

Date	UDO Section	Public Comment	Staff Response	Recommend Change to UDO?
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.	Staff believes the diagram shown on page 2-33 of the public hearing draft provides sufficient guidance to avoid flag lots.  Staff disagrees with the notion that the cul-de-sac frontage requirements automatically create flag lots.	No
6/10/2022	2.3 General Definitions	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.  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.	The UDO will rely on the Charlotte Streets Map to establish the location of the future back of curb (except for Local Streets). It is measured from the road centerline. For example, South Boulevard near East Boulevard is a 4+ Lane Avenue with separated bike lanes and on-street parking. The future back of curb would be 42.5' from the center line on each side of the street. The 8' amenity zone and 8' sidewalk would be within the setback, not in addition to it.	No
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)	Existing conditional (CD) plans will retain their zoning district designations and approved site plan conditions, and remain in effect under the Zoning Ordinance regulations in place at the time of adoption of the conditional zoning district. This also includes PCSO, Trees and Subdivision/Streets regulations. This will be clarified in the next draft. 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.	Yes

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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.	Open space does not have to be bounded by a building unless it is counted toward meeting a Build-To Percentage requirement.  As long as the access to the outdoor space is 24" average above or below grade (changed from 18" to 24" in the second draft) it should meet the standard. The reason for this distance is that open spaces that are any higher or lower than the adjacent grade do not effectively animate the streetscape. Staff thinks 500 East Morehead would meet the Build-To Percentage regardless because the building's entire front facade would fall within the likely Build-To Zone for this site, which would probably be zero to 20' behind the minimum frontage setback.	No
6/23/2022	2.3	Clarify would open air dining under structure quality (Leroy Fox patio?); Trellis?	Staff believes the open air dining at Leroy Fox on South Boulevard would meet the standard.	No
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"> <li>1. Pedestrian: "A pedestrian is anyone who travels on foot as well as those with disabilities who require assistive devices."</li> <li>2. Accessible Pathway: "A continuous unobstructed exterior or interior path connecting all accessible elements and spaces of a district, development, building or facility."</li> <li>3. Universal Design: Configuration enabling anyone — with or without a disability — to easily and fully access and use a facility.</li> </ol> <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>	<p>1. The suggested definition of "pedestrian" will be added in subsequent drafts of the UDO.</p> <p>2 and 3. Staff cannot find references to these terms in the draft UDO; therefore, it would not be appropriate to list them in the Article 2.3 General Definitions.</p> <p>Typically zoning regulations do not specifically address accessibility standards but rely on other standards. For example, the Charlotte Land Development Standards Manual has standards for accessible sidewalks, ramps, and parking. Building codes cover other areas of accessibility.</p> <p>There are standards in UDO to incentivize affordable housing.</p>	Yes

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6/27/2022	2.3	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	An open air deck with a roof would be considered to be a "Porch, Unenclosed" per the Article 2.3 General Definitions. Staff believes these are accurate definitions for porch and deck.	No
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.	Staff will not consider uncompacted gravel/stone used as landscaping material as built-upon area (BUA) or impervious surface as further defined in BUA guidelines. This guideline has been shared on the UDO Supporting Documents webpage and will be incorporated in to the Post Construction Stormwater Administrative Manual.	No
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)	The definition of tree disturbing activity needs to remain as written to adequately protect trees during more intense development. However, the heritage tree standard in Section 20.14 specifies that certain impacts will be allowed that would otherwise be prohibited by this definition of tree disturbing activity. The Charlotte Tree Manual which is currently under development will include the specifics of allowable impacts to critical root zones for heritage trees.	No

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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"	Above ground utility structures may be located in the established frontage setback, just not the required setback which is different. The established setback is the space (if any) between the required setback line and the building.  "Utilities, On-Site" will be a separate definition. Backflow preventers will be included in this category, but fire hydrants and streetside EV chargers will not, as these are typically located in the right-of-way and not on private property subject to zoning.	Yes
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.	Staff has received and noted your statement of support.	No
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.	Staff has received and noted your statement of support.	No
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.	City regulation protecting trees on paper rights-of-way that are not accepted by the City bring numerous legal and resource issues. These legal and resource issues outweigh the minimal amount of land across the City dedicated as paper right-of-way to warrant City acceptance and protection. The City will continue to pursue tree preservation through its programs and policies, including the Tree Canopy Preservation Program (TCPP). Abandoned areas of paper rights-of-way that become private property may become or be used as required green area. The UDO will not require heritage tree protection or allow required green area to be located in paper rights-of-way.	No

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6/30/2022	2.3	<p>This definition is needed: "A pedestrian is anyone who travels on foot as well as those with disabilities who require assistive devices." (adapted from: <a href="https://www.cordiscosaille.com/faqs/who-is-considered-a-pedestrian/">https://www.cordiscosaille.com/faqs/who-is-considered-a-pedestrian/</a>). 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."</p> <p>Universal Design - Configuration enabling anyone — with or without a disability — to easily and fully access and use a facility.</p>	<p>1. The suggested definition of "pedestrian" will be added in subsequent drafts of the UDO. 2 and 3. Staff cannot find references to these terms in the draft UDO; therefore, it would not be appropriate to list them in the Article 2.3 General Definitions.</p>	Yes
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>	<p>Staff believes the definition of Gross Floor Area in the second draft UDO is sufficient and should not be expanded. The area used for surface parking, and equipment access, such as stairs, elevator shafts, and maintenance crawlspace are not part of the floor area calculation in the current zoning ordinance. Further, it is standard practice in ordinances for the area used for parking or circulation of vehicles to be excluded from gross floor area calculations.</p>	No
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>	<p>Unless the definition of a word or term used in the UDO has a different or special meaning that the dictionary definition, staff has not defined it in Article 2.  Staff believes the use of Gross Floor Area (GFA) is sufficient and appropriate in relation to the standards set forth in the second draft UDO.</p>	No
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>	<p>Staff has received and noted your statement of support.</p>	No