

Date	UDO Section	Public Comment	Staff Response	Recommend Change to UDO?
6/7/2022	24.2	<p>Section 24.2 - 24.2 Institutes a "Storm drainage plan and permit" process prior to any landscape grading that will affect surface drainage on a lot (section D), or any construction on a SF lot (section A), including driveways, parking or any structures. There are no specific requirements and the Storm Water Administrator has complete authority to stipulate whatever he/she thinks appropriate. This is a huge change and will require another permitting step (and fees) for every small project in town, as well as numerous small projects that currently require no permitting. Suggestion: Specific stipulations that specify that permits are only required where proposed changes will increase the current surface runoff by more than 10%. Additionally, owners will not be responsible for improvements to any existing drainage conditions, except for those costs directly attributable to their incremental increases. I discussed this proposed change with Andrew Ausel (Associate Planner/UDO) and he seemed to concur that was a reasonable approach.</p>	<p>The UDO is setting applicability thresholds that are simple to identify at an early stage of review. In many cases, this 10% surface runoff threshold would be more stringent than the current applicability threshold. In addition, to calculate the runoff from the project would require that a property owner hire a design professional to determine if they are subject to the requirements.</p>	No
6/27/2022	Article 25	<p>page 25-3, 4 & 5 added statement of BUA to 25.3 #D 1, D 2, E. 1, E 2, F1, F2 Added sentence is incorrect. A more correct sentence is: "Stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the development or redevelopment [G.S. 143-214.7(b3)]".</p> <p>Also, unless you include (b3) in the UDO you are not complying with state law...note the last sentence of that state law: "(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances."</p> <p>I think the appropriate place for the (b3) sentence is under Article 25.2 A"</p>	<p>The UDO requires projects to comply with this state law by reference. The law does not specify how this requirement shall be written within local ordinances. To provide greater clarity, the UDO will be more specific to include a reference to G.S. 143-214.7.</p>	Yes
6/27/2022	Article 27	<p>page 27-22 Definition of FPE I've talked to Daryl Hammock about this definition and the intent to change the +2' back to +1' when new maps are approved. the definition is not correct. He says the language needs to be altered to be correct in what the Council approved in December 2021. please provide the corrected language</p>	<p>This definition will be revised to provide greater clarity by altering the sentence structure and making minor changes to wording.</p>	Yes
6/27/2022	Article 24	<p>page 24-1 drainage applicability section 24.2 Permit requirements City can not require storm plan & SW permit when I just got one by virtue of an approved Preliminary Plan. Need to say an approved subdivision plan is an approval. I was told that this section is to 'get' the existing homeowners not to put a 2nd requirement on Land Development projects that just got approval Need to exclude vege garden, fire pits and farming/ plant cultivation as they do no increase BUA even though they alter topography. Suggest a sentence be added before items a, b, c, & d that says "An approved Preliminary Plan qualifies as a permit and no additional permits are required for items A, B, C and D"</p>	<p>The intent is not to require an additional drainage submittal. However, individual plot plans with house and driveway locations would be required.</p> <p>In addition, mentioning these activities as exempt could allow more impactful projects that alter the site drainage without a review. Where these types of projects do not impact site drainage, they would be permitted without a complex review.</p>	No

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6/28/2022	Article 23	Article 23 - This article gives the impression that only the lakes mentioned are protected. What about Reedy Creek and all the tributaries that run off of it? Is there more info on that somewhere?	Article 23 specifically applies to areas draining to lakes that provide drinking water supply to the community. The streams and lakes within those areas are protected as described in this article. Articles 25 and 26 will provide protection for streams and surface water quality within the rest of the City's jurisdiction (including Reedy Creek watershed).	No
6/28/2022	Article 28	Article 28 - Soil Erosion Control - Has there been any discussion about developers NOT removing every square inch of top soil? Aside from the environmental impact, it seems like a huge waste of labor/money to just go back and plant grass/trees/shrubs in the dry, unhealthy dirt that is left behind. Obviously, when land is cleared for development, they have plans already done, so why not leave the areas that will be "decorative" and/or that won't have impervious materials added.	There are sensitive areas (i.e. tree save, stream buffers) where grading is restricted to preserve the natural ecology and topsoil. Staff will consider this improvement for future versions of the UDO, however it will not be included in this iteration.	No
6/29/2022	pages 25-3, 25-4, 25-5	standards section (by each drainage basin) needs corrections to the section about 'methodology established in the Design Manual' as that Manual is not in compliance with (G.S. 143-214.7). GS 143-214.7 (a1)(1) states: "When additional development occurs at a site that has existing development, the built-upon area of the existing development shall not be included in the density calculations for additional stormwater control requirements...". The current BUA calculation methodology in the Design Manual not only includes existing impervious in the density calculation, it attempts to distinguish from existing impervious "to remain" from existing impervious to be removed. State statute does not allow for this distinction. Provide evidence that the Design Manual is consistent with the state Law. The UDOO and the Design Manual need to both match the law	Staff has reviewed this design manual with the City Attorney's Office and has confirmed it is compliant with state law.	No