

Date	UDO Section	Public Comment	Staff Response	Recommend Change to UDO?
6/3/2022	37.9 Development Review and Approval Process	On page 37-35, section 37.9 "Development Review and Approval Processes" is extremely open-ended and vague. It doesn't explain or provide where to find the procedures and practices that are established by the city. My main concern: what ability do citizens have to access and review site plans that are in the approval process? If a citizen believes that a site plan will have a materially negative impact on their community, what channel do they have to express that to the city? Given the UDO is a new document, there are likely to be many unintended consequences or oversights. By not providing citizens access to the permitting and development approval process, those oversights may not be revealed until it is too late.	Citizen review of conventional and conditional zoning map amendments is provided in the UDO and includes a community meeting process. Rezoning petitions can be viewed online. Citizens can speak to Council members at the public hearing regarding conventional and conditional rezonings. Submittals for administrative approvals, such as permits, subdivisions, etc., are available online through ACCELA on the CLT Development Center website.	No
6/22/2022	37.2	Will 37.2 be handled like a rezoning is handled now?	Yes, the new term to align with NCGS 160D is zoning map amendment.	No
6/27/2022	Article 36	page 36-1 Written Interpretations 36.2 C. Written Interpretation need to be available online not hidden in a notebook or file folder. Interpretations should be able to be searched with OCR software (ex. Is Adobe acrobat). Written interpretations apply to all properties and need to be public information for all property owners	Written interpretations will be public information. The request to place written interpretations online will be forwarded to the UDO administrators.	No

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6/27/2022	Article 37	<p>page 37-31 Erosion Control Fines Per N.C. Gen. Stat. 113A-64, only the Secretary or a local government are authorized to assess penalties. Per N.C. Gen. Stat. 113A-64 violators may contest an assessment. 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.</p>	<p>Page 37-31 deals with Soil Erosion Appeals, not fines. Section 39-13 addresses Soil Erosion Fines. Yes, a local government is authorized to assess penalties.</p> <p>Appeals for Soil Erosion are discussed in Section 37.8.B.6.c, and is consistent with state statutes. The UDO staff has reviewed these requirements with the City Attorney's Office.</p> <p>NCGS 113A-64 does not mention that a penalty may not be increased, and that increasing the penalty is assessing a new penalty.</p> <p>NCGS Chapter 160D-406(j), reads, "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."</p>	No

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6/29/2022	37.2	<p>confused in our historical conditional zoning map amendment will still exist (2); or if every rezoning will be (3) EX? there is more limited deviations in the EX district AND the public benefits required might not be able to be achieved on ever size an scale project. what about a simple tweak of dimensional standard for a small business on a small parcel? inconsistency in the ordinance that is not site specific or waiting on a future text amendment to clean up? there should be some 'minor' conditional zonings allowed to be processed without public benefits required.</p>	<p>Properties with a conditional zoning district will retain their zoning district designations and approved site plan conditions, and remain in effect under the zoning ordinance standards in place at the time of adoption of the conditional zoning district. However, all conditionally zoned sites will be considered for alignment zoning after the UDO goes into effect. Most alignment zoning will occur in conjunction with the community area planning process.</p> <p>Conditional rezonings will be an option in the future and will not be replaced by EX zoning. Only EX conditional zoning map amendments require public benefits.</p> <p>Administrative Adjustments for quantitative zoning standards, of up to 10%, may permitted with Zoning Administrator approval. Variances may be pursued for hardship conditions.</p>	No
6/30/2022	37.6	<p>I have concerns with uncertainty for vesting of existing conditional rezoning plans that need to rely upon the site-specific plans and zoning regulations in existence at the time of approval. (Part I)</p>	<p>Approved conditional rezoning plans (site-specific plans) are vested at the time of approval for 2 years unless an extended period was requested. Vesting for a conditional rezoning will expire at the end of the vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Even if vesting has expired, a conditional rezoning plan will remain in effect until the zoning for the property is changed. This will be clarified in the next draft.</p> <p>In addition, common law vesting could apply. Common law vesting establishes the right to undertake and complete the development and use of property where substantial expenditure of resources are made in good faith and the expenditures were made in reliance on a valid development permit or development approval.</p>	Yes

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6/30/2022	37.6	Staff has indicated recently that existing CD plans will remain valid and may rely upon zoning regulations in place at time of rezoning adoption. But the 2nd draft deleted wording to this effect, most notably Section 1.4C, so we need confirmation on this critical point. (Part II)	<p>The adoption of the UDO will not change zoning for conditionally zoned sites. A conditional rezoning plan for a property will remain valid until the zoning for the property changes. As long as the conditional plan is valid, the zoning standards for the zoning ordinance in effect at the time of approval will be used. This includes all other development standards and ordinances in place at the time of approval. This will be clarified in the next draft.</p> <p>After the vesting for a conditional rezoning plan expires, an alignment rezoning, initiated by staff and designed to align zoning with a property's place type, may be proposed.</p>	Yes
6/30/2022	37.6	Recent discussions with Staff pointed to a need for similar reliance of CD plans & development approvals based on existing subdivision/street design, stormwater, and tree ordinances since these plans and development approvals were also prepared/approved with the current ordinances in mind. The UDO needs to contain appropriate vesting/transition rules for these items as well. (Part III)	<p>Approved conditional rezoning plans and other development approvals each have a specific vesting period. Conditional rezoning plans are vested for 2 years unless a longer (up to 5 year) vesting period was approved by City Council. A preliminary subdivision plan is vested for a period of 3 years allowing the developer to begin construction. Other development permit approvals are vested for a period of 12 months from the date an application was filed. As long as the vesting period remains valid, the regulations and ordinances existing at the time of approval or from when an application was filed, will be used.</p> <p>See above for information on applicable regulations after expiration of vesting for CD rezoning plans.</p>	No

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6/30/2022	37.6	Finally, please confirm in the UDO or policy that conditional zoning plans submitted prior to 12/31/2022 and development approval plans submitted for review prior to effective date of UDO next year will remain governed by current zoning and other regulations. (Part IIII)	This is not found in the UDO itself, but in a separate Ordinance that Council will consider, in conjunction with the UDO adoption. The separate proposed ordinance to adopt the UDO includes information on how applications for conditional zoning plans will be addressed once the UDO is adopted. Staff proposes that conditional rezoning applications for a zoning map amendment to a pre-UDO zoning district will be accepted by City staff and processed under the pre-UDO zoning regulations, if a complete application is filed by 2-1-23, even if the decision is made after the effective date (proposed to be 6-1-23). However, the decision must occur no later than March 1, 2024.	No