

## ARTICLE TWO -DEFINITIONS

Addition- is enclosing a covered porch or carport an "addition"?

Agriculture - are bees "livestock"?

Amusement Facility Outdoor - are outdoor concerts aka "live performance venue" included here as well?

Ancillary - how is this different from accessory?

Animal Care - is there a maximum # animals allowed in a home? Typically the limit is five dogs or cats.

Art Gallery- "An Establishment 'whose principle purpose is to' sell . Etc. this addition allows banks, etc. to display art.

Bike Lane - why can't we have bike lanes on slow speed roads?

Building Line- uncovered balconies also excluded?

Easement- include easements for public benefit such as utilities

Encroachment- add Building Line to definition

Farm stand- what about permanent structures?

Grade- can't find definition in 2.4

Live Entertainment-secondary use - very poorly constructed verbiage. Confusing.

Place of Worship- so religious schools K-12 are not ancillary to Place of Worship?

Porch - if a porch "projects from the exterior wall" how can an unenclosed porch "not abut a principle wall" And if a porch "is covered by a roof or eaves" how can an unenclosed porch be "open on all sides"?

Move Principal Use to follow Pre School

Structure- is an arbor a structure? Swimming pool? Trellis?

Temporary Outdoor Sales - do garage sales fit in here? Can I have a garage sale as often as I want . Like every weekend?

Tower height- is "at grade" existing grade or finished. Or measured from the nearest street?

Unified Control- do we care whether this agreement is legal? Add his/her to the pronoun.

Question- if I own several contiguous lots of record which do not meet dimensional requirements can I separately develop them or must they be consolidated first? This is not dealt with in the Nonconforming Lot of Record 16.4

2.4A Block Face - the graphic incorrectly shows the backyards as a block face (top graphic) and in the bottom graphic are alleys considered streets?

2.4B. Build- to Percentage - use a number other than 5 in the example. How about 7 as a number between 0 and 10? It's confusing as shown.

2.4.C building footprint is not defined . Does it include chimneys, porches, stoops etc?

2.4 D. Building Height

Add "unless stated otherwise" maximum building height ..

Adjacent average grade..do you mean existing or finished grade? And is adjacent the street or building foundation? Opposite the center of the front .. so would opposite the front mean the back?

2.4.D.1.a roofline would define the top of a flat roof to include a parapet and/ or rooftop equipment screening?

2.4.I Lot depth - calculated at the deepest part . This is very unfair. Why not an average?

2.4.M.d A setback is measured from ( not located along)

2.4.M.2c where is Front lot Line defined? Is front the building address, the driveway, or the front door?

## ARTICLE 15. ZONING APPLICATIONS

Question Who decides Home Occupations 10.2.P and What Are the Standards and Notice Process?

15.1.B - since the BZA is very familiar enforcing the Zoning Ordinance they should be able to initiate a text amendment

15.2.F.3. Special Use Conditions - why are conditions limited to the physical development of land and not the use such as hours of operation, noise, liquor sales, etc.

15.2.G - Approval Standards. Add: approval, disapproval, and/or conditions do not set a precedence as each application is judged on its individual merit and circumstance as well as surrounding land development and uses.

15.2.I Expiration - what are the criteria for granting an extension and how many times can an extension be applied for and granted?

15.2.I.2 - For Special uses approved in conjunction with new construction or additions, ..... add permanent land development, .....or enlargement to an existing structure, the special use approval expires within one year if a building permit has not been issued or, ..... add for permanent land development..... a zoning certificate not granted.

15.2.I.3. Add permanent land development

15.2.J. The correct citation is 15.11

### 15.3 VARIANCE

15.3.E.1 extraordinary or exceptional physical condition of such piece of the property..

15.3.E.4. Add a section 4. The Applicant or Property Owner did not create the circumstances and can demonstrate that the application is for the minimum variance necessary.

15.3.E.5. Add section 5 Approval, denial or approval with condition does not establish precedence

#### 15.4 ADMINISTRATIVE MODIFICATION

Compile a full list of the modifications

15.4.C.2 - can the Zoning Administrator increase the maximum allowed parking?

15.4.D. All action periods should be in business days.

15.4.D.5. How can an objection be filed if there is no notice?

15.4.E.4. Add section 4. Applicant did not create the hardship

15.4.E.5. Add section 5. If granted the variance is the minimum necessary.

#### 15.5 SITE PLAN REVIEW

A. Add ....This section provides standards.compatibility of land uses, land development, and structures.

B. Is there a preliminary approval in this process?

E. Add landscaping to this list

F.1 .including the reason for such change, analysis of alternative options, and a notation.

F.2 .b How well does this ability to modify façade fit with the façade design standards?

F.2.d additional parking spaces - how many more? 10%?

F.2.f does not diminish buffer screening.

F.H.2 .how often can extension be granted and what is the criteria?

F.I.2. Reference the appeal section here

For chart add complete to the Submit Application bubble

## 15.6 PLANNED DEVELOPMENT

Question: Can the Zoning Administrator amend PD dimensional standards.? Yes, see A.F.1

A.6. Add Rehabilitates wildlife habitat

A.9. Creates community benefit through: recreation, open space, public amenities, transportation, and/or education,

Question: is there a minimum District size for a P.D.?

A.D.3.a should these be open to the public? What if it is a gated community?

A.D3.e and f add rehabilitation

A.D.3.h and I: excellent!

A.E.1.b. Sentence rewrite: ..proposed improvements which includes

.necessary to explain and describe the planned development.

A.E.2. insert . Be presented at a public meeting and placed on the public agenda at least 5 business days prior to the public meeting

A.E.2.a.iii Add.a conceptual identification of potential community impacts such as traffic, utilities, schools etc. as well as benefits.

A.E.3.b. add that MPC can postpone a decision pending a response to their request for more information

A.E.3.e.vii. Add Environmental impacts such as waterways, steep slopes, extensive grading etc.

A.E.3.f. How many/often the extensions?

A.F1.g. .. material required nor a diminishment of the buffering effect. Also what about formal garden reference in 15.6.D.3a

A.F.2. Require notice by placing on the agenda at least 5 business days prior to the meeting

A.F.2.d - by phase or total project?

A.F.3 - does MPC recommend re major modifications?

A.F.3 NC Overlay District HZC should be able to conditionally approve as well.

15.8.E how do we know what the interpretation is? How can we appeal what we don't know?

15.11.D.1. 15 business days

15.12.B. How is "directly affected" defined?

15.12.E How do we know that a decision was made with no notice provided? And again .. 30 Business days

#### ARTICLE 14 APPLICATION PROCESS

Expand the table 14.1 to include to include the full process: recommending body, decision making body, appeal body. Include applicable section reference in each Application cell that refers to the type of decision they make eg. Amendment (Text and Map) 15.1.

14.2 Create a notice process for administrative modifications. Perhaps posting a sign, notice to adjacent (not just abutting neighbors), and mailing the decision to them.

14.2.B add to the first sentence..and where to send comments. Second sentence: 15 business days and note that the hearing/decision date is not included in the 15-day notice period.



14.2.C.1 - how is the 200 feet measured? Is it a radius or by travel? Add mailed notice to the pertinent Neighborhood Association.

14.2.D- Post 15 days before not 12. If Application is withdrawn or a request to be continued known before the meeting this info should be taped to the sign. How soon is the sign removed after the hearing? Be more explicit on location. a sign(s) on the subject property clearly visible from each right of way

## ARTICLE 16- NONCONFORMITIES

Add 16.5 - Nonconforming signs

16.2- Nonconforming use may not be expanded or intensified through the variance process if an additional variance is also required.

16.3.D.4- how about based on the tax appraisal?

16.3.F horizontal extensions should not be permitted, it should require variance approval. There is no limit on the proportion between the existing intrusion and the proposed, for example: my house could have a bump out on a foundation of 4-feet and this provision would allow me to increase the length to 20-feet with no hearing. Nor does it reference the degree of Nonconforming setback. And if there is an allowed vertical extension, then windows should not be allowed on that wall so the privacy of the neighbor is protected.

16.4- last sentence.. why not say what was said in Section 16.1.A .. been made Nonconforming as of the effective date of this Code".

16.4.E Add language addressing common ownership of abutting Nonconforming lots.. should they be automatically consolidated or not?

## ARTICLE 9 USES

Where do hospitals fit in? The medical/dental definition/permitted use seems inadequate.

Move preschool/kindergarten so it is beneath Place of Worship

Table 9-1. Why isn't bed and breakfast allowed in all residential zones? Alter 9.3.B accordingly to state residential not single family conformance.

Why aren't Educational Facilities Primary and Secondary allowed in the commercial, office and downtown districts?

Why aren't cemeteries allowed where churches are allowed. unless they are since considered an ancillary use.

Day care home is exempt from the home occupation standards. that's wrong.

Why aren't there any standards for Group Home

Animal Care Facility- small. Why are public agencies exempt from standards?

9.3.A.3 include a required buffer along abutting residential for Boarding facilities.

Why isn't bed and breakfast allowed in all residential zones? Alter 9.3.B accordingly to state residential not single family. Alter 9.3.B accordingly to state residential not single family.

9.3.F.3. .do not adversely affect traffic and pedestrian circulation

9.3.I.1 Dwelling- the standards are quite limited:

Consistent materials and treatments that wrap around all facades could=monotonous. Why aren't we asking for variety?

9.3.I.2 Add wall recesses are encouraged. Why aren't we requiring the same façade modulation we are requiring in Section XXXXX

The Dwelling graphics do not accurately depict the minimum compliance. A shoebox with a small roofed porch meets these standards as written.

9.3.N.1. A compost container is a structure? What about bee hives are they allowed. And .2 a low tunnel needs to meet setbacks? This section needs another review.

9.3.T As hard as I tried, this Manufactured Park Section remains incomprehensible. Seriously need a site layout graphic here.

- Where do cars park? If all yards need to be landscaped then cars park on the grass? 4.d vs 8.d

If they are required to have a minimum build out of 15 units then why do they need to be designed

for 25?

- 14. Why don't they need to be connected to water.only sewer?

- Is the perimeter fence solid or can chain link be used. The wall needs to be solid. How tall should the hedge be at maturity? How tall when planted.

- 8.c. Why is the rear yard so diminishedone could argue that MF homes are buildings and should be 20 feet apart. Doesn't Fire Code require at least 15 foot separation?

- 16 Why can't I hang dry clothes on my Lot?
- 20.a.vi - landscape type and size. Also require shade trees.

#### FF Wireless Telecommunications

Should not be permitted in CN District, should be reviewed by MPC Director with public notice

3.1 10% height increase add "from original height" or limit the # of times it can be increased.

3.c.vi.1- what is the purpose of the screening? Specify need tall bushy evergreen trees.

3.c.vi.2.A.i and ii - how tall should plants be at maturity?

3.c.vi.2.B prohibit barbed wire fencing.

3.c.viii.1.A setbacks- setback distance does not include intervening right of way.

5.b review process- all new cell towers need a public review. Decision criteria should include whether the tower is needed for a gap in coverage as opposed to boosting coverage. Level 1 Applicants must identify and analyze same criteria as for Level 2. Public notice given and time period based on business days.

If Level 1 is an administrative decision, why does the Matrix show it as S-Special Use which requires MPC commission action?

## ARTICLE 9.4 TEMPORARY USE STANDARDS

What about garage sales and their frequency? Are they an accessory use, ancillary use or temporary use?

## ARTICLE 10 SITE DEVELOPMENT

### 10.3 Accessory Structures and Uses

Accessory dwelling units should not be located in Nonconforming structures unless approved through a public hearing process. Accessory building height should be tall enough to allow a second story dwelling unit over a detached garage.

The property owner should live on the premises.

Detached accessory structures should not locate in an area between the front of the house and the street.

J. Residential fences are not allowed to have barbed wire or concertina wire.

P. Home Occupation

Home businesses are not open to the general public and business visitations are prearranged by appointment only. Day Care Home requires standards and a public review.

#### S. Outdoor sales

Are accessory outdoor sales allowed in the mixed use districts?

#### T. Outdoor Storage Accessory

This paragraph needs to be rewritten..it's very difficult to understand.

### ARTICLE 12 LANDSCAPING

12.2.B.3 add canopy and size and mature size

12.C"changes that reduce the amount or effectiveness of.

Add a section on pruning standards.

12.7.B.4 Parking Lot Islands must at a minimum be the same size as...

12.8.B.4. Delete this...planted boxes or pots should not count.

How do you define shade tree.....ornamental tree? By size of canopy? By mature height? Is a buckeye an ornamental or a shade tree?

No grading or fill more than 4 inch's.. please see below link as 90% of tree roots are at this depth:

<https://www.trees.org.uk/kenticotrees/Trees.org.uk/files/61/6181f2b7-e35d-4075-832f-5e230d16aa9e.pdf>

#### ARTICLE 4 RESIDENTIAL

Why are there no design standards for any of the RN districts..... only for EN? RN should at least include the standards found in 4.4.A.5

#### 4.4 A EN DESIGN STANDARDS

##### 3.a Garages

40% of front building line ..... the graphic in definitions depicting building line shows the line extending across the entire lot. Isn't front width of house what is meant?

4.c. How can a garage have 8 sides? That would be 8 exterior sides.

5.c.iv- how is this reconciled with 2.b ?

Many homes in EN do not have garages....therefore they would all be required to be 2 stories in height (see d on graphic).

3.c how does this reconcile with 10.3.N.1?