Attachment 1: Bryan County IDO

Contents

Attachment 1: Bryan County IDO 1

Section 1: General Application Requirements 2

Section 2: Minor Subdivisions 3

Article XIII: Minor Subdivisions 3

Section 3: Sketch Plat 7

Article X – Sketch Plat 7

Section 4: Construction Plans and Preliminary Plats 10

Article XI –Preliminary Plats and Construction Plans 10

Section 5: Final Plat 22

Article XII –Final Plat 22

Section 6: Traffic Impact Assessment 26

Article XV – Traffic Impact Assessment 26

Section 7: Site Plan 30

Article XVII – Site Plan 30

Section 8: Planned Unit Development (PUD) 33

Article XII – Planned Unit Development (PUD) 33

Section 9: Appeals, Variances and Administrative Relief 36

Article V – Appeals, Variances and Administrative Relief 36

Section 10: Accessory Uses 40

Section 11: Development Review Committee 41

Section 11: Site and Building Design Guidelines 42

Supplemental Site and Building Design Guidelines 42

Section 1: General Application Requirements

The following sections 403 and 404 are hereby adopted as part of chapter 13 of the County code.

Section 403. Applications to Be Complete.

a. No application required under Chapters 12 or 13 of the County code is complete unless all of the information required herein is included and all filing fees have been paid. An application that includes such information is deemed complete.

b. Additional information may be required by the Planning or Engineering Director to determine whether or not the Development, if completed as proposed, will comply with all of the requirements of Chapters 12 and 13 of the County Code. Failure to provide additional required information will result in delays in processing or disapproval of the application. The presumption established by this UDO is that all required application information is necessary.

c. Review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing and shall not constitute a decision as to whether the application complies with Bryan County's rules and regulations.

d. The Planning or Engineering Director may agree to process an application without all required information at the risk to the applicant that the decision-making body may later require the information prior to acting on the application.

e. All information submitted as part of the application shall meet the intent of the requirements of this ordinance. Failure to submit adequate information to assess compliance with adopted rules and regulations may result in disapproval of the application.

Section 404 Time Limits for Completeness Determination.

a. Not later than five (5) business days after the Planning or Engineering Director has received an application, the Director shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant.

b. If the application requires review by any other local or special district, regional, state, or federal agency or entity, the applicant shall secure those approvals prior to submittal of the application to the Director

c. If the written determination is not made within the five (5) day period, whichever is applicable, after receipt of the application, the application shall be deemed complete for purposes of this chapter. Upon receipt of any re-submittal of the application, a new five (5) day period shall begin, during which period the Director shall determine the completeness of the application.

d. If the application, together with the submitted materials, is determined not to be complete:

   1. The Planning or Engineering Director shall specify in writing the information required.

   2. The applicant may resubmit the application with the information required by the Director or may appeal that decision in writing to the Planning and Zoning Commission.

   3. The Planning and Zoning Commission shall render a final written determination on the appeal not later than the next available meeting after receipt of the applicant's written appeal.

Section 2: Minor Subdivisions

Articles XIII, XIV, XV and XVI and section of the Subdivision Regulations are hereby repealed and replaced with a new Article XIII: Minor Subdivisions of the Subdivision Regulations as follows:

Article XIII: Minor Subdivisions

Section 1300. Purpose.

To create an efficient minor subdivision process that allows for Planning and Zoning Commission approval of lot splits and conveyance plats, and staff approval of other minor subdivisions that have minimal impact on public facilities, do not require the construction or extension of the County roadway network or utility infrastructure, and are consistent with County zoning, subdivision and public improvement requirements.

Section 1301. Applicability.

Minor subdivisions include each of the following types of subdivisions:

a. **Lot splits** enable the creation of up to four (4) lots or parcels from a single parcel created prior to [November 7, 1995].

b. **Conveyance plats** enable the division of land into up to eight (8) parcels of ten (10) acres or more from a single parcel created prior to [November 7, 1995] that are not intended to be developed for any purpose requiring a building permit without subsequent subdivision approval.

c. **Lot line adjustments** enable changes to existing lot or parcel boundaries that do not create any additional lots or alter the overall density of the affected lots.

d. **Plat corrections** enable corrections to errors or omissions on a recorded plat that does not materially change the boundaries of any of the parcels shown on the plat.

e. **Dedication plats** – plats documenting the conveyance of rights-of-way or easements.

Section 1302. Limitation on Subsequent Minor Subdivisions.

The minor subdivision process may be used no more than once for any parcel that is included within the boundaries of a minor subdivision or is a remaining portion of a parcel that was previously subdivided using the minor subdivision process. The limitation of this section applies only to lot splits and conveyance plats.

Section 1303. Approval Criteria for Lot Splits.

Before approving a lot split, the Planning Director shall find that the proposed subdivision complies with each the following provisions:

a. All lots created by a lot split shall comply with the minimum area and dimensional standards of Bryan County's zoning and subdivision regulations.

b. Each lot shall be independently accessible from an abutting public or private road created in compliance with applicable Bryan County standards.

c. No public road shall be created through the lot split process, but the plat may include the dedication of public right-of-way for the widening of existing public roads abutting lots included in the lot split.

d. Private roads shall be placed in an access easement of at least forty (40) feet in width, unless the County Engineer finds that greater width is needed due to topography, drainage, or private road alignment. Private roads for lot splits shall comply with the Private County Road Dirt Standards in

areas designated for the agricultural and low density residential future land use category in the Comprehensive Plan and with the Private County Road Crush and Run Standards in areas designated for other future land use categories.

e. Private roads shall not exceed three hundred (300) feet in length from the edge of the nearest public right-of-way to most distant property line along the road or driveway.

f. Off-site utility improvements are limited to water and/or sewer line extensions of not more than two-hundred (200) feet from the nearest property line of the subdivision.

g. The applicant shall submit a Homeowners Association document that shall be recorded with the final plat that assigns ownership of and responsibilities for maintenance of private roads and drainage systems. A note in accordance with section 1701 shall be included on the plat. The responsible party shall be one or more of the lot owners in the subdivision.

h. Off-site stormwater improvements are limited to abutting rights-of-way or easements, which may be used only with the owner's consent.

Section 1304. Approval Criteria for Conveyance Plats.

Before approving a conveyance plat, the Planning Director shall find that the proposed subdivision complies with each the following provisions:

a. All parcels resulting from the conveyance plat process shall be ten (10) acres or larger in net area, excluding water bodies, protected wetlands and land with elevations below the mean high tide, provided that any parcel that is placed in a conservation easement shall be 10 acres or larger in gross area.

b. Each parcel must be accessible via public road or approved and dedicated private road created in compliance with applicable Bryan County standards, provided that such private roads shall comply with requirements of section 1303 "d" and "e."

c. The conveyance plat shall include the following statement: "No building permits will be issued for a building on any lot in this subdivision."

Section 1305. Approval Criteria for Lot Line Adjustments.

Before approving a lot line adjustment, the Planning Director shall find that:

a. All resulting lots shall comply with minimum area and dimensional standards of County zoning and subdivision regulations; or

b. Where one (1) or more of the existing lots is non-conforming, the proposed lot line adjustment improves overall compliance of the affected lots.

Section 1305. Approval Criteria for Plat Corrections.

Before approving a plat correction, the Planning Director shall find that the amendments are limited to changes required to correct a surveying or scrivener's error or omission, and do not change the density, eliminate restrictions or substantively change the rights and responsibilities of the owners of the affected lots.

Section 1306. Approval Criteria for Dedication Plats.

Before approving a lot line adjustment, the Planning Director shall find that:

a. Subdivision is created solely to document the conveyance of right-of-way or an easement for a public or private road, drainage improvement, utility improvement or other public purpose.

b. Lots that fail to meet required dimensional or area requirements due to the dedication of public right-of-way shall be deemed to be conforming lots if dimensional or area requirements resulting from the dedication plat are at least eighty (80) percent of the minimum County requirements.

Section 1307. Application.

The formal approval process for each type of minor subdivision begins with the submittal of a complete application to Planning Director. Applicants are encouraged to discuss the proposed subdivision and submit a sketch plat prior to formal application. Applications shall include the following:

a. A completed application on a form provided by the Planning Director;

b. Payment of applicable fee;

c. A copy of the existing plat or deed creating the affected lots or parcels.

d. An ESA or affidavit described in section 521(b) of the County's subdivision regulations.

e. A final plat prepared in accordance with sections 1202 and 1203 of the County's subdivision regulations.

f. For any minor subdivision that does not encompass the entirety of all affected parcels, the applicant shall submit a sketch plat as defined in the County's subdivision regulations at a scale approved by the Planning Director.

g. For subdivisions involving the creation of a private road, the applicant shall provide:

    1. A land disturbing activity permit issued pursuant to the soil erosion and sedimentation control ordinance of Bryan County, or a completed application for such permit, along with all supporting material.

    2. A topographical survey of the land to be divided that is prepared by a licensed surveyor or an engineer showing topography at vertical intervals of not more than one foot and a certificate from a licensed surveyor or engineer stating that drainage from the land to be divided will not affect adjacent property owners. If the proposed work will affect adjacent property owners by changing the flow of water to or from their property, an agreement or easement shall be provided.

    3. Plans for grading and surfacing, including plans for an apron extending from the existing pavement to the planned private road or shared drive.

h. For lot splits including on or off-site water or sewer line extensions, the applicant shall submit plans for the extensions from existing facilities to the lot service lines.

i. For any lot split, the Planning Director shall determine, based on the Bryan County soil survey maps and the national wetlands inventory maps, that no wetlands or hydric soils exist on the lots created. If the Planning Director cannot make such a determination, the applicant must then provide one of the following to the Planning Director:

    1. A soil map of the affected lots prepared by a certified environmental scientist or soils scientist that shows the absence of hydric soils present on the lots; or

    2. A jurisdictional wetlands delineation approved by the Army Corps of Engineers of the land to be subdivided. The limits of any wetlands shall be surveyed and included on the final plat.

Section 1308. Review.

a. The Planning Director shall review the application for completeness in accordance with Sections 403 and 404 of the County's subdivision regulations.

b. Upon finding the application complete, the Planning Director shall review the proposed final plat and any other documents deemed necessary to determine the compliance of the proposed minor subdivision with this ordinance, and other applicable laws. The review of the following individuals must also be obtained when required by the Planning Director:

c. The health department shall review the proposed water supply and sewerage disposal system and determine compliance with this ordinance and other applicable rules and regulations.

d. The Engineering Director shall review the proposed final plat and determine the conformity of proposed road alignment with existing roads, the road classification plan and proposed public roads.

e. The Engineering Director shall review the proposed water, sewer, and stormwater management improvements for compliance with applicable requirements.

f. If deemed necessary by the Planning Director, review and comment from any consultants or other professionals retained by the County may be obtained.

Section 1309. Notice for Lot Splits and Conveyance Plats.

Notice is required for lot splits and conveyance plats. Following the Planning Director's determination that the application is complete, the applicant shall provide the following notice:

a. **Mailed Notice**. Mail notice of the date, time, location and topic of a public hearing on the lot split or conveyance plat to the owners of all parcels located within 300 feet as measured from the nearest property line to the nearest property line. If the subdivision triggers the requirement for a traffic impact analysis pursuant to article XV of the subdivision regulations notice shall be required to be mailed to all properties located within 600 feet of the proposed subdivision.

b. **Posted Notice**. At least one (1) Sign shall be posted at least fourteen (14) days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property. Signs shall be in a form approved by the Planning Director with the words "Subdivision Decision" in six (6) inch tall lettering and the planning department phone number clearly legible from the street.

c. **Published Notice**. Publish notice in a newspaper of general circulation within Bryan County in the public notices section at least 15 days, but not more than 45 days prior to the hearing.

Section 1310. Planning and Zoning Commission Action on Lot Splits and Conveyance Plats.

After conducting a hearing the Planning and Zoning Commission shall approve, approve with conditions or disapprove the application for a lot split or conveyance plat. If the plat is approved, the Chair of the Planning and Zoning Commission shall sign the proposed final plat which can then be recorded in the clerk of superior court's office.

Section 1311. Planning Director Action on Lot Line Adjustments, Plat Corrections and Dedication Plats.

Planning Director shall approve or disapprove the application within thirty (30) days of finding the application complete and shall notify the applicant of the action in writing. If the plat complies with the requirements of these regulations, the Director shall sign the proposed final plat which can then be recorded in the clerk of superior court's office. If the Planning Director finds that the proposed design of

a subdivision shown on the proposed final plat does not comply with this ordinance and other applicable laws, then such plat shall be disapproved, and reasons noted for such disapproval in the records. Notwithstanding the noting of such reasons for disapproval in the records of the planning director, an applicant must meet all provisions of this ordinance and other applicable laws to later obtain approval by the Planning Director of proposed final plat.

Section 1312. Appeals.
Planning and Zoning Commission actions on lot splits and conveyance plats may be appealed to the Board of County Commissioners. If the Planning Director disapproves a lot line adjustment, plat correction or dedication plat, the applicant may appeal the action to the Planning and Zoning Commission pursuant to Article V of the Zoning Ordinance.

Section 1313. Effect of Approval.
After approval, the applicant may proceed with installation of the private road or shared driveway and any other required public improvements. No building permits shall be granted until required improvements are completed and approved in compliance with section 1312, and the plat is recorded in compliance with section 1313.

Section 1314. Inspection.
The County Engineer shall inspect all required improvements to determine compliance with applicable requirements and provide written approval of the improvements or a written explanation of any deficiencies precluding approval.

Section 1315. Recording.
Applicant shall record the final plat within six (6) months of the Planning Director's approval. Failure to record shall result in expiration and require resubmittal.

Section 1316. Reporting.
Planning Director shall report all minor subdivision activity to Planning and Zoning Commission each month.

Section 3: Sketch Plat

Article X of the County's subdivision regulations are hereby repealed and replaced with the following provisions:

Article X – Sketch Plat

Section 1000. Purpose.
The purposes of the sketch plat are to:

a. Ensure that improvements are well coordinated within and among individually platted parcels, sections, or phases of a development prior to approval of a preliminary plat; and

b. Provide a cost-effective means to evaluate potential subdivision options and identify subdivision design and development issues early in the subdivision process.

Section 1001. Applicability.

a. A sketch plat shall be required when an applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership. The sketch plat shall identify all contiguous land holdings of the applicant and establish a phasing plan for any subdivision involving multiple phases of development and any subdivision for which only a portion of the

parent tract or a portion of contiguous holdings under common ownership are proposed to be platted. A sketch plat may be processed concurrently with a preliminary plat.

b. A sketch plat is recommended for all major subdivisions.

c. When not required by paragraph "a" of this section, an Applicant may seek sketch plat review by the Planning Director or the Planning and Zoning Commission to secure Commission assurance that a proposed subdivision is consistent with the Comprehensive Plan.

d. For optional sketch plats, the applicant may choose to apply for review and action by the Planning Director or the Planning and Zoning Commission.

Section 1002. Application.

A sketch plat application shall contain the following information, unless waived by the Planning or Engineering Director:

a. Proof of Ownership – Filed deed, vendor's lien, act of donation or tax assessment with legal description.

b. Sketch Plat – Copies of drawings at a scale of reasonable scale for the proposed subdivision approved by the Planning Director that include:

1. The proposed subdivision name, which may not duplicate, or be similar to, any existing subdivision in the County, as determined by the Planning Director;
2. The legal description of the property to be subdivided;
3. A sketch of the entire tract to be subdivided showing boundaries at an appropriate scale that includes:
    i. a location map at a scale of 1" = 2,000' or other scale approved by the Director;
    ii. locations of the public roads adjoining, providing access to or crossing the property;
    iii. arrangement of proposed roads;
    iv. easements for pipelines, utilities, drainage or other purposes, and other existing features affecting the proposed subdivision property;
    v. proposed use or uses, amount and intensity of uses for each development area;
    vi. locations of existing and proposed water bodies and drainage conveyances; and
    vii. special flood hazard areas, wetlands and other environmentally sensitive areas.
4. For multi-phased developments, the phasing schedule for development of subareas, describing the location, sequencing and timing of infrastructure improvements and lot development for subareas of an overall proposed subdivision.

c. Signed Application – by the applicant or authorized agent. A property owner authorized agent requires an affidavit giving permission to sign the application.

d. Additional Documentation – Additional text and/or maps provided to demonstrate consistency with the approval criteria.

Section 1003. Review of Sketch Plats by Development Review Committee and Planning Director.

The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of sections 403 and 404. Upon finding that the application is complete and

consulting with the Engineering Director, the Planning Director shall forward the application to the Development Review Committee for review and comment. Following this review, the Planning Director shall make written findings and recommendations, including but not limited to:

a. Whether the proposed subdivision is consistent with the Comprehensive Plan.

b. Whether the proposed subdivision is in substantial compliance with adopted subdivision and zoning regulations.

c. Whether the phasing plan enables each phase to be developed in an efficient manner and ensures that each phase will be capable of meeting the County's minimum standards for development.

d. What changes would be required to bring the plat into compliance with adopted standards.

e. Documenting subsequent steps required to secure subdivision approval.

f. Suggested design modifications that will make the subdivision function better.

Section 1004. Effect of Review by Planning Director.

Review by the Planning Director does not assure subsequent development approvals. Subsequent applications that are consistent with the findings and recommendations of the Planning Director shall be considered consistent with the comprehensive plan's land use and transportation recommendations to the extent demonstrated on the sketch plat.

Section 1005. Review of Sketch Plans by Planning and Zoning Commission.

If sketch plat review by the Planning and Zoning Commission is requested by the applicant, the Planning Director shall schedule a hearing before the Planning and Zoning Commission. The Planning Director shall provide the Commission with a copy of the application and the Director's findings and recommendations. After reviewing the application at a public hearing, the Planning and Zoning Commission shall:

a. Determine the application's consistency with the Comprehensive Plan for land uses, intensity, and general road layout;

b. Review and comment on compliance with subdivision and zoning standards; and

c. Review and comment on the proposed phasing plan for multi-phase developments.

Section 1007. Effect of Approval of Sketch Plats by Planning and Zoning Commission.

a. Approval of a sketch plat constitutes acceptance of the type, density and intensity of development indicated on the plat as being consistent with the Comprehensive Plan; the classification and arrangement of roads indicated; the proposed phasing plan; and the nature of utility service proposed.

b. The approval of the sketch plat shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the Development lags one (1) year behind the approved phasing plan, or a period of one (1) year elapses without approval of a Preliminary Plat, Sketch Plat approval shall expire. Upon receipt of a written request, the Planning Director may approve a twelve (12) month extension upon finding that conditions in the County and vicinity of the development do not necessitate changes to the approved Sketch Plat.

c. Sketch plat approval does not ensure approval of a preliminary plat involving a substantially different concept or failing to meet specific requirements of applicable rules and regulations,

and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

Section 4: Construction Plans and Preliminary Plats

Articles IX and XI of the County's subdivision regulations are hereby repealed and replaced with the following provisions:

Article XI –Preliminary Plats and Construction Plans

Section 1100. Applicability.

Preliminary plat approval is required prior to approval of a final plat for any subdivision other than a minor subdivision as established in Article XIII. Construction plan approval is required prior to approval of a final plat, major clearing, grading or filling, or construction of site improvements. The provisions of Article XI as follow do not apply to any major subdivision that has received approval of preliminary plat and construction plans prior to the date of adoption of the IDO.

Section 1101. Purposes of Preliminary Plat

a. The preliminary plat serves as a guide to future density, intensity, land uses, pedestrian and bicycle ways, trails, parks and open space, as well as lot, road and drainage patterns. It is intended to ensure that a landowner investigates the broad effects that subdivision of property will have on the site itself as well as on adjacent properties and public infrastructure systems.

b. Approval of a preliminary plat shall constitute acceptance of the land-use mix, development intensity, general road patterns, drainage patterns, lot patterns, parks and open space lands, and the general layout of pedestrian and bicycle trails, provided that these factors may be modified in conjunction with subsequent approvals if additional information reveals development constraints that are not evident during preliminary plat review.

c. The preliminary plat, together with the attendant items required herein, is to provide a basis for the construction of the subdivision and its improvements as well as a draft of the final plat of the subdivision. To achieve this, the applicant should consult with the Planning Director, Engineering Director and other agencies concerned with the subdivision and the improvements.

Section 1102. Application for Preliminary Plat Approval and Staff Review.

a. **Process Overview**. The approval process and typical timing Preliminary Plat approval are summarized in Exhibits 1102-1 and 1102-2. Actual timing may vary based on the date of submittal and scheduled hearing dates.

b. **Application**. The applicant shall file a completed preliminary plat application with the Planning Director and shall comply with the requirements established in Appendix A.

c. **Completeness Review**. The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of sections 403 and 404 herein.

d. **Notice**. Following the Planning Director's determination that the application is complete, the applicant shall provide the following notice:

   1. **Mailed Notice**. Mail notice of the date, time, location and topic of a public hearing on the lot split or conveyance plat to the owners of all parcels located within 300 feet as measured from the nearest property line to the nearest property line. If the subdivision triggers the requirement for a traffic impact analysis pursuant to article XV of the subdivision regulations

notice shall be required to be mailed to all properties located within 600 feet of the proposed subdivision.

2. **Posted Notice**. At least one (1) Sign shall be posted at least fourteen (14) days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property. Signs shall be in a form approved by the Planning Director with the words "Subdivision Decision" in six (6) inch tall lettering and the planning department phone number clearly legible from the street.

3. **Published Notice**. Publish notice in a newspaper of general circulation within Bryan County in the public notices section at least 15 days, but not more than 45 days prior to the hearing. mail notice of the date, time, location and topic of a public hearing on the preliminary plat to the owners of all parcels located within 300 feet as measured from the nearest property line to the nearest property line. If the subdivision triggers the requirement for a traffic impact analysis pursuant to article XV of the subdivision regulations notice shall be required to be mailed to all properties located within 600 feet of the proposed subdivision.

e. **Staff Review and Recommendation**. Upon finding that the application is complete, the Planning Director shall forward copies of the preliminary plat to the Development Review Committee and other reviewing entities, who shall evaluate the application. The Planning Director shall then prepare a report making findings and recommendations on the application's compliance with the criteria established in section 1103 herein.

Exhibit 1101-1: Preliminary Plat Approval Process Summary

Preliminary Plat Process
Application, Review and Notice
Planning and Zoning Commission Public Hearing & Recommendation
Board of County Commissioners Public Hearing & Decision

Exhibit 1101-2: Timing

Preliminary Plat Timing	
Completeness Review	5 business days (from Application Submittal)
P&Z Commission Hearing	30-60 days after Completeness Certification
P&Z Commission Recommendation	Within 60 days (from P&Z Commission Public Hearing)
Board of County Commissioners Public Hearing	Within 60 days (from P&Z Commission Decision)
Board of County Commissioners	Within 60 days (from Board's Public Hearing)

Section 1103. Review Criteria.

Each of the following criteria must be satisfied prior to preliminary plat approval.

a. The application is consistent with the approved sketch plat, if applicable.

b. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for roads, alleys, trails, parks, playgrounds, and public utility facilities;

a. The proposed subdivision complies with applicable County, state and federal regulations;

b. The proposed subdivision, including its lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;

c. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

d. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development.

e. That the subdivision design provides adequate amenities and connectivity to roads, sidewalks and trails.

f. That utilities for all major subdivisions are placed underground.

g. That the tree protection requirements of Article 18 of the Bryan County Engineering Design Standards are satisfied

Section 1104. Planning and Zoning Commission Hearing, Deliberation and Action.

Within 60 days of the Planning Director's determination of completion, the Planning and Zoning Commission shall conduct a public hearing on the application at a hearing to be held in the County facility nearest to the proposed subdivision. Following the hearing, the Commission shall deliberate the application's compliance with the criteria established in section 1103 and shall recommend that the Board of County Commissioners approve, conditionally approve or disapprove the preliminary plat application.

Section 1105. Board of County Commissioners Deliberation and Action.

The Board of County Commissioners shall conduct a public hearing on the application at the County facility nearest to the proposed subdivision. Following the closing of the public hearing and deliberation, the Board may approve, approve with conditions or disapprove the application. If action is not taken on the day of the public hearing, the Board shall act at their next scheduled meeting at the County facility nearest the proposed subdivision.

Section 1106. Effect of Board of County Commissioner Action.

a. Approval constitutes the finding that the plat complies with the County's subdivision and zoning regulations and that a final plat that is consistent with the terms of approval and will be approved.

b. The preliminary plat governs the preparation of construction plans and the final subdivision plat, which must be submitted for approval and recordation upon fulfillment of the requirements of this chapter.

c. The approval is valid so long as the applicant receives and maintains a valid subsequent development approval or initiates construction within two (2) years of the preliminary plat approval. If development has not been initiated within two (2) years of preliminary plat

approval, any changes in development standards shall apply to the development proposed by the preliminary plat.

d. If a final plat is not submitted within two (2) years after approval of the preliminary plat, or within such extended period as may be allowed, the preliminary plat approval shall be void. The Board may approve a staging plan extending the effective period of the preliminary plat approval for up to five (5) years where it is the intent of the landowners to proceed to final plats covering only a portion of the site at any one time. Beyond two (2) years or, in the case of staged development, five (5) years, the applicant shall resubmit a preliminary plat to the Planning Director for review by staff and the referral agencies to ensure that the application is still in compliance with Bryan County and other applicable agency requirements.

e. After the expiration of two (2) years following approval of a preliminary plat, changes to the preliminary and final plats may be required where a change in the Comprehensive Plan or applicable rules and regulations has occurred. The applicant may make the necessary changes and then proceed to a final plat or may choose to resubmit the preliminary plat for review through the normal development approval review process.

f. Approval of the preliminary plat by the Board shall not be deemed final approval of the overall subdivision.

Section 1107. Amendments to an Approved Preliminary Plat.

Amendments to a preliminary plat shall be approved in the following manners:

a. **Minor Amendments**. Minor amendments may be approved by the Planning Director without filing a new preliminary plat. Minor amendments include the following:

   1. Changes in the internal alignment of roads that do not affect external properties or connectivity;
   2. Changes in internal lot boundaries that do not abut external property lines provided that all lots comply with minimum area and dimensional requirements;
   3. Changes in setbacks along internal property lines;
   4. Changes in the routing of trails and pedestrian ways;
   5. Changes to the location or boundaries of open spaces that do not reduce the total area or function of the open spaces;
   6. Adjustments in easements, utilities or drainage improvements identified as necessary during the preparation of construction plans; or
   7. Changes in the orientation of buildings on internal parcels.

b. **Exclusions**. Minor plat amendment shall not include any of the following:

   1. Changes in permitted uses;
   2. Increased intensity of use as measured by the number of dwelling units or square feet of nonresidential building area;
   3. Increased trip generation or demand for public utilities;
   4. Decreased public or private open space area; or
   5. Increased volume or velocity of stormwater runoff from the development.

6. Changes that conflict with the tree protection requirements of Article 18 of the Bryan County Engineering Design Standards

c. **Major Amendments**. Plat amendments not categorized as minor amendments in the above paragraphs require the filing, deliberation of a new preliminary plat for review, deliberation and approval by the Planning and Zoning Commission and the Board of County Commissioners. Such amendments may be processed concurrently with a final plat application at the option and risk of the applicant.

Section 1108. Purpose of Construction Plans.

Construction plans ensure that public improvements associated with private developments are consistent with the County's design standards and that improvements are documented in a way that facilitates the long-term management and enhancement of public infrastructure.

Section 1109. Applicability.

Prior to review of a final plat, the applicant shall have prepared, by a professional engineer registered in the State of Georgia, plans consisting of complete construction drawings and specifications of all easements, roads, traffic control devices, streetlights, sanitary sewers, stormwater facilities, water system facilities, sidewalks, trails and other improvements required by this chapter. Landscape and tree protection plans shall be prepared by a Registered Landscape Architect.

Section 1110. Application for Construction Plan Approval.

a. **Pre-submittal.** A pre-submittal conference with the Engineering Director is recommended.

b. **Submittals**. Complete construction plan applications shall be submitted to the Engineering Director for review and approval. The application shall comply with the requirements established in Appendix A. In addition to review fees established in Appendix B, the Engineering Director may require payment of an escrow to cover the costs of plan review by the County's engineering consultants in accordance with section 700 of this chapter.

c. **Completeness Review**. The Engineering Director shall review the application and shall determine if the application is complete pursuant to the provisions of sections 403 and 404 of this chapter.

Section 1111. County Engineer Review and Action.

a. **Review**. The applicant shall submit the construction plans to all applicable local, State and Federal reviewing agencies and public utility companies that will service the subdivision. The applicant shall incorporate comments from those agencies into the plans and submit to the along with all permits as part of the initial application.

b. **Action**. The Engineering Director shall approve, conditionally approve, or disapprove the construction plan application within forty-five (45) days of a determination of completeness based on the application's compliance with the Bryan County code and Design Manual requirements, conditions of preliminary plat approval and other applicable rules and regulations.

c. **Deviation from Bryan County Design Manual**. The applicant's engineer may make a written request and the Engineering Director may authorize design waivers from the specific requirements of the Design Manual upon finding that the deviation will result in a design that is equivalent to or better than the specified standard when considering the function, durability, maintenance, repair, and replacement costs associated with the specified improvement. The written request shall reference the specific section from which relief is being sought as well as alternatives being proposed. The request shall include all documentation and dated needed to

support the request. The Engineering Director shall have five (5) business days to respond to the request.

Section 1112. Effect of Approval.

a. Construction plan approval grants the right to initiate construction, grading, filling, major clearing and other development activities specifically referenced in the approved construction plans. Except upon the written approval of the Engineering Director, no grading, removal of trees or other vegetation other than the minimum required to complete necessary survey work, land filling, construction of improvements, or other material change, except for purposes of aiding in preparation of final engineering drawings or plans, shall commence on the subject property until the applicant has:

    1. Received approval of the Construction plans and all necessary permits from the Engineering Director; and

    2. Obtained necessary approvals and permits from other affected agencies.

b. The applicant shall complete improvements and secure final inspections and acceptance of improvements within twenty-four (24) months. Prior to expiration of construction plan approval, the applicant may apply to the Engineering Director for an extension of up to twelve (12) months. The Director may approve the extension of the approval or require modification of the plans to meet any changes to requirements of the Design Manual or other applicable requirements.

c. Expired plans may be resubmitted as a new application and will be subject to applicable changes to rules and regulations since the initial application.

Section 1113. Appeals to County Engineer Action.

If an applicant believes that the Engineering Director has erred in any finding or condition of approval or disapproval, the applicant may appeal the decision to the County Administrator in writing, specifying the reasons for the appeal and providing technical justification supporting the appeal. The County Administrator shall approve, conditionally approve or disapprove the appeal within thirty (30) days of its submittal.

Section 1114. Reserved.

Section 1115. Resubmittal and Amendments.

If the applicant chooses to make minor modifications in design and/or specifications during construction, such changes shall be made at the applicant's own risk, but only with the written approval of the Engineering Director. It shall be the responsibility of the applicant to notify the Engineering Director in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans and such deviation was not approved in advance by the Engineering Director, the applicant may be required to correct the installed improvements to conform to the approved construction plans. In addition, the County may take such other actions as may be deemed appropriate including, but not limited to, revocation of plat approval and/or permits already issued and/or withholding of future approvals and permits.

Section 1116. Construction of Improvements.

All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements herein and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

Section 1117. As-Built Plans Required.

a. **Required Drawings**. Prior to final inspection of the required improvements, the applicant shall submit to the Engineering Director one (1) digital copy and one (1) reproducible copy of as-built engineering drawings for each of the required improvements that have been completed. The reproducible drawings shall be certified by the applicant's engineer indicating the date when the as-built survey was made. A landscape architect registered to practice in Georgia may seal landscape plans and the designs of erosion control measures. Digital copies are for the County's infrastructure management purposes only and the engineer shall bear no liability for the use and modification of the digital files.

b. **Control Points**. As-built drawings and digital files shall be produced in accordance with the County's latest GIS standards and shall include all control points using state plane coordinates and monuments.

Section 1118. Completion of Improvements.

a. **Completion of Improvements Required**. Required improvements shall be completed prior to recording the final plat, to the satisfaction of the Engineering Director. The required improvements shall be those specified in the approved preliminary plat and construction plans. Unless otherwise approved and assured, sidewalks shall be completed at the time of road construction. A letter from the project engineer of record certifying completion of all improvements in substantial conformance with all approval documents shall be provided.

b. **Required Conveyances**. As a condition of final plat approval, the Board of County Commissioners may require the applicant to deposit in escrow a deed describing by metes and bounds and conveying to the County all road rights-of-way, easements and public land required by these regulations, pending acceptance of improvements by the County and recordation of the final plat. In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the County may compel the delivery of the deed to complete the improvements as required.

Section 1119. Inspection of Improvements.

a. **Inspection Required**. All improvements required by these regulations shall be inspected by the Engineering Director, except for improvements made under the jurisdiction of other public agencies, in which case engineers or inspectors of such agency will make the necessary inspections. Where inspections are made by other agencies, the applicant shall provide the County with written reports of each final inspection.

b. **Inspection Schedule**. It shall be the responsibility of the applicant to notify the Engineering Director of the commencement of construction of improvements a minimum of forty-eight (48) hours prior thereto.

c. **Compliance with Standards**. The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

Section 1120. Acceptance of Improvements.

a. Final approval of the installation and construction of improvements by the Engineering Director shall be required prior to the recording of the final plat.

b. The County shall not have any responsibility with respect to any road, or other improvement, notwithstanding the use of the same by the public, unless the road or other improvements shall have been accepted by the recording of the final plat.

c. When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of the County, and the applicant has submitted all required information to the Engineering Director for approval, the Planning Director shall proceed with recording the final plat.

d. All subdivisions, regardless of size, must the recorded in plat form. Deed descriptions may be submitted as supporting documentation to the plat at the owner's discretion.

Section 1123. Site Cleanup Required.

The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, road, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the County is prohibited.

Section 1124. Failure to Complete Improvements.

Failure to complete all required public improvements within the period specified by the County shall result in expiration of plat approvals.

Section 1125. Bonding Requirements.

a. **Performance Guarantee Required**. Prior to final plat approval or as otherwise approved in a development agreement a performance guarantee shall be submitted in the form provided in paragraph "b" of this section for the final two (2) inch asphalt surface course required to be installed in accordance with the approved development plans.

b. **Type of Security**. The security shall be in the form of a performance bond, a letter of credit, cash, or cash escrow as follows:

    1. **Performance Bond**. A performance bond shall be executed by a surety company licensed to do business in the state in an amount equal to the cost estimate, as approved by the Engineering Director, of all uncompleted and unaccepted improvements required by these regulations (other than gas, telecommunications and electric lines), with the condition that the applicant shall complete such improvements and have them accepted by the County within two (2) years from the date of plat approval. The Engineering Director may sign the bond instrument on behalf of the County, and the County Attorney shall approve same as to form.

    2. **Letter of Credit**. The applicant shall provide an irrevocable letter of credit in an amount equal to the cost estimate, as approved by the Engineering Director, of all uncompleted and unaccepted site improvements (other than gas and electric lines) required by these regulations.

    3. **Cash or Cashier's Check**. The applicant shall provide to the County cash or a cashier's check in an amount equal to the cost estimate as approved by the Engineering Director of all uncompleted and unacceptable site improvements (other than gas and electric lines) required by these regulations. Upon completion of the required site improvements and their acceptance by the Engineering Director, the amount will be refunded to the applicant by the County.

c. **Amount of Performance Bond**. The amount of the guarantee shall be one hundred twenty-five (125) percent of the total cost of construction as determined by the Engineering Director, and it shall remain in effect until such time that final asphalt surface course has been installed and accepted by the County.

d. **Timing of Pavement Completion**. The developer may not request installation of the final asphalt surface course until such time that buildings for a minimum of seventy-five (75) percent of the lots approved as part of the final plat application have received certificates of occupancy. For multiple phase developments the Engineering Director may require that installation occur after completion of at least seventy-five (75) percent of all lots that may be accessed by construction vehicles in subsequent phases.

e. **Option for Deferral of Other Improvements**. In addition to the required performance guarantee for the asphalt surface course, the developer may request to submit a performance guarantee for any other improvements that have not been constructed in the County right-of-way as per the approved development plans and specifications prior to the execution of the final plat. The amount of the guarantee shall be one hundred twenty-five (125) percent of the total cost of construction as determined by the Engineering Director.

f. **Release of Performance Bond**. All performance guarantees provided shall remain in effect until such time that the improvements have been satisfactorily completed and accepted by the County and a maintenance guarantee has been submitted in accordance with Section 1125.b.

g. **Maintenance Guarantee**. Prior to the release of any performance guarantee a maintenance guarantee shall be submitted in the form provided for in paragraph “b” of this section for all improvements constructed in the County right-of-way. Damage to curbs and sidewalks shall be the responsibility of the building of the lot abutting the affected improvements until a certificate of occupancy is issued and shall not be subject to maintenance guarantees for more than one year. The amount of the guarantee shall be fifteen (15) percent of the total cost of construction as determined by the Engineering Director, and the guarantee provided shall remain in effect for a minimum of three (3) years from the date of final acceptance by the County. The maintenance guarantee for all improvements accepted by the County shall be required to run concurrently with the two (2) inch asphalt surface course regardless of when the improvements were installed and accepted.

    1. If the applicant has entered into a subdivision improvement agreement for the completion of required improvements, an appropriate percentage of the performance guarantee may be retained by the County in lieu of a maintenance guarantee.

    2. If the applicant has not entered into a subdivision improvement agreement, the applicant shall guarantee the improvements as required by this section.

    3. The applicant shall construct and pay for all costs of temporary improvements required by the Engineering Director and shall maintain said temporary improvements for the period specified.

Section 1126. Development Agreements.

a. **Purpose**. This section promotes and facilitates orderly and planned growth and Development through the provision of certainty in the development approval process by the County and through corresponding assurances by developers. The development agreement is intended to:

    1. Implement the capital improvements program and the conditions of development approval

2. Eliminate uncertainty in the development approval process;
3. Assure applicants that, upon approval of their project, they may proceed in accordance with the policies, rules, and regulations identified in the development agreement;
4. Achieve the County's goals and objectives through assurances that public facilities will be provided concurrent with development;
5. Provide a mechanism to allow regulatory flexibility for specific development proposals that achieve the County's goals and objectives;

b. **Applicability**. This section applies to any Development Agreement entered into between an Applicant and the County to:
1. Enforce a condition of development approval;
2. Recognize the existence of vested rights;
3. Facilitate the reasonable phasing of large-scale developments requiring significant infrastructure investment;
4. Provide for the provision of infrastructure, design amenities, or other conditions; and/or
5. Resolve potential legal disputes.

c. **Criteria for Entering into Development Agreements**. The Board of County Commissioners may approve a development agreement pursuant to this section only if it finds that:
1. The development to which the development agreement pertains is consistent with the Comprehensive Plan and capital improvements program, this chapter and other applicable requirements;
2. The development subject to the agreement advances the County's adopted goals, objectives and policies, in accordance with the criteria established herein;
3. The applicant agrees to make contributions of capital improvements for community facilities for one or more types of public improvements, that advance provision of facilities needed to serve the community.

d. **Initiation**. An application for a Development Agreement may be made to the Planning Director. Application may be made by any person having a legal or equitable interest in the subject real property in accordance with State Law. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed Development Agreement executed by the holder of the legal interest.

e. **Mandatory Provisions**. The Development Agreement shall include, at a minimum, provisions pertaining to the following:
1. The land that is the subject of the agreement;
2. The duration of the agreement;
3. The permitted land use or uses and density/intensity for the proposed development and any conditions attached thereto;
4. Proposed infrastructure improvements and the timing of their installation;

5. Provisions for the dedication of land for public use, whether by easement, right-of-way or fee simple conveyance; and

6. Any other provisions required by State Law.

f. **Optional Provisions**. If agreed to by the applicant and approved by the Board of County Commissioners, the development agreement may include, without limitation, provisions pertaining to the following:

1. The phasing of the proposed development project in coordination with the provision of public facilities, including, but not limited to, roads, water, sewer, drainage, parks, municipal, and other facilities, required to accommodate the impacts of the proposed Development project on such facilities at the County;

2. The identification of public facilities to be dedicated, constructed, or financed by the developer pursuant to the development agreement and the designation of such facilities as project improvements, system improvements, or subsystem improvements;

3. The determination of the development project's proportionate share of the total system and subsystem improvement costs required to be dedicated, constructed, or financed by the developer of the Development project;

4. The County's share of the costs of system and subsystem improvements to be dedicated, constructed, or financed pursuant to the development agreement;

5. Reimbursements, as applicable, to the owner of the subject property for the amount of any contributions for system or subsystem improvements in excess of the proportionate share of the benefit derived from such facility by the subject property;

6. The rules, regulations, ordinances, laws, plans, and official policies of the County governing Development applicable to the subject property; and

7. If the property to which the Development Agreement relates is located outside the incorporated area of the County, the period of time within which each property shall be annexed to the County.

g. **Completeness Review**. Upon submission of an application for a Development Agreement, the County Administrator shall coordinate the review of the application and accompanying documentation for legal sufficiency, compliance with technical requirements, consistency with the adopted Comprehensive Plan and applicable rules, regulations, and policies. Upon satisfactory completion of such review, the Planning Director shall provide required notice and place the matter on the agenda of the Board of County Commissioners for a hearing at the Council's next regularly scheduled meeting. If the application for development agreement is incomplete or legally insufficient, the Planning Director shall notify the applicant by certified U.S. mail, return receipt requested, within fourteen (14) days after the date of submission of such application. Said notifications shall detail the specific grounds for rejection of the application. The applicant may resubmit at any time.

h. **Board of County Commissioners Public Hearing and Action**. Within thirty (30) days of the certification of completeness, the Application shall be submitted to the Board of County Commissioners, which shall consider the proposed development agreement at the public hearing on the date set for said hearing or on the date or dates to which such hearing may be continued from time to time. The Board of County Commissioners may:

1. Approve the development agreement as recommended by the County Administrator;
2. Approve the development agreement with modifications; or
3. Reject the development agreement in whole or in part, and take such further action as it deems to be in the public interest. Any such action shall be taken by the affirmative vote of at least a majority of the voting members of the Board of County Commissioners.

i. **Execution of Development Agreement**. If approved by the Board of County Commissioners, the development agreement shall become effective upon execution by the County Administrator and any other parties to the development agreement.

j. **Recordation**.

1. **Notice.** Within ten (10) days following rejection of a development agreement, the County Clerk shall give notice of such action to the applicant at the address shown on the application and to the Planning Director.
2. **Recordation of Agreement**. Within ten (10) days following execution of a development agreement, the County Clerk shall record with the recorder of deeds a fully executed copy of the development agreement. The agreement shall be binding upon, and the benefits of the agreement shall inure to the parties and all successors in interest to, the parties of the development agreement.

k. **Coordination of Development Agreement Application with Other Discretionary Approvals**. It is the intent of these regulations that the application for a development agreement will be made and be considered simultaneously with the review of other necessary applications, including, but not limited to: rezoning; subdivision; planned unit development or conditional use permit. If combined with an application for development, the application for a development agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A development agreement is not a substitute for, nor an alternative to, any other required development approval, and the applicant must comply with all other required procedures for development approval.

l. **Existing and Subsequently Adopted Rules, Regulations, Ordinances, Laws, and Policies**.

1. Unless otherwise provided by the development Agreement, rules, regulations, ordinances, laws, general or specific plans, and official policies of the County governing permitted uses, Development, density and intensity of use, permitted uses of the land, growth management, public facilities, environmental considerations, and governing design, improvement and construction standards and specifications applicable to the subject property shall be those in force and effect at the time of commencement of the term of the development agreement.
2. The adoption of a development agreement, however, shall not prevent the County, in subsequent actions applicable to the property or to the County general, from applying such newer, modified rules, regulations, ordinances, laws and official policies that do not conflict with those applicable to the property at the time of the development agreement and that do not prevent the development of the land as set forth in the development agreement. The existence of the development agreement shall not prevent the county from denying or conditionally approving any subsequent development not expressly addressed in said agreement based upon such existing or new rules, regulations, and policies.

3. Unless otherwise addressed in the agreement, application, processing and inspection fees, utility fees and improvement standards that are revised during the term of a development agreement shall apply to the property, provided that:
    i. Such fees, standards, and specifications generally apply to public works within the County; and
    ii. Their application to the subject property is prospective only as to applications for building and other development approvals not yet accepted for processing.

m. **Subsequently Adopted State and Federal Laws**. If state or federal laws or regulations are enacted following approval of a development agreement that prevent or preclude compliance with one or more provisions of the development agreement, the provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations, and every such development agreement shall so provide.

n. **Periodic Review, Termination, or Modification**. An adopted development agreement shall be reviewed at least every two (2) years, at which time the owner or owners of the property subject to the development agreement shall be required to demonstrate good faith compliance with the terms of the development agreement. If, as a result of such review, the Board of County Commissioners finds and determines, on the basis of substantial evidence, that the applicant has not complied in good faith with the conditions of the development agreement, the Board of County Commissioners may unilaterally terminate or modify the agreement. Such action shall be taken by the Board of County Commissioners at a regular or special meeting, provided that the developer is notified at least ten (10) days in advance of such meeting.

o. **Amendment or Cancellation of Agreement**. A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. The procedure for amendment or cancellation shall be the same as that for adoption.

p. **Enforcement**. A Development Agreement shall be enforceable by any party to the Agreement. The remedies specified herein and in the development agreement are not exclusive, and any party to the agreement may pursue any other available remedies at law or in equity.

Section 5: Final Plat

Article XII of the subdivision regulations is hereby repealed and replaced with the following provisions:

Article XII –Final Plat

Section 1200. Purpose.

To establish a process and standards to create and document the rights and responsibilities associated with the subdivision of land.

Section 1201. Applicability.

No final subdivision plat shall be recorded until a Final Plat has been approved as provided in this section or the provisions of Article XIII of the County Subdivision Regulations.

Section 1202. Application.

The Final Plat application shall be filed with the Planning Director in compliance with Appendix A. The approval process and typical timing for Final Plat approval are summarized in Exhibits 1202-1 and 1202-2. Actual timing may vary based on the date of submittal.

Exhibit 1202-1: Final Plat Approval Process Summary

Final Plat Process
Application, Review and Notice
Planning Director Action
Board of County Commissioners Action (required only if subdivision improvement or development agreement is proposed)

Exhibit 1202-2: Timing

Final Plat Timing	
Completeness Review	5 business days (from Application Submittal)
Planning Director and TRC Review/Action	15 days (from Completeness Certification)
Board of County Commissioner Action	30 days (from Completeness Certification)

Section 1203. Planning Director Review and Action.

a. The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of sections 403 and 404 of this chapter.

b. Upon finding that the application is complete the Planning Director shall determine whether the final plat complies with the approved preliminary plat and other applicable rules and regulations. The applicant may submit a final plat for only that portion of the approved preliminary plat, if such portion conforms to all requirements of this chapter. Any deviation from the approved preliminary plat that does not constitute a minor amendment shall require resubmittal of the preliminary plat, which may be reviewed concurrently with the final plat.

c. The final plat shall conform to O.C.G.A. §15-6-67, as amended, known as “The Georgia Plat Act,” any additional requirements as prescribed in this chapter, the “Required Items and Certifications” in appendix A, and other applicable rules and regulations.

d. If all required public improvements are completed as determined by the Engineering Director prior to the application, the Planning Director shall review the Final Plat in accordance with paragraph e of this section.

e. If any required public improvements are incomplete at the time of the application as determined by the Engineering Director, the applicant shall enter into a subdivision improvements agreement or development agreement pursuant to this article and Board of County Commissioners’ approval shall be required.

f. Any subdivision improvements dedicated to the County:

   1. Must be clearly noted on the final plat with the following statement: "The undersigned fee simple owner of all the real estate depicted on this plat, and identified as owned by the undersigned, does hereby dedicate and transfer to the Bryan County Board of

Commissioners all roads, rights-of-way and necessarily attendant drainage facilities and easements for the roads, all as shown on this plat";

2. Must be covered by a fully executed warranty which is secured as required under section 902; and

3. Must be insured under a commitment from a title insurance company licensed to do business in the State of Georgia, committing such company to issue, at no cost to the county, a title insurance policy in an amount determined by the planning director to be the fair market value for real estate tax purposes of the real property portion of the subdivision improvements, insuring for the county, fee simple title, with no exceptions, to such subdivision improvements;

q. Any private subdivision improvements:

1. Must meet the requirements for private subdivision improvements under article XVII; and

2. Must be covered by fully executed maintenance agreements or trust indentures which have been approved by the planning director.

r. Unless hearings are required pursuant to the previous paragraphs, within fifteen (15) days of the certification of a complete application submittal, the Planning Director shall approve the final plat if:

1. The application complies with this UDO and applicable state and federal rules and regulations, and

2. The application is consistent with the conditions of prior planned unit development, preliminary plat, conditional zoning, or conditional use permit approvals.

Section 1204. Other Reviews.

In addition to the Planning Director's review of the final plat application, the Planning Director shall obtain the review of the final plat from the following individuals and departments:

a. The health department or the EPD and the county engineer shall review the water supply and sewerage disposal system and determine that the water supply and sewerage disposal facilities have been constructed and completed in accordance with the approved construction plans and preliminary plat;

b. The Engineering Director shall determine that all subdivision improvements required to be completed by this ordinance (except for water supply and sewerage disposal systems) have been so completed in accordance with the approved construction plans and preliminary plat;

c. The Engineering Director shall determine the compliance of the final plat with the approved construction plans and preliminary plat and with this ordinance and other applicable laws and shall, upon request by the Planning Director, review and inspect the construction or installation of any subdivision improvements, including tree protection improvements subject to the tree protection requirements of Article 18 of the Bryan County Engineering Design Standards;

d. If deemed necessary by the Planning Director, review and comment from consultants or other professionals retained by the County;

Section 1205. Board of County Commissioner Action.

If there are major amendments to the preliminary plat, the applicant proposes to guarantee completion of improvements through a subdivision improvements agreement, or the applicant proposes a

development agreement, then the final plat shall require review and approval by the Board of County Commissioners.

Section 1206. Effect of Approval.

a. Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two (2) years of the preliminary plat approval or within the time frame consistent with the approved phasing plan.

b. Applicants failing to complete construction and obtain final approval from the Board of County Commissioners within the specified time may submit a request for an extension of six (6) months. If an extension is granted, the final plat must be submitted within a total of thirty (30) months from the original date of approval of the preliminary plat by the Board of County Commissioners or within the time frame consistent with the approved phasing plan.

c. If the final plat is not submitted within the time period prescribed above, the approval of the preliminary plat shall be rescinded. The applicant will be required to resubmit the application for preliminary plat and be subject to all fees related to the application. The preliminary plat shall comply with all current regulation in place at the time it is resubmitted.

Section 1207. Recording.

a. Within five (5) days of the approval of the final plat, the Planning Director shall prepare and deliver to the applicant a statement indicating: (i) the cost to record tehe final plat and, if applicable, all deeds of dedication and easements; and (ii) the balance of any fees due to the County in connection with the proposed subdivision.

b. Following approval of the final plat, the Planning Director shall secure necessary signatures to execute the plat. The action of the County shall be noted on all copies of the Final Plat to be retained as required for records or further action of the department or other affected agencies of the County or state. Within sixty (60) days of approval of the final plat, the applicant shall record it with the register of deeds. The Planning Director may grant up to two extensions of final plat approval, each up to six (6) months. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void.

Section 1208. Amendments.

Amendments to a Final Plat shall be approved in the same manner as the original plat, except as otherwise provided for amending plats or replats herein.

Section 1209. Plat Approval Not Acceptance of Dedication Offer.

Approval of a plat does not constitute acceptance by the County of the offer of dedication of any roads, sidewalks, parks or other public facilities shown on a plat. However, the County may accept any such offer of dedication by resolution of the Board of County Commissioners or by actually exercising control over and maintaining such facilities.

Section 1210. Protection Against Defects.

Prior to Board of County Commissioners acceptance of improvements, the Engineering Director or a licensed professional retained by the applicant shall certify to the County that all facilities and improvements to be dedicated to the County have been constructed in accordance with the requirements of this chapter.

Section 1211. Maintenance of Dedicated Areas Until Acceptance.

All facilities and improvements with respect to which the applicant makes an offer of dedication to public use shall be maintained by the applicant until such offer of dedication is accepted.

Section 1212. Maintenance of Common Areas, Improvements and Facilities.

The applicant shall be responsible for maintaining all common areas, improvements or facilities required by this UDO except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.

Section 6: Traffic Impact Assessment

Article XV of the subdivision regulations are hereby repealed and replaced with the following provisions:

Article XV – Traffic Impact Assessment

Section 1500. Types of Studies.

a. Traffic Impact Analysis – for projects having impacts on major roads, multiple roads, or multiple intersections.

b. Traffic Design Analysis – for projects having more localized impacts and focused on ingress, egress and abutting intersections.

Section 1501. Traffic Impact Analysis (TIA) Purpose and Applicability.

a. **Purposes**: The purposes of a TIA will be to:

   1. Evaluate traffic operations and impacts at site access points under projected traffic loads;
   2. Evaluate the impact of site-generated traffic on affected intersections in the impact area;
   3. Evaluate the impact of site-generated traffic on the quality of traffic flow on public roads located in the Impact area;
   4. Evaluate the impact of the proposed development on residential roads in the impact area;
   5. Ensure that site access and other improvements needed to mitigate the traffic impact of the development meet commonly accepted engineering design standards;
   6. Ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided; and
   7. Identify transportation infrastructure needs and related costs created by the development and cost sharing for needed improvements.

a. **Applicability**: A TIA will be required prior to approval of a Preliminary Plat, Zoning Map Amendment, or Conditional Use Permit for Development that exceeds the following thresholds in one or more development Applications submitted for a Parcel or contiguous Parcels under common ownership at the time of the adoption of this UDO or at the time of the Development application:

   1. The proposed development will generate more than 1,000 average daily trips at full occupancy, according to most current version of the ITE Trip Generation Informational Report or comparable research data approved by the Engineering Director; or
   2. The proposed development will concentrate three hundred (300) or more trips per day through a single access point.

Section 1502. Traffic Design Analysis (TDA) Purpose and Applicability.

All Development projected to generate two hundred (200) average daily trips more than existing conditions that does not require a TIA shall be required to complete a Traffic Design Analysis (TDA). The purposes of a TDA will be to:

a. Ensure that the proposed road layout is consistent with adopted road design standards;

b. Ensure the proper design and spacing of site access points and identify where limitations on access should be established;

c. Ensure that potential safety problems have been properly evaluated and addressed;

d. Ensure that internal circulation patterns will not interfere with traffic flow on existing public roads;

e. Ensure that appropriate facilities for pedestrians, transit users and bicyclists have been provided in plans for the development; and

f. Identify the transportation infrastructure needs and related costs created by the development.

Section 1503. Waiver.

County Engineer may waive requirements upon determining that the analysis is not necessary to determine that such report is not necessary to determine needed road improvements, that adequate capacity exists to serve the proposed development, and that no unsafe or hazardous conditions will be created by the development as proposed.

Section 1504. Preparation.

The cost of TIA or TDA preparation shall be the responsibility of the applicant. The applicant shall retain the services of a qualified traffic engineer approved by the Engineering Director. A TIA shall be sealed by a licensed professional engineer.

Section 1506. Traffic Level of Service Standards.

The standards for traffic service that shall be used to evaluate the findings of a TIA or TDA are:

a. **Level of Service**. Level of Service D (LOS D) or less congested shall be maintained on all arterial and collector road segments and intersections. LOS C or less congested shall be maintained on all other road segments and intersections. For multi-phase developments, the applicable levels of service shall be maintained for each phase. No development shall result in the decline in the level of service of an adjacent road by more than two (2) letters (e.g., a drop from LOS A to LOS D) unless specifically approved by the Board of County Commissioners.

b. **Number of Access Points**. The spacing of access points shall comply with applicable County, state and AASHTO standards.

c. **Internal Circulation**. On-site vehicle circulation and parking patterns shall be designed so as not to interfere with the flow of traffic on any public road and shall accommodate all anticipated types of site traffic at projected volumes.

d. **Safety.** Access points shall be designed to provide for adequate sight distance and appropriate facilities to accommodate acceleration and deceleration of site traffic pursuant to section 4.11.5.

e. **Curb Space Use Plan**. Details shall be provided on curb space use on public roads along the edge of the development site when it is intended that such areas be used for parking, parking space access, delivery and loading zones, passenger zones, bus stops, fire zones and/or other official/emergency zones. This review shall include a description of existing conditions prior to development, and proposed changes resulting from the development, including a description of any loss or gain in curb space use by the activities intended.

Section 1507. Traffic Analysis Contents.

A TIA shall be based on peak hour traffic and shall contain information addressing the factors listed below.

a. **Project and Site Description**. The analysis shall contain illustrations and narrative that describe the characteristics of the site and adjacent land uses as well as expected development in the Impact area that will influence future traffic conditions. A description of the proposed development including access plans, staging plans and an indication of land use and intensity, shall be provided.

b. **Study Area**. The analysis shall identify the geographic area under study and identify the roadway segments, critical intersections and access points to be analyzed. The study shall include: all road segments, intersections and driveways on or within 150 feet of the site; all collector or arterial roads and road intersections within one-quarter (¼) mile of the site; and all arterial roads and intersections that the proposed development is projected generate five (5) percent or more of the peak hour traffic.

c. **Existing Traffic Conditions**. The analysis shall contain a summary of the data used in the analysis of existing traffic conditions, including:

   3. Existing Demand, including traffic count and turning movement information, including the source of and date when traffic count information was collected;

   4. Roadway characteristics, including the design configuration of existing roadways, existing traffic control measures (speed limits, traffic Signals, etc.) and existing driveways and turning movement conflicts in the Impact area; and

   5. The existing LOS for roadways and intersections without project development traffic using methods documented in the Special Report 209: Highway Capacity Manual, published by the Transportation Research Board, or comparable accepted methods of evaluation. LOS shall be calculated for the weekday am and pm peak hours and, in the case of uses generating high levels of weekend traffic, the Saturday or Sunday peak hour as determined by the Engineering Director.

b. **Traffic Assignment**. The TIA shall identify projected peak hour traffic volumes for applicable roadway segments, intersections and driveways in the study area. Applicable road segments, intersections and driveways and traffic distribution assumptions shall be identified by the Engineering Director prior to completion of the study. Projected trip generation shall be based on latest data from the ITE or other studies approved in writing by the Engineering Director. This section will document all assumptions affecting the direction, volume and mode split of traffic generated by the project.

c. **Analysis**. The analysis shall be based on ten (10) and twenty (20) year projections. The analysis shall compare existing demand plus projected demand plus proposed demand with planned capacity for the applicable projections.

d. **Mitigation Alternatives**. In situations where the LOS standards are projected to be exceeded, the analysis shall evaluate each of the following alternatives for achieving the traffic service standards:

   1. Identify additional right of way and road improvements needed to implement mitigation strategies;

2. Identify suggested phasing of development and transportation improvements where needed to maintain compliance with LOS standards;
3. Identify the anticipated cost of recommended improvements; and
4. For developments impacting constrained facilities, identify access, pedestrian, transit or other improvements required to mitigate the impacts of the proposed development on the constrained facility.

e. **TDA Contents**. A TDA shall include the information required for a TIA, except as modified by the Engineering Director. The study area for a TDA shall include all road segments, intersections and driveways on or within 150 feet of the site.

Section 1508. Process for the Review and Preparation.

The following steps provide an outline of the steps to be included in the preparation and review of a traffic analysis:

a. The applicant shall meet or correspond with the Engineering Director to determine whether a TIA or TDA needs to be prepared for a proposed development application, and to identify study issues, assumptions, projections and time periods to be analyzed, analysis procedures, available sources of data, past and related studies, report requirements and other topics relevant to study requirements. GDOT shall be contacted and coordinated with as appropriate when the TIA or TDA includes state or federal highways as points of access for a development.

b. Following initial completion of a traffic study, the report shall be submitted to the Engineering Director for distribution to all jurisdictions involved in the construction and maintenance of public roadways serving the development. If direct access is being proposed to a State Highway, the applicant shall submit a highway access permit application to GDOT, if not previously submitted.

c. Within five (5) business days, the Engineering Director shall complete an initial review to determine the completeness of the analysis and shall provide a written summary to the applicant outlining the need for any supplemental study or analysis to adequately address any deficiencies. A meeting to discuss the contents and findings of the report and the need for additional study may be requested by the Applicant. GDOT approval shall be required for any traffic mitigation involving the state system;

d. Within thirty (30) days of submittal of a complete application, the Engineering Director shall prepare a report outlining recommendations that have been developed to address the findings and conclusions included in the analysis regarding the proposed Development's access needs and impacts on the transportation system. Depending on the type of application, the recommendations may be presented to the Planning Board and/or Board of County Commissioners.

e. In the case of a TIA or TDA showing deficiencies requiring mitigation within the public right-of-way, negotiations based on the conclusions and finding resulting from the TIA or TDA shall be held with appropriate County staff. The subsequent development approval or, at the option of the applicant, a subdivision improvement agreement or development agreement, shall identify the applicant's and the County's responsibilities for implementing identified mitigation measures.

Section 1509. Findings.

If the proposed development will not meet applicable service level standards, Engineering Director shall recommend denial of the application unless the applicant submits a mitigation plan that, in the opinion of the Engineering Director, addresses the deficiency through one or more of the following actions:

a. Reduce the size, scale, scope or density of the development to reduce traffic generation;

b. Divide the project into phases and with only one phase at a time being authorized until traffic capacity is adequate for the next phase of development;

c. Dedicate right-of-way for road improvements;

d. Construct new road improvements;

e. Expand the capacity of existing roads and/or intersections;

f. Redesign ingress and egress to the project to reduce traffic conflicts;

g. Alter the use and type of development to reduce peak hour traffic;

h. Reduce background (existing) traffic;

i. Eliminate the potential for additional traffic generation from undeveloped properties in the Impact area; or

j. Integrate non-vehicular design components (e.g., pedestrian and bicycle paths or transit improvements) to reduce trip generation.

Section 7: Site Plan

A new Article XVII: Site Plan is hereby created as follows:

Article XVII – Site Plan

Section 1700. Purpose.

Site plan review is intended to ensure that the layout and general design of proposed development in areas regulated by this chapter complies with all applicable standards in this ordinance and all other applicable rules and regulations. The purpose of this section is to establish the submittal requirements and review process for the approval of site plans.

Section 1701. Types of Site Plans and Applicability.

a. Small Site Development and Redevelopment Plan includes:

    1. Single family, duplex or accessory structure; or

    2. Modification to multifamily, mixed-use or non-residential development that does not trigger an increase in parking by more than the lesser of 10% of current requirement or 10 spaces.

b. Major Site Development Plan includes:

    1. Multi-family, mixed use or non-residential development, except as noted above;

    2. Development requiring conditional zoning or conditional use permit;

    3. Planned unit development rezoning application; or

    4. Rezoning to a R-3 or more intensive district.

Section 1702. Application.

a. Applications for site plan review may be initiated by any party with an interest in developing property within areas regulated by this chapter. Written approval from the current landowner shall be required as part of any application for site plan review.

b. The applicant or an authorized agent of the applicant shall submit to the Planning Director a complete Site Plan Submittal application.

c. Except where otherwise required by this chapter, a licensed professional engineer is not required to certify a site plan. However, all site plans shall be prepared to scale and with sufficient detail and clarity to demonstrate compliance with applicable technical rules and regulations.

d. Site plan applications shall, at a minimum, contain the materials listed in the Site Plan Checklist in Appendix A of this chapter.

e. The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of sections 403 and 404 of this chapter.

Section 1703. Approval Criteria.

All site plans shall comply with the following criteria:

a. The proposed land uses, densities and intensities comply with applicable zoning district requirements and prior development approvals, including but not limited to variance, conditional zoning or conditional use permit;

b. The site and building design comply with applicable standards in this chapter and the design guidelines adopted as part of this interim development ordinance;

c. Minor deviations not granted through the administrative relief provisions of this chapter have been granted by the Planning Director and are noted on the site plan; and

d. Required variances are granted prior to site plan approval.

e. The applicant has applied for approval of ESA, land disturbance and wetlands permits, and will receive final approval prior to site plan approval.

f. The applicant shall demonstrate compliance with the tree protection requirements of Article 18 of the Bryan County Engineering Design Standards.

Section 1704. Review of Site Plans.

After determining that the application is complete, the Planning Director shall solicit comments from the Development Review Committee and review the site plan for compliance with the criteria established in section 1703 of this chapter.

Section 1705. Action on Small Site Development and Redevelopment Plans.

If the application satisfies the criteria established in section 1703 of this chapter, the Planning Director shall approve small site development plan within twenty (20) days of certifying that the application is complete.

Section 1706. Appeals to Small Site Development and Redevelopment Plans.

If the applicant disagrees with the findings of the Planning Director, the applicant may appeal the decision in accordance with article V of this chapter.

Section 1707. Review and Action on Major Site Development Plans.

If a major site development plan complies with all of the provisions of this ordinance, including the approval criteria in section 1703, the Planning Director may approve the plan, approve the plan subject

to conditions or disapprove the plan. For any major site development plan that deviates from the requirements of the zoning ordinance or the design guidelines adopted as part of this ordinance, the Planning Director shall forward written findings and recommendations to the Planning and Zoning Commission for consideration along with and any other evidence presented at their hearing, the Commission may approve, approve with conditions or disapprove the major site development plan.

Section 1708. Notice for Major Site Development Plan Review.

If the Planning Director determines that a major site development plan does not comply with the criteria in section 1703 and the applicant seeks approval from the Planning and Zoning Commission, the applicant provide the following notice:

a. **Mailed Notice**. Mail notice of the date, time, location and topic of a public hearing on the lot split or conveyance plat to the owners of all parcels located within 300 feet as measured from the nearest property line to the nearest property line. If the subdivision triggers the requirement for a traffic impact analysis pursuant to article XV of the subdivision regulations notice shall be required to be mailed to all properties located within 600 feet of the proposed subdivision.

b. **Posted Notice**. At least one (1) Sign shall be posted at least fourteen (14) days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property. Signs shall be in a form approved by the Planning Director with the words “Zoning Decision” in six (6) inch tall lettering and the planning department phone number clearly legible from the street.

c. **Published Notice**. Publish notice in a newspaper of general circulation within Bryan County in the public notices section at least 15 days, but not more than 45 days prior to the hearing.

Section 1709. Appeals to Planning and Zoning Commission Action.

Actions of the Planning and Zoning Commission on a site plan may be appealed to the Board of County Commissioners.

Section 1710. Effect of Approval.

a. Site plan approval authorizes issuance of a building permit subject to approval of building plans. If no building permit obtained within twelve (1) months or the building permit lapses, the site plan approval lapses.

b. Development activities shall conform to the approved site plan and any conditions of approval. Any deviation from the approved site plan, unless approved in advance and in writing by the Planning Director is deemed a violation of this chapter.

Section 1711. Site Plan Amendments.

A site plan may be modified in accordance with the procedures and standards of this article, except that the following shall be considered minor amendments that may be approved by the Planning Director regardless of how the original site plan was approved:

a. Relocation or reconfiguration of landscaping or modification of proposed plantings, if it does not diminish the effectiveness of the landscaping or reduce the size of plants at the time of planting or at the plant’s maturity;

b. Reconfiguration of parking lots or spaces that do not reduce the number of parking spaces or the safety of the parking lots;

c. Realignment of trails or sidewalks on the site if the relocation improves the functionality or safety of the trail or sidewalk;

d. Changes in the location of signs if the relocated sign still complies with adopted rules, guidelines or regulations.

e. Increases in open space or recreational areas, provided that lighted facilities shall not be located any closer to a property line abutting a residential district than shown on the approves site plan.

Section 8: Planned Unit Development (PUD)

Article 12 is hereby amended as follows:

Article XII – Planned Unit Development (PUD)

Section 1202.2. Permitted Land Uses within a PUD is hereby modified as follows:

2. All proposed land uses will be identified within the PUD application provided by the applicant. Land uses not included within the PUD application shall be permitted only as a conditional use through the approval of the Board of County Commissioners unless the Planning Director finds that the use is substantially similar in intensity, character, and impacts to an approved use.

Section 1206.5. **Public Facilities and Services** is hereby amended as follows**:**

5. Adequate public facilities and services. It is the responsibility of the applicant to predict the future demand of public facilities and services, including transportation, recreation, education, emergency services, and similar necessary facilities created by the development of the proposed PUD. All public facilities and services for which a need is determined shall be constructed and fully improved according to Bryan County regulations. A traffic impact assessment shall be provided by the applicant if the proposed development exceeds the traffic generation thresholds of Article XV of the Bryan County Subdivision Regulations.

Section 1209. Requirements for the PUD Application is hereby amended as follows**:**

1. The application, submitted in a form established by the planning director and made available to the public, shall contain the following information:
    a. The name, address, and telephone number of the owner of record of the land proposed for development.
    b. The name, address, and telephone number of the applicant, if different from the owner and an explanation of the difference.
    c. The name, address, and telephone number of the agent for the application, if there is an agent.
    d. The name, address, and telephone number of all land use, environmental, engineering, economic, or other professionals that are assisting in the application.
    e. The road address and legal description of the land on which the PUD is proposed to occur, with attached copies of any instruments referenced, such as, but not limited to, deeds, plats, easements, covenants, and restrictions.
    f. Evidence that the applicant has unified control of the land proposed for PUD zoning district classification.
    g. A copy of the relevant Bryan County map and parcel number(s).
    h. The date and legal description of the proposed PUD zoning district classification.

i. A written report which explains the type, nature, intent and characteristics of the proposed development and specifically describes the proposed standards for development, including restrictions on the use of property, density standards, lot size and restrictive covenants. Also include a list of the standards of development, which are exceptions or variations from the design standards of Bryan County subdivision regulations.

j. A master plan, at a scale appropriate for a sheet no larger than 36 inches by 42 inches, that contains, but is not limited to, the following:

   i. The proposed name or title of the development, and the name of the engineer, architect and applicant.

   ii. A north arrow.

   iii. A vicinity map locating the land proposed for development.

   iv. The date and legal description of the proposed PUD zoning district classification.

   v. Identification of the boundaries of the land shown with bearings, distances, and all existing easements, section lines, roads and physical features.

   vi. The topography of the site at five-foot intervals.

   vii. Existing marshes, natural drainage ways, flood plains and other natural features. Conceptual wetland locations or approximate delineations by a soil scientist or environmental scientist should also be shown.

   viii. Conceptual drainage plan showing effect all phases will have on drainage after completion.

   ix. Existing roads and easements.

   x. The proposed parks, school sites or other public and private open space.

   xi. The vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways, walkways and access points.

   xii. The site data, including tabulation of the total number of gross acres in the development, the acreage to be devoted to each of the several types of residential, non-residential uses, and open space uses, the total number of residential non-residential lots, minimum lot size, setbacks, number of dwelling units and square feet of gross non-residential building area.

   xiii. Designation of open space and any complementary structures, and the tabulation of the percent of the total area devoted to open space.

   xiv. The general location, dimensions and character of construction of all proposed collector or arterial roadways shall be shown on the master plan. Additionally, all points of ingress and egress to a state or county roadway including driveways shall be indicated on the plan. Residential areas and structures, non-residential areas and structures, recreational areas and structures and open space shall also be shown.

   xv. A delineation of specific areas within the master plan, which constitute the proposed development phases designating the general locations of planned land uses and the maximum density/intensity of residential and non-residential development and the proposed conceptual road layout on which the traffic impact assessment is based.

k. Assurance that adequate public facilities and services will be available.

l. A statement of how open space and recreational facilities will be preserved and maintained.

m. A certificate of survey completed by a professional land surveyor registered in the State of Georgia certifying the plat.

n. Proposed architectural and landscape deed restrictions that clearly reflect the compatibility of the variety of primary and secondary uses proposed.

o. A development schedule:

   i. Delineating areas to be developed according to their order of construction.

   ii. Proposing dates for beginning and completing construction of each development phase.

   iii. Proposing a schedule for the construction and improvement of open space, roads, public facilities, utilities, and any other necessary improvements for each development phase.

p. A traffic impact assessment shall be provided by the applicant if the proposed development exceeds the traffic generation thresholds of Article XV of the Bryan County Subdivision Regulations.

The following new sections 1211 and 1212 are hereby added to Article XII of the zoning ordinance:

Section 1211. Amendments to a PUD Approval – Administrative Approval.
The Planning Director may authorize the following Minor Amendments to a Preliminary or Final Development Plan:

a. Deviations arising from limited technical considerations which could not reasonably be anticipated during the approval process.

b. Amendments required to bring the application into compliance with adopted technical codes.

c. Any other change which has no material effect on the character of the approved PUD, as determined by the Planning Director, such as:

   1. Driveway relocations;

   2. Facility design modifications for design, recreational or other amenities;

   3. Substitutions of landscaping materials;

   4. Realignments of internal roads prior to final plat approval as long as the realignment does not result reduce the gross area of common areas or open spaces, reduce residential lot sizes, eliminate required buffers or create road alignments that fail to conform with County standards; and

   5. Expansions or relocation of buffers, open spaces and landscape areas that do not reduce buffering for internal or external residential development.

Section 1212: Amendments to a PUD Approval – Resubmittal and Rehearing.
All other changes are Major Design Modifications to the Preliminary Development Plan and shall be resubmitted for Planning and Zoning Commission review and Board of County Commission approval. These include, but are not limited to:

a. Change in use;

b. Designation of additional land uses;

c. Change in the location of permitted use(s) from what is shown on the approved PUD Plan;

d. An increase or decrease in project area other than surveyor other base data corrections;

e. Decrease in Open Space;

f. Change in dimensional standards set forth in the Development Conditions that result in a decrease in minimum standards (e.g., reduction in minimum setbacks or reductions in road widths) or increase in maximum standards (i.e. an increase in building height and/or gross density or intensity of land uses, a decrease in required setbacks or yards);

g. Change to proposed treatment of buffering, landscaping, land uses or lot sizes along the perimeter of the PD;

h. Addition or reduction of driveways or access points, especially those which negatively affect connectivity or road safety; or

i. Other design modifications to the approved Preliminary Development Plan that the Planning Director determines to be major.

Section 9: Appeals, Variances and Administrative Relief

Article V of the zoning ordinance is hereby repealed and replaced with the following provisions:

Article V – Appeals, Variances and Administrative Relief

Section 500. Appeals to Ministerial Decisions.

a. **Purpose.** The Planning and Zoning Commission shall function as the County's Board of Adjustment shall have the power to decide appeals to any decision on a development application made by the Planning Director or other member of the County's administration. Any person aggrieved of such a decision may appeal the decision to the Planning and Zoning Commission and in the manner provided in this section. The provisions of this section do not apply to engineering decisions on construction plans made by the Engineering Director.

b. **Application.** The appeals application shall be filed with the Planning Director and shall state fully the decision being appealed and the reasons that the applicant believes the decision was made in error. The application to appeal shall be filed within thirty (30) days of receiving notice of the development decision being appealed. The Planning Director shall prepare a report making findings and recommendations on the application and authorize notice to be provided.

c. **Notice for Appeals**. The applicant shall provide the following notice:

   1. Mailed Notice. Mail notice of the date, time, location and topic of a public hearing on the lot split or conveyance plat to the owners of all parcels located within 300 feet as measured from the nearest property line to the nearest property line. If the subdivision triggers the requirement for a traffic impact analysis pursuant to article XV of the subdivision regulations notice shall be required to be mailed to all properties located within 600 feet of the proposed subdivision.

   2. Posted Notice. At least one (1) Sign shall be posted at least fourteen (14) days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property. Signs shall be in a form approved by the Planning Director with the words "Zoning Decision" in six (6) inch tall lettering and the planning department phone number clearly legible from the street.

   3. Published Notice. Publish notice in a newspaper of general circulation within Bryan County in the public notices section at least 15 days, but not more than 45 days prior to the hearing.

j. **Stay of Proceeding**. An appeal stays all actions by the Planning Director seeking enforcement of or compliance with the order or decision appealed from, unless the Planning Director certifies to the Planning and Zoning Commission that a stay would cause imminent peril to life or property. If enforcement is not stayed, then the Planning and Zoning Commission shall meet and hear the appeal within thirty (30) days after such request is filed.

k. **Bases for Planning and Zoning Commission Action**. In evaluating an Appeal, the Board of Adjustment shall determine whether the decision being appealed:

   1. Was made based on correct interpretation of the applicable regulations; and

   2. Reflected the correct response to the application that was approved, denied or conditionally approved.

l. **Planning and Zoning Commission Action**. The Planning and Zoning Commission shall conduct a public hearing and may:

   1. Reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed.

   2. Make such order, requirement, decision, or determination as ought to be made, providing a statement of the specific reasons or findings of fact; and

   3. Exercise all the powers of the officer or agency from whom the appeal is taken.

m. **Findings Required**. A motion to reverse, affirm or modify the order, requirement, decision or determination appealed from shall include, in so far as practicable, a statement of the specific reasons or findings of facts that support the motion.

n. **Failure to Act**. If a motion to reverse or modify is not made or fails to receive a majority vote necessary to overturn the action being appealed, then a motion to uphold the decision appealed from is deemed approved.

o. **Burden of Proof in Appeals**. When an appeal is taken to the Planning and Zoning Commission in accordance with this section, the Planning Director shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who also shall have the burden of persuasion.

p. **Exemption Based on Constitutional or Statutory Claims**. The Board of Adjustment may approve an exemption from the requirements of this UDO, to the extent necessary to comply with or conform to federal or state law, or to avoid or resolve any alleged violation federal or state law caused by the enforcement of any regulation imposed by this UDO. Any person desiring such an exemption shall file a written petition with the Planning Director, who shall forward the petition to the Board of Adjustment for purposes of conducting a public hearing on the petition and issuing a final determination. The petition shall include separate statements that:

   1. Advise to which particular regulation of the County the requested exemption relates;

   2. Explain how the regulation is not in conformance with federal or state law, or how it allegedly violates federal or state law;

   3. Describe how granting the exemption would be in the public interest and not be contrary to the public health, safety, and welfare; and

   4. Describe the intended use of land or activity for which the exemption is being sought.

Section 501. Variances.

a. **Purpose.** The Planning and Zoning Commission shall function as the County's Board of Adjustment shall have the power to vary the provisions of Chapters 12 and 13 of the Bryan County Code when the applicant demonstrates that the criteria in this section justify relief from the strict application of the regulations in chapters 12 and 13. No change in permitted uses may be authorized by variance.

b. **Application**. The variance application shall be filed with the Planning Director and shall comply with the requirements established in Appendix A. The application shall state fully the special conditions applying to the building, other structure or land for which such variance is sought and how the application satisfies the criteria established herein.

c. **Review**. The Planning Director shall review the application and shall determine if the application is complete pursuant to the provisions of sections 403 and 404 of the County's subdivision regulations. Upon finding that the application is complete, the Planning Director shall prepare a report making findings and recommendations on the application based on paragraph d of this section and authorize notice to be provided.

d. **Notice for Appeals**. The applicant shall provide the following notice:

    1. Mailed Notice. Mail notice of the date, time, location and topic of a public hearing on the lot split or conveyance plat to the owners of all parcels located within 300 feet as measured from the nearest property line to the nearest property line. If the subdivision triggers the requirement for a traffic impact analysis pursuant to article XV of the subdivision regulations notice shall be required to be mailed to all properties located within 600 feet of the proposed subdivision.

    2. Posted Notice. At least one (1) Sign shall be posted at least fourteen (14) days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property. Signs shall be in a form approved by the Planning Director with the words "Zoning Decision" in six (6) inch tall lettering and the planning department phone number clearly legible from the street.

    3. Published Notice. Publish notice in a newspaper of general circulation within Bryan County in the public notices section at least 15 days, but not more than 45 days prior to the hearing.

d. **Review Criteria**. A variance may be granted by the Board of Adjustment if it finds that:

    1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

    2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance.

    3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting a variance shall not be regarded as a self-created hardship.

    4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

e. **Planning and Zoning Commission Hearing**. The Planning and Zoning Commission shall conduct a public hearing and approve, conditionally approve or deny of the application.

1. Before granting a variance, the Commission must affirm by a four-fifths (4/5) majority that each of the required findings set forth as criteria in paragraph d of this section are true. In so far as practicable, a motion to make an affirmative finding on each of the requirements shall include a statement of the specific reasons or findings of fact supporting each criterion.

2. In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure than the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

3. A motion to deny a variance may be made on the basis that any one or more of the criteria are not satisfied or that the application is incomplete. In so far as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion shall be adopted as the Commission's decision if supported by more than one-fifth (1/5) of the Commission's membership (excluding vacant seats).

f. **Effect of Approval.**

1. Except when the Planning and Zoning Commission specifies that the variance shall be issued for an indefinite duration or for a specified duration, the variance shall expire one (1) year after the approval unless the applicant establishes the building, structure or other improvement for which the variance was sought.

2. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this chapter.

Section 502. Administrative Relief.

a. **Purpose**. Administrative relief provides for expeditious review of minor deviations from the provisions of this chapter under specified circumstances. The administrative relief process does not involve a public hearing unless a decision is appealed by the applicant to the Planning and Zoning Commission.

b. **Initiation**. The Board of County Commissioners, County Administrator or property owner may initiate an application. The applicant shall file a completed application with the Planning Director in conformance with the Appendix A.

c. **Types of Administrative Relief**. Administrative relief may be granted for any of the following situations:

1. **Building Setback Reduction**: The side and rear building setbacks shall not be less than ninety (90) percent of the minimum setback requirement. Front building setbacks shall not be less than eighty (80) percent of the minimum setback requirement. All setbacks shall be required to meet minimum requirements of the Fire Code.

2. **Minimum Lot Area**: Minimum lot area may be reduced by up to ten (10) percent provided that not more than the lesser of 4 or ten (10) percent of the lots within the subdivision are affected.

3. **Landscaping and Buffers**: Minimum buffer width and planting requirements may be reduced provided that the average width of the buffer meets the minimum and not more than twenty (20) percent of the length of a buffer is below the minimum required width.
4. **Parking Spaces**: The number of parking spaces may be reduced by not more than ten (10) percent based on the proposed use, site conditions and availability of on-street parking.
5. **Parking Dimensions**: The minimum parking aisle width may be reduced by up to one (1) foot per travel lane if parking space width of every space along the aisle is increased by at least one-half (1/2) foot.
6. **Minor Amendments**: Subject to specific conditions of approval, the Planning Director may approve minor amendments to a PUD or site plan as defined in this chapter.

d. **Criteria**. Administrative Relief may be granted when the Planning Director finds that the application meets each of the following criteria:

7. The relief will not create a burden on adjacent property owners or conflict with the zoning district's purposes;
8. The relief is necessary to allow efficient use of the property due to site conditions or circumstances that do not commonly affect properties in the district; and
9. The relief does not convey a right or privilege that would be unavailable to similarly situated properties.

e. **Action**. After a review period of not more than fifteen (15) business days, the Planning Director shall approve, conditionally approve or disapprove any application for administrative relief and provide written documentation justifying the action.

Section 10: Accessory Uses

Section 1000 of the zoning ordinance is hereby amended as follows:

Section 1000. General Rules for Accessory Uses and Structures

a. No accessory building shall be constructed upon a lot until construction of the principal building has commenced.

b. No accessory building shall be occupied until the principal building is legally occupied.

c. No accessory use shall be established until the principal use is legally established and operating.

d. If the principal use is terminated, all uses accessory to that use shall be terminated.

e. If the principal building is destroyed or damaged to the point that it may not be used, the owner may apply for a conditional use permit to allow continued use of accessory structures while the principal structure is repaired, but in no case shall the permit be granted for more than two years. Requiring a principal use prior to establishing an accessory use;

f. No accessory building shall be in a front yard except that in an A-5, AR-2.5 AR-1.5, or AR-1 district, when the principal structure is set back at least fifty (50) feet from the front road line, a detached garage may be constructed in the front yard under the following conditions:

1. The detached garage does not encroach into any required yard or easement;
2. The garage doors face perpendicular to any abutting roads; and

3. The garage is constructed of the same materials and is designed to appear to be part of the principal structure.

g. With the exception of a farm structure used for agricultural purposes in the A-5, AR-2.5, or AR-1.5 district, no accessory building may exceed the height of the principle building or exceed fifty (50) percent of the principal building's floor area.

h. In any R district, accessory buildings other than detached garages or authorized guest houses, shall not exceed fifteen (15) feet in height or two-hundred (200) square feet in floor area. Said structures shall be in a side or rear yard.

i. Except for farm structures used for agricultural purposes, more than two accessory structures may be established in any A, AR, or R district.

j. No principal structure shall be located within any setback or yard required by this ordinance, except as provided herein.

k. Except as provided herein, no accessory structure shall be located within any front setback, or within ten (10) feet of a lot line in an established side or rear yard. Piers, docks, and other water-dependent accessory structures may be in any required setback or yard on lots which abut a body of water or marsh. A fence, wall, mailbox, power pole, light pole, patio at grade, paths, walkways, or berms may be in any required setback or yard. Signs may be in a required setback or yard which abuts a road.

l. No outdoor storage of goods and materials, including mechanical equipment, structures on a permanent foundation or refuse containers shall be located within any required setback, or within any required side yard which abuts a road, except for the temporary placement of refuse containers for curbside pick-up.

Section 11: Development Review Committee

Add a new section 302 to the zoning ordinance as follows:

Section 302. Development Review Committee

a. **Purpose**. The Development Review Committee (DRC) is intended to collect, coordinate, and resolve conflicts from input provided by various City departments and other agencies having responsibility for review or providing services to proposed development.

b. **Membership**. The Planning Director shall serve as the chair and coordinator for all DRC meetings. Other participants, who shall participate as needed in the review of specific applications shall include the Engineering Director, Fire Chief, County Health Director, and Public Works Director. At the discretion of the Planning Director, representatives from other Bryan County public service agencies may be asked to comment on development or participate in DRC meetings.

c. **Responsibilities**. The DRC shall be responsible for reviewing applications as requested by the Planning Director; evaluating compliance with the requirements of Bryan County's development regulations and other technical requirements; recommending site and building design modifications to ensure greater compliance with adopted standards; and providing identifying public improvement implications for the following types of actions pursuant to the procedures in zoning ordinance and subdivision regulations:

1. Comprehensive plan map and text amendments;

2. Zoning map and text amendments;
3. Zoning ordinance text amendments
4. Planned unit development applications;
5. Conditional use permit applications;
6. Site plan applications;
7. Variance applications;
8. Subdivision applications; and
9. Administrative development approvals.

Section 11: Site and Building Design Guidelines

This section adopts site and building design guidelines[1] for residential and non-residential structures.

Supplemental Site and Building Design Guidelines

1. **Design Objectives.** The following guidelines are intended to guide new construction, and additions and structural modifications affecting road-facing building façades with the objectives of:
    a. Achieving building and site design that is compatible with its setting while avoiding monotonous uniformity;
    b. Protecting property values and enhancing the value of public and private investments through well-planned and well-maintained development;
    c. Promoting creative designs that surpass the quality of the minimum design guidelines established herein;
    d. Fostering safe, healthy and sustainable development that becomes increasing valued in Bryan County as desirable places to live, work, play and shop as each year passes;
    e. Ensuring that scale, massing and building details are in proportion to and complementary with the surrounding neighborhood;
    f. Avoid the appearance of monotonous tract-type housing by precluding matching designs on adjacent single-family lots.
    g. Emphasizing entries for people and deemphasizing the mass of garages;
    h. Requiring materials that are durable in Bryan County's environment;
    i. Promoting walking and biking within and between developments; and
    j. Fostering site development that reflects and reinforces the natural beauty of Bryan County.

[1] Guidelines are not as specific or detailed as design standards. They will enable staff review of site and plot plans unless the applicant chooses to appeal staff requirements to the Planning & Zoning Commission or Board of County Commissioners.

2. **General Application**. Guidelines applicable to single-family detached and duplex residences shall be applied through staff review in accordance with the small site development plan review process in article 17 of the zoning ordinance. These design guidelines shall not apply to any building or site development that has received site plan approval or any building for which a complete building permit application has been submitted prior to the adoption of this IDO. The Planning Director may waive any of the single-family and duplex design guidelines presented in Exhibits 1-4 of paragraph 4 of these guidelines upon determining that the design objectives in paragraph 1 are satisfied. Appeals to the Planning Director's actions shall be considered under the waiver provisions of paragraph 3 by the Planning and Zoning Commission. Guidelines for multi-family and non-residential development shall be applied through the major site development plan process of article 17 of the zoning ordinance. The Planning and Zoning Commission may waive or modify any of the following guidelines in accordance with the following section of these guidelines.

3. **Waiver or Modification of Guidelines**.

    a. It is the intent of these guidelines that they be applied with the flexibility to allow for superior designs that do not comply with every applicable guideline.

    b. Applicants may request the Planning and Zoning Commission to modify or waive one or more of the guidelines when requesting site plan approval.

    c. The Planning and Zoning Commission may approve the request or approve the request with conditions upon finding that the design meets each of the design objectives in section 1 of these guidelines.

4. **Single-Family and Duplex Residential Design Guidelines**.

    a. **Purposes**. To foster residential development that promotes safe and vibrant neighborhoods.

    b. **Applicability**. The following guidelines apply to all new detached single-family and duplex residential construction, and additions or modifications to the road-facing façades of single-family or duplex residential construction occurring on parcels located within any future land use category designated by the Comprehensive Plan except the "agriculture low density residential" category. These guidelines shall not apply to:

        i. Development within a manufactured home park or manufactured home subdivision;

        ii. Development of a parcel that is not platted as part of a major subdivision or is platted as part of a minor subdivision;

        iii. Any parcel in an A or A-R zoning district;

        iv. Any parcel that is part of an approved PUD for which the approval included residential design guidelines or deed restrictions addressing residential design; or

        v. Any parcel for which a preliminary plat and construction plans have been approved prior to adoption of this IDO shall be exempt from the provisions of single-family and duplex residential design guidelines in paragraphs d-k of this section.

c. **Materials and Finishes**. Walls shall be finished in brick, stone, stucco, or wood or fiber-cement siding. Vinyl or other plastic siding or metal siding are prohibited. Not more than two building materials should be used for exterior walls (excluding trim and cornices). on sides of buildings facing a road.

d. **Garage Entries**. Side entry garages are preferable, but where precluded by lot width, garage entries shall be setback at least five (5) feet behind the portion of the building located closest to the road and shall not exceed fifty (50) percent of the building width. (see exhibit 1)

e. **Garage Orientation**. Side entry garages shall have windows comprising at least fifteen (15) percent of the front facing wall. (see exhibit 1)

f. **Roof planes**. Dwellings shall have at least four roof planes visible from front property line. (see exhibit 2)

g. **Roof pitch**. Roof pitches shall be 4:12 (rise:run) or steeper unless mansard roof for all planes visible from the front of the structure, with the exception of roofs over covered porches, carports, and accessory structures.

h. **Entries**. Entries shall be visible from the front of the building and connected to a paved driveway or sidewalk by a clearly delineated pedestrian walkway. Porches and entry design features are encouraged.

i. **Building Articulation and Openings**. All dwellings must incorporate design features such as offsets, balconies projections, recessed or covered entrances, windows, doors, window reveals, or similar elements to break up large expanses of blank walls. (see exhibit 3)

j. **Massing**. Break up two-story design elements with design elements and keep second story wall heights to a minimum. (see exhibit 4)

k. **Mobility**. Avoid block lengths in excess of 500 feet in R-1, R-2 and R-3 districts where lot sizes are less than one-half acre in size. Where blocks or cul-de-sac roads longer than 1,000 feet are necessary due to drainage or other site constraints, the County may require the installation of cross-block multi-purpose trails to improve bicycle and pedestrian connectivity. For detached single-family or duplex subdivisions with thirty (30) or more lots, provide secondary road access. The County may approve the provision of emergency access in lieu of secondary street access for subdivisions with 100 or fewer lots.

Exhibit 1: Garage Design Guidelines

Garage Design Guidelines	Acceptable Example	Unacceptable Example
Garage entries should be oriented away from the front property line or set back at least 5 feet behind the front building line		
Front facing garages shall not comprise more than 50% of the building width		
The front facing walls of side entry garages shall have windows or entries covering at least 15% of the wall.		

Exhibit 2: Multiple Roof Planes Required

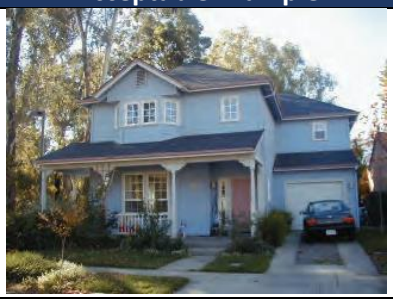
Roof Design Guidelines	Acceptable Example	Unacceptable Example
At least four distinct roof planes shall be visible from the front property line. With the exception of covered porches, carports and accessory structures, roof pitches should be 4:12 or steeper.		

Exhibit 3: Building Articulation and Openings

Articulation Guidelines	Acceptable Example	Unacceptable Example
Incorporate features such as offsets, balconies projections, recessed or covered entrances, windows, porches, or similar elements to break up blank walls.		

Exhibit 4: Limit Massing

Massing Guidelines	Acceptable Example	Unacceptable Example
Incorporate features such as changes in roof lines, offsets, increased setbacks and similar elements to create compatible height transitions and reduce the mass of exterior walls.		

5. Multi-Family Residential Development

a. **Purposes.** Foster multi-family developments that:

i. Are designed to be compatible with surrounding neighborhoods and land uses.

ii. Encourage interaction of residents through creative structural placement, building orientation, and landscaping treatment along the streetscape and open space areas.

iii. Incorporate usable common open space and amenities that enrich the lives of future residents.

iv. Are designed with proper setbacks, landscape, and Massing to address privacy, solar access, and compatibility with adjacent single-family residential development or land.

v. Create and enhance a sense of pride in community and neighborhood.

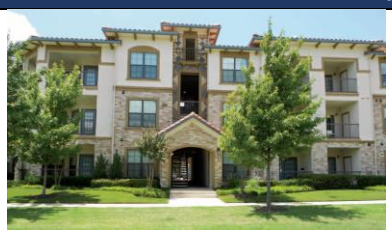
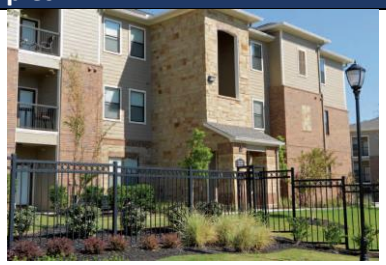
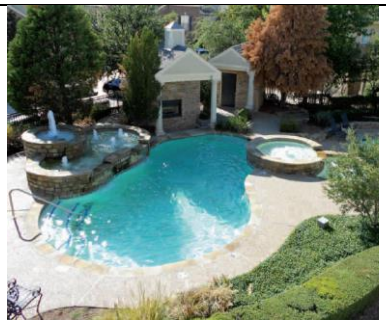
vi. Reinforce, the relationship between public and private space.

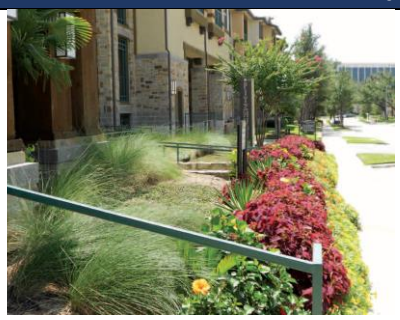
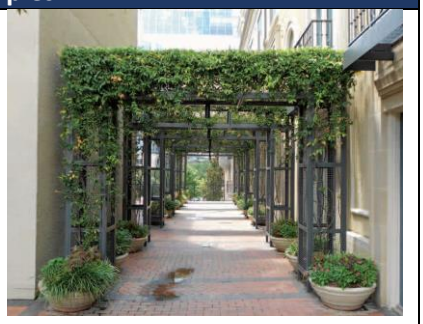
vii. Incorporate environmentally sustainable features into project design.

b. **Applicability**. These guidelines apply to townhome and multi-family development that involves new construction, additions and rehabilitation that involves replacement of siding.

c. Design Principles.

Design Principles	Examples	
Buildings. Create an identity for the project through a consistent design concepts while incorporating design features such as varied wall planes, rooflines and building form to create visual interest. Design and		

Design Principles	Examples	
locate parking to minimize its visual impact along streets.		
Open Spaces. Incorporate the natural habitat into site design and design around natural and recreational amenities to create usable, accessible open spaces		
Public Spaces. Design public spaces to provide accessible gathering places that encourage social interaction and a sense of community.		
Screening. Locate and screen loading, service and storage areas as well as mechanical and utility equipment.		
Mobility. Establish safe and comfortable environment encouraging walking and bicycling.		

Design Principles	Examples	
Landscaping. Use appropriate plantings to soften buildings and create more desirable areas for walking and bicycling within the development		

d. **Landscaping**. Developments shall include perimeter landscape buffers complying with the standards in section 514 of the subdivision regulations in addition to landscaping throughout the property.

e. **Height Transitions**. Portions of buildings located with one hundred (100) feet of a property line abutting an A, AR or single-family residential district shall be limited to two stories.

f. **Building Setbacks**, **Orientation and Lot Guidelines**

   i. Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or road right-of-way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space.

   ii. The minimum spacing between the sides of multi-family residential structures shall be twenty (20) feet.

   iii. Where practical, dwellings should be located to face each other across common landscaped space with buildings no closer than (30) feet.

g. **Building Design**. Multi-family and townhome developments shall:

   i. Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures.

   ii. Include no more than eight (8) dwelling units in a single building and group buildings in clusters.

   iii. Articulate façades by including projections of at least five (5) feet at least once every forty (40) feet along the facade.

   iv. Rooflines shall reflect wall articulation or include features such as dormers, hips or gables to break up roof planes.

   v. Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures.

   vi. Units above the first story should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet.

vii. Create areas for foundation planting by keeping hard surfaces away from front façades.

viii. Exterior wall coverings shall include a compatible combination of brick, stone, stucco, or wood or hardy plank siding.

h. **Entrances**.

i. Provide private clearly articulated entrances at grade level and adjacent to private open space to the greatest extent possible.

ii. Design entrances so that doors to separate dwelling units do not align with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other dwelling units, when practical.

iii. Provide porches covered courtyards, or extended overhangs to shield building entrances from rain.

iv. Set back buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways.

v. Provide a private garden, yard, patio or balcony for every Dwelling Unit.

vi. The private open space of all dwelling units shall be visually and functionally accessible from inside the dwelling.

i. Pedestrian Improvements.

i. Provide continuous walkways through the project and connecting dwellings to and through common open space.

ii. Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points.

iii. Provide storage space for strollers, bicycles, and so forth, close to the main entries of dwellings or groups of dwellings.

j. Parking.

i. Provide parking in small lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more dwellings.

ii. To the greatest extent practicable, parking shall not separate dwelling units from common open space.

k. Open Space.

i. Common usable open space shall comprise ten (10) percent of the total project area.

ii. Open spaces shall be configured so that the ratio of building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens buildings from each other.

iii. Common open space shall be configured in areas with sides of at least one hundred (100) feet.

iv. To the greatest extent practicable, dwelling units shall have access to common open space without having to cross a road.

l. Play Areas

i. Play areas for young children should be physically separated from potential traffic hazards.

ii. Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.

iii. For developments with more than twenty (20) dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each dwelling unit.

iv. Provide places for school age children to sit.

v. Where possible include a space for ball games on site (minimum 80 feet x 40 feet).

vi. Provide retaining walls that can also be used for casual seating.

vii. Where cluster dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster.

viii. The number of dwelling units grouped around common and open space should range between twenty (20) to one hundred (100).

6. Non-Residential Development

a. Purposes. These design guidelines are intended to achieve the following objectives:

i. Promote economic vitality within Bryan County;

ii. Support a good business environment serving the needs or residents and visitors to the County;

iii. Foster quality and creativity in building and site designs through regulatory flexibility;

iv. Ensure that new non-residential development is designed for the convenience, safety of pedestrians, bicyclists and motorists;

v. Create compatible land use transitions between residential and non-residential developments.

b. Applicability. The non-residential design guidelines apply to all new non-residential and mixed-use development projects requiring site plan approval excepting farm structures in an AR district. Site design standards for parking and vehicle use areas shall apply to all expansions or modifications of such areas, whether the principal structure is modified or not.

c. Design Objectives. Non-residential projects shall be designed to:

i. Ensure that new development contributes to the character of a community by providing opportunities for integration of the project with the adjacent

properties, neighborhood and County. The design of new development should pay attention to design compatibility between non-residential and adjacent residential use/property and the predominant characteristics of non-residential corridors.

ii. Encourage projects to have a unified design theme and discourage the use of corporate architecture that is not compatible with the established design theme.

iii. Design projects to be pedestrian-friendly. As appropriate, incorporate pedestrian and outdoor gathering places into the project design with consideration given to the climate and planned use of space.

iv. Ensure that new development establishes a streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or road.

v. Design parking lots with smaller parking fields and parking dispersed throughout the development. This will avoid the visual and functional detriment associated with a single sea of parking along a non-residential street frontage.

vi. Provide design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.

d. Site Planning.

i. Building placement and configuration on all non-residential sites shall take into consideration the physical use, functionality of users (both vehicle and pedestrian), and visual impact and experience for users and passersby. New non-residential development should be pedestrian friendly – designed with the pedestrian in mind. Design attributes of pedestrian friendly non-residential development include:

1. Building(s) located along and oriented towards the street frontage.
2. Clearly delineated pedestrian access within the development and from adjacent residential uses with the use of special pavers/scored surfaces, raised pedestrian areas, or other similar treatments.
3. Parking lot design with smaller parking fields and parking dispersed throughout the development. This will avoid the visual and functional detriment associated with a single sea of parking along a non-residential street frontage.
4. Incorporation of public plazas and outdoor spaces.
5. Landscaping throughout the development to enhance project aesthetics, provide relief from the elements, and soften the hardscape of the project.

ii. Retail and service commercial, office, community facilities, and mixed-use development with multiple structures or tenants, should use a “village” or “campus” design concept that integrates clusters of buildings with a combination of walking, landscape, and public space to achieve a desirable pedestrian experience. Site circulation for such developments should consider the functional relationship between buildings, as well as the access and

movements of both vehicles and pedestrians, with the goal of providing a safe, convenient, and desirable experience for the user.

iii. The design of new development should connect to the surrounding neighborhood and enhance the look of the existing neighborhood. However, not all established development patterns present opportunities for a desirable interface.

iv. Project design should incorporate existing natural features of the site. Significant natural features include, but are not limited to, protected trees/tree clusters, topography and creeks. Projects located along natural creek corridors or wetland areas have a unique opportunity to enhance the natural environment and aesthetic as a unique design attribute to the project (e.g., buffers, vegetated wetland drainage corridor, active or passive recreational improvement, and/or interpretive area for a riparian or habitat area).





v. Site design should provide convenient and desirable pedestrian access between the street, parking lot, and uses within the integrated development. The incorporation of public gathering places is also desirable for most integrated non-residential developments. The number, size, location and particular pedestrian amenities will be evaluated on a case-by-case basis taking into consideration the proposed use and development of the site, as well as the relationship to surrounding neighborhood and street network. Where incorporated, the following objectives apply to the design of pedestrian gathering places.

1. Design of public plazas should emphasize the active nature of these spaces and incorporate some combination of accent items such as; site furniture (tables, umbrellas, benches, trash receptacles), shade structures, interesting colors and materials, or other focal elements.



2. Design and layout of plaza areas shall consider the local climate and seasonal conditions and provide protections from the sun, wind, and rain.

3. Site furniture should be selected not only for its functional and aesthetic qualities but also for the quality of materials and finishes that provide long term durability and resistance to vandalism and climate/sun damage.

vi. Where non-residential development abuts residential uses/land, site planning should carefully address the potential undesirable impacts associated with non-residential development (traffic, noise, light and glare) by utilizing appropriate buffering and siting techniques such as:

1. Solid wall. A six-foot-tall solid masonry wall may be required between non-residential and residential uses where buildings or vehicle use areas are located within thirty (30) feet of the property line. The design of all proposed walls will be reviewed as part of the non-residential site plan application. The location, height, materials and finishes should be appropriate for the purpose of the barrier and should complement the building design. When required, the design of solid walls abutting residential development or property shall include a trim cap. Solid walls shall be designed to be resistant to graffiti (e.g., material, paint finish/seal, landscape) and be able to withstand local climate conditions.

2. Landscape. Landscaping along the adjoining property lines can be an effective buffering tool where there is adequate space for a combination of berming and the planting of fast-growing evergreen trees, plants, and shrubs.

3. Strategic site planning should reduce potential nuisances to adjoining residential property by locating trash enclosures, loading areas, and restaurant vents away from residential uses and by proper screening of utilities and equipment.

e. Access and Circulation

i. Non-residential development projects should be designed to provide connections between neighborhoods, adjacent compatible uses and area-wide trail systems. When adjacent residential and/or non-residential uses can mutually benefit from connection rather than separation, connective elements shall be incorporated into the project design. Benefits, location, and specific improvements will be evaluated on a case-by-case basis. Examples of connective elements include:

1. Pedestrian walkways;

2. Pedestrian gates;

3. Common landscape areas; and

4. Other design features that allow/encourage two-way access between uses.

ii. On-site circulation systems for non-residential development shall be designed to avoid conflicts between vehicular, bicycle, and pedestrian traffic.

iii. Access drives for all non-residential developments with more than 25 parking spaces shall have a minimum driveway throat depth of 25 feet (colored and textured pavement), measured from public right-of-way along adjacent roadway.

The County may increase this minimum throat depth on a case-by-case basis considering use and scale, as well as the vehicle trip generation and distribution of the proposed project.

iv. Pursuant to requirements of the Americans with Disabilities Act (ADA), all non-residential developments shall be designed with a minimum of one designated pedestrian path from each abutting street to the primary entrance(s) of the development. The County encourages the design of large non-residential projects with multiple points of pedestrian access. Such access shall be distinct from the vehicle access and visibly delineated. Appropriate locations for pedestrian access points include signalized intersections, other designated pedestrian crossings (e.g., crosswalk, pedestrian bridge), and transit stops. Internal pedestrian walkways shall be distinguished from driving surfaces through the use of raised sidewalks, special pavers, bricks, and/or scored/stamped concrete/ asphalt and shall comply with ADA requirements.

v. Generally, the use of special paving is encouraged to enhance project design. However, special paving should be used as an accent, rather than as fill-in material, where it serves some purpose (see Photo V-10). Preferred locations for special paving include:

1. Traffic calming at project driveways and crossings;
2. Pedestrian crossings/sidewalks;
3. Pedestrian plazas;
4. Pedestrian walkways to distinguish between paths of travel and designated sales and/or seating areas;
5. Primary building entrances;
6. Traffic circles; and
7. Promenades.

vi. All non-residential developments with multiple buildings or tenants shall be designed with one or more pedestrian features. Potential pedestrian features are listed below. Proposed improvements will be evaluated on a case-by-case basis as part site plan review:

1. Pedestrian walkways along storefronts connecting all entrances. Such walkways shall be primarily covered with building overhangs, trellises, awnings, or a combination thereof;
2. Pedestrian courtyard(s) and/or plaza(s); or
3. Other pedestrian design features that meet the intent of this guideline.

vii. To minimize conflicting vehicle turning movement along major roadways, shared access drives within and between integrated non-residential development are encouraged. This reduces the number of driveway curb cuts. The County also encourages reciprocal access between non-residential developments to provide for convenience, safety, and efficient circulation. If incorporated, a reciprocal access agreement shall be recorded with the land by the owners of abutting

properties to ensure that there will be continued availability of the shared access.

viii. Bicycle racks shall be provided and located in a highly visible location, near the primary entrance(s) to the development and shall not obstruct the designated pedestrian walkways.

f. Parking Lots

i. The Zoning Code establishes the minimum number of vehicle parking spaces required by use type, along with parking lot and space development standards. The County discourages development where the surface parking area dominates the frontage of the development and visual character of the site. Design attributes that minimize the appearance of parking lots are listed below. Also see parking lot landscape provisions herein.

ii. Large surface parking areas and other expansive areas of paved surfaces should be designed with a series of smaller parking areas. Smaller parking areas can be incorporated by physically separating parking areas with buildings or plazas, and may also be delineated with an on-site circulation system that uses uninterrupted drive aisles, mostly contiguous landscape planters, pedestrian walkways, or any combination thereof.



iii. Siting parking areas away from the street frontage can minimize the visual impact and presence of vehicles. In non-residential developments with multiple buildings, one or more buildings or portions thereof should be located along the landscape corridor abutting the street. This type of design creates more visual interest and pedestrian appeal.

iv. Parking lots should have a direct pedestrian connection to the building entry points, especially if the parking is located along the side and/or behind the buildings. Designated pedestrian access shall be provided from all public parking fields to the primary building entrances.

g. Landscape Corridors. Landscape corridors along non-residential developments should enhance surrounding improvements, create a pedestrian-friendly environment, and establish year-round and seasonal landscape to soften the appearance of streets.

i. Minimum width of landscape corridors along arterial and collector roads shall be 25 feet. The County may allow reductions in the corridor width to ensure continuity with an existing approved corridor. The landscape corridor shall include a minimum four- to six-foot-wide sidewalk separated from the back of curb by no less than six feet or the edge of the shoulder by at least ten feet.

ii. Street trees are the primary delineators within the landscape corridors, which aesthetically create rhythm and soften the environment along street corridors. Street trees shall be planted in a single row at a maximum spacing of 50 feet Minimum street tree planting size is 15-gallon container. One-third of the street

trees shall be at least 24-inch box trees or larger. Street tree species shall be approved by the Planning Director.

iii. Accent trees are intended to supplement and enhance the street trees. Accent trees should have distinguishing characteristics to highlight significant areas within the landscape corridors (e.g., points of entry, pedestrian access points, intersections, transitional areas). Minimum planting size for accent trees is 15-gallon container.

iv. Both street trees and accent trees should include a combination of evergreen and deciduous trees for screening, canopy, and seasonal change.

v. Shrubs and groundcover shall be designed to enhance the character of the non-residential development. Landscape considerations should include visual appearance, parking lot screening, clear sight visibility at driveways and pedestrian connections, and absorb stormwater runoff.

h. Parking Lot Landscape. Landscaping shall be provided adjacent to and within parking areas to screen vehicles from view and to minimize the expansive appearance of parking lot fields. Landscaping within and around parking areas should also be designed in a manner to reduce urban runoff.



i. As required above, tree planting along the front and street side yards shall be spaced a maximum of 50 feet apart (on center). Tree planting along the interior property lines shall be spaced a maximum of 30 feet apart (on center).

ii. At a minimum, the parking areas shall meet the following minimum standards for pervious landscape areas and projected canopy coverage. Projected canopy coverage shall be determined based on normal growth rates fifteen years after planting.

Number of Parking Spaces in Parking Lot	% of Total Parking Area to be Pervious Landscape Area	% of Total Parking Area Under Canopy within 15 Years
5 – 24 spaces	5 % minimum	30 % minimum
25 – 49 spaces	7.5 % minimum	40 % minimum
50 + spaces	10 % minimum	50 % minimum

i. Screening. Dense landscaping and/or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements. The intent is to visually screen the equipment from the street and not to preclude access to the equipment on all sides.

j. Project Entry Landscape. The use of landscaping and accent paving can help define and beautify a project entrance as viewed from the street. The vehicular entrance to the project should be clearly defined and provide adequate sight distance for vehicles and

pedestrians. Entries to multi- tenant projects shall be designed as special statements reflective of the character and scale of the project in order to establish identity for tenants, visitors, and patrons. Landscape design at project entries shall complement the special landscape treatment at street corners with common elements. Flowering accent plantings and specimen trees shall be used to reinforce the entry statement. Planting design should have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.

k. Landscape for Public Plazas and Building Fronts. Landscaping should be provided along/against all building facades facing a parking lot or street to anchor it to the surrounding environment and to soften the appearance of the structure. In-ground landscaping should comprise the majority of the landscaping requirement. Raised planters are acceptable when designed to accentuate the architecture and or enhance pedestrian areas. All planting materials shall be sized so that landscaping has an attractive appearance at the time of installation and an established appearance within three years of planting

l. Storage, Loading and Service Areas. Outdoor storage and loading/service areas shall be screened from public view through a combination of building design, location, landscaping, berming, walls and/or fencing. This provision does not apply to light industrial development.

m. Outdoor Displays. Permanent outdoor sales and displays shall not be located within any required setback in the corresponding zoning district on which it is located. Outdoor sales and displays shall be located in a designated area immediately abutting the associated building(s). At a minimum, designated permanent and temporary sales areas or seating areas shall be delineated with special paving to distinguish such area from required paths of travel. Within this designated area, only those goods and materials associated with the existing on-site use may be stored, sold, or displayed. Design of screening/enclosure for permanent outdoor storage or outdoor dining shall be compatible with the design, colors, and materials of the associated building(s) and will be considered on a case-by-case basis. Chain link is not generally considered an acceptable screening material for outdoor storage/sales areas.

n. Trash/Recycling. Trash enclosures and containers shall be sized to accommodate the volume of refuse but should also take advantage of opportunities to centralize enclosures where there are multiple buildings or users. The hydraulic compactors are prohibited except where entirely enclosed within a building. Trash enclosure materials and colors shall be consistent with and complimentary to the building materials and finishes.

o. Lighting. Light features shall be located and designed with cut-off lenses to avoid light spill and glare on adjacent properties. To minimize light trespass on residential structures directly abutting a non-residential site, illumination measured at the nearest residential structure or rear yard/side yard setback line shall not exceed the moon's potential ambient illumination of one-tenth (0.1) foot-candle. This measurement shall be taken at the nearest location of a residential structure (required rear yard or side yard setback line).

p. Building Design, Generally. The goal of the design review process is to maintain a village scale and feel to non-residential development using local vernacular or low country

architecture. The vernacular buildings are typical of most small, Atlantic seaboard communities, and can be generally described as simple and utilitarian in form, design, material and detail. Primary building materials should be limited to those readily available in the area— predominantly, wood and some brick. Roofs should be hipped or gabled roofs with broad eaves and exposed rafter tails or fascia trim. Boxed eaves, when present, should feature a traditional pedimented gable or return detail. Exposed roofing materials should be metal standing seam or 5-V crimp. Windows should be abundant with overall shapes and panes that are taller than wide. Decorative trim and detailing should be provided along pedestrian areas of the building, such as display windows and entries in addition to cornice trim at the eaves and in the gables. Large porches should be provided at the primary entries, with square wood columns or simple round Tuscan columns. In general:

i. Architectural features should be used to provide weather protection and highlight building features and entries. Covered walkways should be provided along primary building frontages and between businesses within an integrated development.

ii. All structures shall have a primary façade facing the primary road on which the development is located.

iii. Building articulation should help establish a human scale and provide visual interest.

iv. Buildings should be designed with careful consideration for the incorporation of signage and lighting. New buildings and additions shall be designed to allow for signs appropriate in scale and location to the use and the neighborhood.

v. Non-residential buildings shall be designed with an architectural style and/or theme. The selected architectural style/theme for a building or integrated development shall be applied consistently throughout and among the buildings. The intent of this guideline is to ensure that non-residential development incorporates architecturally valid design of each building and architectural continuity within an integrated development. While all building elevations of a structure will not have the same level of detailing and articulation, elements of the architectural style shall be evident on all elevations of all buildings within the development.

vi. Building entries shall be designed to protect patrons and employees from the elements and create a “sense of entry” or a focal point for the building. The scale and treatment of such focal point shall take into consideration the type of non-residential development proposed. For instance, an integrated development may be designed without an anchor tenant or known tenant space. In those circumstances, building design and entry treatment(s) will be evaluated on a case-by-case basis.



q. Mass, Scale, and Form. Architectural scale, for purposes of these guidelines, is the relationship between the size of the new buildings and the size of surrounding buildings. scale also refers to how the size of the building relates to the size of a human being (human scale). The apparent scale of a building should be reduced through the proper

use of window patterns, roof overhangs, equipment bays that screen unsightly elements, awnings, moldings, fixtures, the use of darker or subdued colors, upper story setbacks, building and roof articulation and other details. Items that can help to achieve appropriate scale are as follows:

i. Large buildings should give the appearance of smaller components through the use of such features as recessed facades and articulation in the building mass.

ii. Design all proposed buildings or structures to be sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.

iii. Design buildings to achieve a human scale and interest by including elements which give a person a sense of their relationship to the structure such as balconies, awnings, canopies, arcades, wall insets and reveals.

iv. Building entries and street side facades should be designed with elements that enhance pedestrian comfort and orientation while presenting features with visual interest that invite activity. Landscaping and architectural detail at the street level should be used to soften the edge of the building and enhance the pedestrian scale and streetscape.



v. Long facades shall include off-sets and other design features to create the appearance of multiple storefronts that are no more than 50 feet wide.

vi. Rooflines, wall planes and wall heights should be varied and significantly articulated to avoid blank expanses of building elevations.

vii. As a general rule, the scale of building(s) on a site edge should be compatible with the scale of adjoining development. Where surrounding development is of a small scale, large-scale buildings should be located internal to the site and transition down in scale as the outer edge of the site approaches.

viii. The design of larger non-residential buildings should be designed to reduce its perceived building height and length by dividing the building mass into smaller scale components. One way to achieve this breakdown is to provide a well-defined base, middle and top to the building as described below.

1. A solid building base may be achieved by elements such as low planters and walls, base planting, a base architectural veneer banding (wainscot) and treatments defined by a different material, texture or color.



2. A solid building middle (and a more articulated building mass) may be achieved by the addition of intermittent covered

walkways, trellises or architectural awnings that provide deep shadow at ground level.

3. Using features such as multiple architectural roof forms, clearly pronounced eaves, and distinct parapet designs and cornice treatments may achieve a well-defined building top

r. Materials and Finishes. Generally, architectural features should be architecturally valid, not just decorative. While some elements may be wholly decorative, primary architectural features should be related to the building's structure, function and/or engineering, and should not be arbitrary. The intent of this guideline is to avoid developments with architectural elements that look applied, rather than incorporated (e.g., false front treatments, partial roof forms). Building facades should be primarily constructed of brick, wood or fiber-cement board designed to look like horizontal lap siding. The Planning Director may approve the use of other materials for gables and other architectural features where appropriate (e.g., building voids used to break up facades), but unfinished concrete, vinyl and metal finishes are prohibited.





s. Rooflines. Roofs, including gasoline canopies and all other structures shall be hip or gable. Flat or gently pitched roofs may be approved for larger structures as long as all roof-mounted mechanical equipment is screened by a parapet.

t. **Entries**. Building entries should be clearly defined by roofline, canopy, paving and landscaping design.

u. **Windows and Openings**. Windows and other openings shall be provided along all facades that face a public road. Windows and doors shall comprise at least 20 percent of the wall area below the roofline, lowest point of canopy, bottom of porch fascia or other architectural features defining the middle of the building.

