/07/ 22: Section 38.3.B.1.c.ii. will change "thoroughfare" to "arterial or limited access roads".	Yes
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	UDO staff will review these requirements with the City Attorney's Office. Updated 03/08/22: Section 38.3.B.1.c.viii addresses significant changes to an approved site plan that cannot be considered an administrative minor amendment. Approved site plans with such a note may not be changed.	No

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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	<p>UDO staff will review these requirements with the City Attorney's Office.</p> <p>Updated 03/08/22: Sections 38.6.F.1.e, 38.6.F.2, 38.6.G.1 are in compliance with NCGS Chapter 160D-108.1(f). Section 38.6.F.5 will be revised to more closely align with NCGS 160D.108.1(f).</p> <p>Updated 03/24/22: Section 38.6.F.2 has been clarified to better align with NCGS Chapter 160D-108.1(f)(2). Section 38.6.F.5 will also be clarified in the second draft.</p>	Yes
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.	<p>UDO staff will review these requirements with the City Attorney's Office.</p> <p>Updated 03/08/22: The definition for "Development" is consistent with the definition provided in NCGS 160D-102(12).</p>	No
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	<p>UDO staff will review these requirements with the City Attorney's Office.</p> <p>Updated 03/08/22: The refund of appeal filing fees would be a policy decision made by elected officials. At this time, only where the final decision on an Historic District appeal is in favor of the appellant does a reimbursement for costs invoiced by the City for the preparation of the record occur, but this is not a refund of the filing fee.</p>	No

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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)	<p>UDO staff will review these requirements with the City Attorney's Office.</p> <p>Updated 03/08/22: Section 38.8.B.6.b aligns with NCGS Chapter 160D-406(j). An appeal board may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all powers of the administrator who made the decision. If the administrator could have imposed greater penalties, so may the board. State Law 142-215 was not found in statutes, session laws, or resolutions.</p>	No
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)	<p>UDO staff will review these requirements with the City Attorney's Office.</p> <p>Updated 03/08/22: Section 38.8.B.6.c.ii aligns with NCGS Chapter 160D-406(j). An appeal board may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all powers of the official who made the decision. If the administrator could have imposed greater penalties, so may the board. NCGS 113A-64 does not address board decisions.</p>	No

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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	<p>UDO staff will review these requirements with the City Attorney's Office.</p> <p>Updated 03/08/22: Section 38.8.D aligns with NCGS Chapter 160D-406(j). An appeal board may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all powers of the administrator who made the decision. If the administrator could have imposed greater penalties, so may the board. State Law 142-215 was not found in statutes, session laws, or resolutions.</p>	No
11/27/2021	38.8 Variances and Appeals	And this appeal should go to SWAC who has subject matter intelligence	The draft UDO proposes that all appeals related to the UDO will go to the UDO Board of Adjustment, which will be informed of all UDO requirements. The designated administrator, director of the department or agency, or their designee, who made the decision being appealed shall be present at the evidentiary hearing as a witness. Other City and County staff and witnesses may present evidence at the hearing to be heard by the UDO Board of Adjustment.	No

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10/27/2021	39.2 Nonconforming Uses	39.2(F): Very onerous.	<p>Updated 2/22/22: The language will be revised to read, "Where there is a voluntary discontinuance of a nonconforming use, accompanied by an intent not to reestablish such use, any subsequent use of the land or structure shall conform to the requirements of this ordinance."</p> <p>Updated 04/25/2022: To correct the prior update - The change communicated above will not be reflected the second draft UDO. The language in the current UDO draft will carry forward and derives from the language of the current Zoning Ordinance.</p>	No
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)	Updated 02/07/22: Section 39.2.G of the draft UDO will be updated to read, "...as long as the building permit application for the repair or restoration is submitted within 18 months of the date of the damage."	Yes
11/27/2021	39.2 Nonconforming Uses; 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?	Section 39.2.D: Zoning Administrator is correct. The UDO Administrator and the Zoning Administrator will have different responsibilities.	No

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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)	Updated 02/07/22: Staff is reviewing whether a change should be made. Staff will make corrections to ensure Sections 33.8.A.1.e.i and 39.2.C are aligned. Updated 04/26/2022: To clarify the prior update - Staff has finished their review and will make corrections to Section 39.3.C, not 39.2.C, to be sure there is alignment with Section 33.8.A.1.e.i.	Yes
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?	The Zoning Administrator administers the zoning regulations found in Articles 1, 36, 37, 38, 39 and 40. The role of the UDO Administrator is the overall administration of the UDO, including managing the UDO Board of Adjustment and deciding conflicting regulations.	No
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.	UDO staff and consultants are reexamining this language for potential modification in the next draft UDO. Updated 03/11/22: Text will be added to allow the Zoning Administrator to determine if the build-to zone and minimum build-to percentage is not practical and he may waive those requirements.	Yes
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?	Section 39.5 states the Zoning Administrator, and is correct. The Zoning Administrator administers Article 39, as well as Articles 1, 36, 37, 38, and 40.	No
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)	Updated 02/11/22: The posting of performance guarantees (including bonds) is not related to final inspections to obtain a certificate of compliance/occupancy. No change recommended.	No

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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?	Updated 02/07/22: Thank you for this feedback. Staff believes the current language is an improvement to the sign inspection language that existed prior to the 2019 sign regulations rewrite. These carryover provisions from existing regulatory language do not change how sign inspections and enforcement have been, and are being, conducted.	No
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?	Updated 02/07/22: Thank you for this feedback. Staff believes the current language is an improvement to the sign inspection language that existed prior to the 2019 sign regulations rewrite. These carryover provisions from existing regulatory language do not change how sign inspections and enforcement have been, and are being, conducted.	No
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section F SS&I - need to add that they have to present credentials	This language will be revised to provide clarity in the next draft UDO. Section 40.2.F.2. Updated 03/24/22: The section to be updated is located in 40.1.F.2, not 40.2.F.2.	Yes
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section 3 a pg 40-4 - in what dream can you fine me for 'threatening to violate'? that section must be removed. You can not violate an ordinance until you've actually done something to violate it. thoughts are not violations!	UDO staff will review these requirements with the City Attorney's Office. Updated 03/08/22: Section 40.2.A.3.a refers to injunctions and orders of abatement, not to the issuance of notices of violation. The text "threatening to violate" is consistent with text used in NCGS Chapters 160D-402(b) and 160D-1104(b).	No

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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 .	Section 40.2.B.2.d refers to Section 38.8.B. Section 38.8.B.7, "Stay of Enforcement and Penalties" explains that appeals stay enforcement and accrual of any penalties/fines assessed while an appeal is pending.	No
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section B 2 omitted hearing info & protocol following hearing	Section 40.2.A provides details on notices of violation and orders. Section 40.2.A.1.f states that a notice of violation may be appealed in accordance with Section 38.8.B, which includes hearing information and protocol.	No
11/27/2021	40.1 Inspections; 40.2 Enforcement	section D page 40-9 why are appeals of PCCO not to SWAC?	The draft UDO proposes that all appeals related to the UDO will go to the UDO Board of Adjustment, which will be informed of all UDO requirements. The designated administrator, director of the department or agency, or their designee, who made the decision being appealed shall be present at the evidentiary hearing as a witness. Other City and County staff and witnesses may present evidence at the hearing to be heard by the UDO Board of Adjustment.	No
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section E Signs - typo line 3: what is 'temporary temporary'.	The language will be revised to provide clarity in the next draft UDO. The first instance of "temporary" from the sentence in 40.2.E.1.a will be deleted.	Yes
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	The language will be revised to provide clarity in the next draft UDO. The language will be revised from 40.2.B to 40.2.A.	Yes
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	The language will be revised to provide clarity in the next draft UDO. Section 40.2.A.1 heading will be changed to "Notice of Violation", to be consistent with text in that section.	Yes

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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.	UDO staff will review these requirements with the City Attorney's Office. In addition, Section 40.2.E.4, "Criminal Penalties" will be removed due to newly adopted State law. Updated 03/18/22: The use of "person having immediate beneficial use of the property" is no different than "occupant of the premises". Section 40.2.E.3.a will be revised to more closely align with 160D-404 in the next draft	Yes
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	UDO staff will review these requirements with the City Attorney's Office. The first sentence of 39.6.A shall be revised to add, "Notwithstanding 40.2.E.5.b" at the beginning of the sentence. Cross-references will be added to Sections 40.2.E.5.b, "Civil Judicial Remedies" and 39.6.A, "Nonconforming On-Premise Signs".	Yes
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.	The language will be revised to provide clarity in the next draft UDO. The language will be reworded in Section 40.2.E.6.a to read, "In addition to other remedies, professional staff is authorized to withhold approval for the issuance of a sign permit to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, or moving of a sign." Updated 03/24/22: Section 40.2.E.6.a and 40.2.K.6 have been relocated to 40.2.A and combined.	Yes

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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	Updated 02/07/22: The current language should remain, as the intent is not how much was saved, but whether saving money was an incentive for actions taken by the developer. The language in 40.2.F.2.e should not add the word, "and". The eight factors are not all of the factors that can be considered.	No
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	The language will be revised to provide clarity in the next draft UDO. Section 40.2.F.2.f.i will revised to, "North Carolina Sedimentation Control Commission".	Yes
11/27/2021	40.1 Inspections; 40.2 Enforcement	section iii : what are 'clear' proceeds? those that aren't cloudy? fix wording	This language will be revised to provide clarity in the next draft UDO.	Yes
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	UDO staff will review these requirements with the City Attorney's Office. Updated 03/08/22: The fines in Section 40.2.F.2.d.iv are in compliance with NCGS 113-64. State statutes give local governments the authority to adopt regulations and ordinances to enforce soil erosion and sedimentation control programs. Regulations may be more strict. The State Model Ordinance is not legislation.	No
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.	UDO staff will review these requirements with the City Attorney's Office. Updated 03/08/22: The text "threatening to violate" in Section 40.2.F.3 is consistent with text used in NCGS Chapters 160D-402(b) and 160D-1104(b).	No

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11/27/2021	40.1 Inspections; 40.2 Enforcement	section 4 b page 40-15 typo of 'and', in addition the entire section b (withholding of building permits) is not authorized by State Ordinance.	<p>UDO staff will review these requirements with the City Attorney's Office.</p> <p>Updated 03/08/22: NCGS Chapter 160D-1110(h) applies when the City is withholding a building permit or a certificate of occupancy to ensure compliance with respect to a different property or parcel that is in violation. Section 40.2.F.4.b, "Withholding Approval of a Certificate of Occupancy", authorizes withholding of a certificate of occupancy with respect to a noncompliant property/parcel and is in compliance with state law. This section is not related to withholding building permits. No typo of "and" was found.</p> <p>Updated 04/25/2022: To clarify the previous update - The city, itself, is not a withholding authority of certificates of occupancy and/or building permits. Rather, the city requests, these withholdings by the issuing authority - Mecklenburg County.</p>	No
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.	<p>UDO staff will review these requirements with the City Attorney's Office.</p> <p>Updated 03/08/22: NCGS Chapter 160D-1110(h) applies when the City is withholding a building permit or a certificate of occupancy to ensure compliance with respect to a different property or parcel that is in violation. Section 40.2.G.6.g.i, "Withholding of Certificate of Occupancy", authorizes withholding of a certificate of occupancy with respect to a noncompliant property/parcel and is in compliance with state law.</p>	No

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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	UDO staff will review these requirements with the City Attorney's Office. Updated 03/08/22: Section 40.2.G.6.g.iv is in compliance with, and references, NCGS Chapter 160A-193.	No
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)	Updated 02/08/22: Section 40.2.J will be revised to replace the words, "Immediately or" with "and". Section 40.2.J.2.c and 40.2.J.2.d will remove the last sentence of each section which reads, "No notice of violation is needed prior to the assessment of a civil penalty issued pursuant to this subsection."	Yes
11/27/2021	40.1 Inspections; 40.2 Enforcement	Section 4 top of page 40-20 omitted the specifics of notification delivery	The second sentence in Section 40.2.J, Tree Protection Violations and Enforcement" on page 40-20 reads, "...the City may issue a written notice of violation in accordance with Section 40.2.A.1.". Section 40.2.A.1 is the location where the details of issuing and delivering notices of violation are described in detail.	No
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.	UDO staff will review these requirements with the City Attorney's Office. Updated 03/08/22: State legislation adopted after the release of the first UDO draft decriminalizes certain land use ordinances. Section 40.2.J.6 will be removed.	Yes
11/27/2021	40.1 Inspections; 40.2 Enforcement	Zoning violations section #3 (page 40-21) omitted the sentence about delivery of citation	This comment refers to Section 40.2.K, "Zoning Violations and Enforcement". Section 40.2.K.3.a addresses delivery of the citation in the middle of the paragraph: "...Citations may be delivered in person to the violator or, if the violator cannot be readily found, then the citation may be mailed. "	No

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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.	UDO staff will review these requirements with the City Attorney's Office. Updated 03/08/22: State legislation adopted after the release of the first UDO draft decriminalizes certain land use ordinances. Section 40.2.K.4 will be removed.	Yes
1/16/2022	40.2 Enforcement	How do fines for violations compare with current ones? Withholding builder CO's for developer violations – is that currently the case?	Updated 03/08/22: Fines for violations of regulations will be adopted as part of the UDO by elected officials. Maximum dollar amounts for some fines are set by State statutes. Current fines can be found in existing ordinances at www.municode.com . Currently, and proposed in the UDO, Certificates of Occupancy can be withheld until the applicant or other responsible person has taken remedial measures or cured violations set forth in a notice of violation. For clarity, NCGS Chapter 160D-1110(h), "Building permits" restricts the withholding of a building permit or certificate of occupancy when there is a violation on "another property or parcel" unless there is a public safety issue or unless otherwise authorized by law.	No

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2/11/2022	40.2 Enforcement	<p>40.2.j It's completely out of control to assess any monetary penalty or otherwise for a tree removed by someone who owns that tree and doesn't want it. This appears to be a massive governmental overreach and infringement of civil liberties and property rights.</p> <p>If the city of Charlotte wants more trees, then incentivize tree ownership. Punishing or prohibiting privately owned tree removal violates property rights and liberties.</p>	<p>UDO staff will review these requirements with the City Attorney's Office.</p> <p>Updated 03/08/22: State statutes allow the City to regulate the removal of trees on private property. The tree regulations strive to incentivize tree planting and prohibit unauthorized removal of trees.</p>	No
2/17/2022	40.2 Enforcement	<p>Enforcement of existing tree ordinances are done very poorly, with less than 5% of permitted sites revisited for compliance. Sections 29 and 40 of proposed UDO does not spell out how quickly or how many sites are revisited for compliance. With limited budgets and personnel, we should use widely available and inexpensive aerial photography to check compliance in-house. This is easily done, and would expend effort in efficient ways.</p>	Thank you for your comment.	No
3/11/2022	40.2 Enforcement	<p>Item J. 2. C and J.2.D on page 40-19 says the fine for "Injury or damage to, or destruction of, trees and shrubs protected by Section 29.3.B and 29.3.C....." But those 2 articles in Section 29.3 do not protect shrubs. Remove the words 'and shrubs' and 'or shrubs'</p>	<p>Updated 03/18/22: Sections 40.2.J.2.c and 40.2.J.2.d will be revised to delete the words, "and shrubs" and "or shrubs" in the next draft.</p> <p>Updated 03/24/22: The words "and shrubs" and "or shrubs" will remain and Section 29.3 will be revised to protect shrubs, which was the original intent.</p>	No

Date	UDO Section	Public Comment	Staff Response	Recommend Change to Draft UDO?
3/11/2022	38.6 Vested Rights	Page 38-17 Section 38.6 C. Establishment of Vested Rights incorrectly says "Approval or conditional approval". A Vested right occurs upon SUBMISSION (if not vested earlier by expenditure of substantial funds)	Updated 03/24/22: Section 38.6.C will be revised to state that upon issuance of a development permit, statutory vesting becomes effective upon filing of the application. Originally, 38.6.C referred to a site-specific vesting plan, however, a new Section 38.6.D discusses establishment of a site-specific vesting plan, which is effective upon the date of approval.	Yes
3/11/2022	38.6 Vested Rights	<p>Page 38-18 Article 38-6 G Expiration of Vested Right. #1 says we lose our vested right (which could be for a horizontal improvement) when we don't take vertical BUILDING permit. That is not correct.</p> <p>#2 says an incomplete horizontal improvement expires & loses vesting. Also not correct. If it starts-- it is vested regardless of the # of phases and the time length of development process</p>	<p>Updated 03/24/22: NCGS Chapter 160D-108.1(b)(4) supports the language in Section 38.6.G.1 and reads, "A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed." In addition, NCGS Chapter 160D-108(d), 2nd paragraph supports the same language.</p> <p>Updated 03/31/22: Reference to 160D-108.1(b)(4) above, should be to 160D-108.1(e)(4) for site-specific vesting plans. For other vesting rights, NCGS Chapter 160D-108(d), as noted above, states for development permits, the statutory vesting granted for a development project is effective for as long as the development permit remains valid. This same statute reference states development permits are valid for 12 months, unless work has substantially commenced. The language in 38.6.D.2 is correct , regarding uncompleted development projects when the development work is voluntarily discontinued for a period of at least 24 consecutive months. Changes will be made to Section 38.6 to clarify vesting rights.</p>	Yes

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3/11/2022	39.4 Nonconforming Accessory Uses and Accessory Structures	Page 39-3 article 39.4 #B. the Utility department sets the size of backflow preventers so mandating replacement size less than the CMU standard cannot be accomplished. 42" is not a CMU size. (and BTW it's spelled 3 different ways in the UDO. 'above ground", "above-ground" and "aboveground', I suggest you ought to be consistent in spelling.)	<p>Updated 03/18/22: Section 39.4.B clarifies that any replacement nonconforming above ground utility accessory structure or mechanical equipment shall not exceed 42" in height, IF located in an established setback along a frontage. It does not prohibit taller structures or equipment in other locations on a site.</p> <p>Updated 04/25/2022: To clarify the previous update - The feedback on the incongruities of the feedback of above ground is appreciated. The UDO team and consultants will make sure the spelling is consistent throughout the second draft UDO.</p>	Yes
3/11/2022	40.2 Enforcement	Page 40-19 item J.2.c wherein the UDO proposes a civil penalty up to \$20,000 for removal or an unpermitted tree seems to be excessive for one tree. Please have the City attorney examine if the \$20,000 penalty would meet the standards of the Excessive Fines Clause of the Eight Amendment of the US Constitution. And as such an excess penalty the sentence that provides that you have no intention to notice an alleged violator prior to issuance of a penalty is also repugnant.	Updated 03/18/22: Section 40.2.J, first paragraph outlines that a written notice of violation, provided and delivered in accordance with 40.2.A.1, will inform the violator whether a civil penalty will be assessed immediately. The \$20,000 penalty is currently in effect in Chapter 21 of the City Code. The City of Charlotte is authorized to adopt a Tree Ordinance for the regulation of removal, replacement, and preservation of trees within its boundaries, pursuant to NC Session Law 1975-115.	No

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3/15/2022	36.3 UDO Board of Adjustment	<p>(Part 1 of 2) The enforcement of Short-term Rentals (STR) requires different solutions than the ones listed in Article 40.2 K.</p> <p>Building issues: The owner modifies the dwelling to maximize the income which can be achieved. This includes remodeling so that the dwelling can accommodate more people. This is often only detected when there are a large number of people and/or cars present or based on the advertisement on the short term rental website.</p> <p>Violations of 15.3 AAAA, including #8 (parties, events, etc.) and #9 (addressing trash). Common violations are noise, parties, gatherings, unleashed dogs, trash bins at the curb for days, litter from overflowing trash, trespassing onto private property, etc. These are usually tied to the behavior of the renter, who is often staying for just a few days.</p> <p>The neighbors to these short-term rentals need help. The owners must be held responsible.</p> <p>The owners do not live here. It is the neighbors who have the burden of disruption or illegal activities. As neighbors, we inform the owners when there are disruptions. The responses have ranged from cooperation, some resistance, anger, bullying and threatening to bring legal action and law suits.</p> <p>Even the owners who cooperate on a particular instance do not set up procedures so that the common...</p>	<p>Updated 03/23/22: UDO staff and consultants are reexamining the conditions for short-term rentals for potential modification in the next draft UDO.</p> <p>Staff has heard and received, and continues to hear and receive, a tremendous amount of feedback on the topic of short-term rentals. Perspectives have spanned the spectrum generating both positive and negative comments about the proposed standards. Numerous benefits and drawbacks have been identified.</p> <p>A topic of this significance warrants additional discussion and consideration beyond staff. Staff held two listening sessions on February 24, 2022. Staff has also presented takeaways from short-term rental comments to City Council and has heard Council's initial feedback on the topic.</p> <p>Staff will work with the UDO consultant to update the proposed standards and updated standards will be included in the second draft of the UDO to be released in May.</p> <p>Updated 04/27/2022: Please see the short-term rental regulations update posted on the UDO website at http://charlotteudo.org.</p>	Yes

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3/15/2022	36.3 UDO Board of Adjustment	<p>(Part 2 of 2) ... disturbances are not repeated. The owners prioritize the commercial value (renters) over the impact on the neighborhood. What happens when there are disturbances which do not rise to the level of calling the police or the fire department because of safety hazards? What happens if the impacted neighborhood is in the unincorporated part of the county – such as on Lake Wylie?</p> <p>Recommendations to be enacted by the city/county government:</p> <ol style="list-style-type: none"> 1.The maximum number of overnight renters and daytime guests should be clearly stated in the permit and then posted outside and inside the rental property, along with the rental rules. 2.A hotline for complaints should be established– helping neighbors manage difficult situations. 3.The advertisements on VRBO, AirBnB & other websites should be monitored – especially for the number of advertised renters. 4.Violations should be strongly enforced at the county level. <p>Control of additional businesses tied to the STR: The short-term rentals are commercial businesses – but allowed to be in residential communities. Are there limitations to other business ventures tied to the STR? Is renting out boats, jet skis, and other amenities by the owner allowed?</p>	<p>Updated 03/23/22: UDO staff and consultants are reexamining the conditions for short-term rentals for potential modification in the next draft UDO.</p> <p>Staff has heard and received, and continues to hear and receive, a tremendous amount of feedback on the topic of short-term rentals. Perspectives have spanned the spectrum generating both positive and negative comments about the proposed standards. Numerous benefits and drawbacks have been identified.</p> <p>A topic of this significance warrants additional discussion and consideration beyond staff. Staff held two listening sessions on February 24, 2022. Staff has also presented takeaways from short-term rental comments to City Council and has heard Council’s initial feedback on the topic.</p> <p>Staff will work with the UDO consultant to update the proposed standards and updated standards will be included in the second draft of the UDO to be released in May.</p> <p>Updated 04/27/2022: Please see the short-term rental regulations update posted on the UDO website at http://charlotteudo.org.</p>	Yes

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3/18/2022	40.2 Enforcement	In the enforcement of the sections, there are sections that will not be enforced under zoning which are regulatory and the proposal don't seem to provide much leverage for violations. The historic enforcement part does not provide a path for fines. All of the zoning enforcement should be streamlined under one guideline for simplicity. Its very hard for the layperson to understand and understand expectations.; 40.2 A, C, E, I, K, L	<p>Updated 03/31/22: Thank you for your comment. Section 14.1, "Historic District Overlay" will be revised to reference the applicable citations, penalties and other remedies. General information, applicable to all enforcement actions can be found in Section 40.2.A. Supplementary regulations for zoning are currently found in Section 14.2.K.</p> <p>Updated 04/25/2022: To clarify the prior update - Supplementary regulations for zoning are currently found in Section 40.2.K, not Section 14.2.K.</p>	Yes