

Date	UDO Section	Public Comment
6/10/2022	2.3 General Definitions	2.3 (Page 2-22): Definition of 'Flag Lot'. There are many irregular lots within the City, and division or recombination of parcels may lead to the creation of irregular lots. Per the proposed ordinance 'flag lots' are prohibited (16.1.C). To avoid unintended restriction of irregular lots, I recommend narrowing the definition of 'flag lots' by specifying the minimum width of the 'pole'. For example, 16.1.B.7 of the draft provides that minimum lot frontage for cul-de-sac lots is 15 feet, which by definition actually creates a flag lot -- which at the same time is prohibited by 16.1.C.
6/10/2022	2.3 General Definitions	<p>The front setback measuring point is not very clear. It states that it is from "future back of curb". However, in previous ordinances like the TOD ordinance, this had the caveat of if on-street parking is used it would be measure from the adjacent travel lane.</p> <p>Right now for example, it could be read that the 20' setback on a 4+lane boulevard (like Tryon or South Blvd) would need to have a bike lane and onstreet parking per the streets map and then have an additional 24' setback. This presents an unnecessary amount of space when an 8' amenity or planting strip and 8' sidewalk can then fit.</p>
6/23/2022	1.4	Applicatbility of old CD plans needs further definition and understanding of what is vested (specific articles, ordinances such as zoning, pcsso, trees, subdivision, etc)

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6/23/2022	2.3	Build to % DEF - Build To Percentage should be allowed to count open space between building and street. sites with irregular shapes, or distances, should qualify for open space and remove the 'bounded' by a building requirement. in addition, what is the rational for 18" above/below grade, sites with significant slope would make this difficult. recommend atleast 36". refer to 500 East Morehead which has a great outdoor public/private space that is elevated above the sidewalk but activates the street on a sloping site. this would not qualify in the new regulations.
6/23/2022	2.3	Clarify would open air dining under structure quality (Leroy Fox patio?); Trellis?

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6/24/2022	2.3	<p>The definitions fail to define pedestrians and accessibility. Please add these needed definitions :</p> <ol style="list-style-type: none"> 1. Pedestrian: "A pedestrian is anyone who travels on foot as well as those with disabilities who require assistive devices." 2. Accessible Pathway: "A continuous unobstructed exterior or interior path connecting all accessible elements and spaces of a district, development, building or facility." 3. Universal Design: Configuration enabling anyone — with or without a disability — to easily and fully access and use a facility. <p>The UDO and especially Article 13 - Transit Oriented Development Zoning Districts should clearly emphasize the need for accessible pathways and universal design. People with disabilities are often unable to drive or unable to afford a vehicle with adaptive equipment. Living in accessible housing by accessible pathways and in proximity to transit is key to independent living and participation in community life.</p> <p>As adults with disabilities on average have substantially lower incomes than other adults, availability of subsidized accessible housing in Transit Oriented Developments should also be a priority.</p>
6/27/2022	2.3	<p>page 2-13 the definition of Deck remains 'roofless' but plenty of decks have roof structure and no sides (or screened sides) and they are not 'porches' or 'stoops'. This definition affects uses allowed in rear setbacks and setbacks off paths. And people put roofs on decks at the time after deck is built. It takes a building permit so it could become non-conforming (& not allowed) just by this incorrect definition</p>

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6/27/2022	2.3	page 2-21 Definition of Impervious Surface doe not comply with state law. impervious needs to say "Compacted" gravel per 143-214.7 (b2). Suggest you add sentence that says: "Gravel, if not compacted, is not considered Impervious." 143-214.7 (b2) says: Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.
6/27/2022	2.3	page 2-41 definition of Tree-Disturbing Activity continues to be not reflective of what the Urban Forester says will be enforced upon taxpayers. To correct the problem the definition on page 2-41 should match page 2-13 : "creates BUA or decreases infiltration". this will allow all property owners to over-seed their grass and plant flowers (as examples of prohibited behaviors in current definition)
6/27/2022	2.3	page 2-42 utilities above ground (still spelled 2 different ways even in the same paragraph.) Still can't be in front set back (p 17-6) can't be in OPS (p 16-8) -- Even though OPS needs electricity and fire protection in some instances. Maybe last sentence should read: "Utilities on-site refers specifically to above ground or underground utility structures, such as backflow preventers, fire hydrants, EV charging components and utility pedestals which are not considered Above Ground Accessory Structures"

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6/29/2022	2.3	Support the definition of a heritage tree” (Article 2.3): “Any tree native to North Carolina per the US Department of Agriculture Natural Resource Conservation Service Plants Database with a DBH of 30 inches or greater.” We encourage the City to continue to keep this standard and to not lessen it.
6/29/2022	2.3	Article 2.3 - “Any tree native to North Carolina per the US Department of Agriculture Natural Resource Conservation Service Plants Database with a DBH of 30 inches or greater.” Encourage the City to continue to keep this standard and to not lessen it.
6/29/2022	2.3	Article 2.3 - Missing protection for paper streets. Encourage the City to put in tree protections for “paper streets,” or unapproved rights-of-way as they do with approved rights-of-way in the UDO. Would like to see the adaption of paper streets as environmentally protected areas which adhere to the heritage tree and Tree Ordinance standards.
6/30/2022	2.3	This definition is needed: "A pedestrian is anyone who travels on foot as well as those with disabilities who require assistive devices." (adapted from: https://www.cordiscosale.com/faqs/who-is-considered-a-pedestrian/). More definitions to add: Accessible Pathway: "A continuous unobstructed exterior or interior path connecting all accessible elements and spaces of a district, development, building or facility." Universal Design - Configuration enabling anyone — with or without a disability — to easily and fully access and use a facility.

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6/30/2022	2.3	<p>Definition of Gross Floor Area. We think that the definition of Gross Floor Area should be expanded. It currently says “GFA does not include any areas used exclusively for the surface parking lots and/or parking structures, or for building or equipment access, such as stairs, elevator shafts, and maintenance crawlspace.” We think that the definition of GFA should also exclude ramps, common corridors, and bathrooms.</p>
6/30/2022	2.3	<p>Alternatively, we encourage the city staff to include the definition of Net Floor Area as defined by the International Code Council (ICC) and incorporate Net Floor Area in the determination of parking requirements (Table 19-1) Definition of Net Floor Area (ICC definition): The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms, and closets.</p>
6/30/2022	2.3	<p>We support the definition of a heritage tree (Article 2.3): “Any tree native to North Carolina per the US Department of Agriculture Natural Resource Conservation Service Plants Database with a DBH of 30 inches or greater.” We encourage the City to continue to keep this standard and to not lessen it.</p>