

Memo

To: Bryan County Planning & Zoning Commission
From: Michael Lauer, AICP - Principal
Date: January 30, 2018
Re: Bryan County's Land Development Codes Analysis

Overview.

Purpose. The purposes of this memo are to summarize the analysis of Bryan County's development regulations and to recommend short and long-term strategies to remedy deficiencies. Currently, the development regulations do not adequately address the full range of land use, growth and development challenges facing Bryan County. While some of the procedures and standards can be improved through targeted regulatory patches that can be accomplished relatively quickly, the current Code's organizational challenges combined with the dearth of design guidance can only be resolved by a comprehensive revision that typically takes a year or more to complete.

Process. The analysis reflects input from the project consultant, the County staff, the Board of County Commissioners, the Planning and Zoning Commission, representatives of the homebuilding, development and engineering industries and interested citizens. In addition to reviewing applicable portions of the County's code, the consultant reviewed the recently adopted Richmond Hill Unified Development Ordinance to identify opportunities to coordinate regulatory standards and procedures. While the scope of this review is adequate to identify the County's regulatory challenges and potential solutions, additional public input will be essential during the process of implementing this document's recommendations to ensure that the resulting regulations are consistent with community values, needs and resources.

Code Organization. The County's development regulations include many procedures and standards that should be retained. However, some of the code's provisions are outdated, poorly organized or unclear. Additionally, there are several gaps in the codes, particularly in relation to subdivision, site and building design, that create more contentious development review processes and unpredictable or undesirable development outcomes.

Key Deficiencies. Initial conversations lauded County efforts to improve the development review and approval processes, but pointed to three key obstacles that the County is in the process of addressing as described below the following list:

- Lack of a clearly articulated vision of the County's hopes and expectations;
- Insufficient staff resources to carry out both day-to-day responsibilities and keep up with growth and development pressures; and
- Lack of clear procedures and standards that can be relied upon by development applicants, reviewers, public decision-makers and neighbors affected by proposed development.

Comprehensive Plan. The comprehensive plan update should establish a vision for the future, establish goals and measurable objectives towards achieving those goals, and set policies for managing growth in ways that preserve or enhance the quality of life in Bryan County. The Plan should clearly identify the challenges facing the County and establish strategies to address those challenges. The land use element of the plan should include a future land use map and descriptions of land uses that will guide the location, intensity and character of residential, commercial and industrial development. Upon completion, the plan should clearly articulate the County's expectations for future growth and development.

Staff Resources. The County also is addressing its staffing needs – seeking additional support for the County Engineer and assessing the needs for additional support in the development review process.

Code Diagnostic. This memo is an initial step towards addressing the third concern listed above – part of a process to evaluate the County's development regulations and practices. While subsequent sections make additional recommendations, the most obvious opportunity is for Bryan County to consolidate, reorganize and update its development codes to create more efficient, more predictable and less contentious development procedures that produce outcomes that are more consistent with the County's goals and objectives.

Key Recommendations. As described in more detail in later sections, this memo recommends that the County prepare and adopt an interim development ordinance (IDO) to address a number of critical regulatory issues before beginning a comprehensive code revision process to create a unified development ordinance (UDO). An IDO, which is an alternative to a moratorium, allows for greater scrutiny of specific aspects of development during a transitional period (usually 1-2 years), while permanent regulations are being developed and enacted. Bryan County's IDO should improve subdivision, site plan and variance review procedures and design standards. Comprehensive code revision should improve the usability of the County's development regulations through improved organization and formatting, clearer language and the addition of graphics that illustrate procedures and standards.

General Code Issues

The organization of the County's codes unnecessarily complicates their use by applicants, staff and decision-makers in several ways:

Scattered Regulations. Most of the County's development regulations are in the zoning ordinance (Chapter 12), subdivision regulations (Chapter 13) and engineering design standards (Chapter 19). Additional provisions affecting growth and development are included in the environmental regulations (Chapter 6), highways (Chapter 10), building code (Chapter 11), road naming (Chapter 17), telecommunications antenna and tower (Chapter 25), sign ordinance (Chapter 29), sewer and water (Chapter 30), and small system groundwater wells (Chapter 31).

***Recommendation:** The code would benefit by consolidating Chapters 12 and 13 into a unified development ordinance (UDO). Selected provisions from the above chapters should also be incorporated into the UDO or cross-referenced. Chapter 19 should become an appendix to the UDO. See Attachment A for a draft outline of a*

Lack of Cross-References. Use of any one of these documents requires information from the other documents but there are few cross-references; for instance:

- The zoning ordinance includes non-conforming use provisions addressing RPAR lots as defined in the ordinance, but the only place that these Recognized Private Access Road lots are discussed is within the subdivision regulations.
- The subdivision regulations include standards for lot development that are tied to specific districts established in the zoning ordinance.
- Standards for tree protection and buffers, which are directly related to subdivision and site development are located within the engineering design standards.

Recommendation: *Include hyperlinked cross-references to sections within the proposed UDO and unlinked cross-references to external code provisions.*

Exhibit 2-5: Approval Process Summary

| UDO Amendment Process |
|--------------------------------|
| Application, Review and Notice |
| Planning Board Public Hearing |
| Town Council Public Hearing |

Exhibit 2-6: Timing

| UDO Amendment Timing | |
|--------------------------------------|-------------------------------------------------|
| Completeness Review | 5 business days (from Application Submittal) |
| Planning Board Public Hearing Notice | 25 days (from Completeness Certification) |
| Planning Board Decision | 30 days (from Planning Board Public Hearing) |
| Town Council Public Hearing | 30 days (from Planning Board Decision) |
| Town Council Decision | 30 days (from Town Council Public Hearing) |

Unclear Procedures and Responsibilities. Within the subdivision regulations and zoning ordinance, procedures and responsibilities are disbursed throughout the documents in ways that make it difficult to find applicable provisions. For instance, initial provisions assign responsibility for zoning map amendments to the Board of County Commissioners; only later in the ordinance is the role of the Planning and Zoning Board identified.

Recommendation: *Consolidate all procedural requirements into a single article of the proposed UDO. Supplement text with tables and flow charts to clearly convey procedures, requirements and responsibilities. (see examples above and below)*

Unclear Guidance on Public Facility Impacts. Growth can be an asset or liability to the County and other service providers. Not all growth pays its own way. Development with high traffic generation rates that is in remote areas may require extensive local investments in streets and other transportation improvements. Remote development requiring centralized water and sewer services may require significantly higher capital and operations costs than more appropriately located development. Development approval criteria should consider the adequacy of public facilities and impacts of the development on County’s ability to provide, fund and operate needed facilities.

Recommendation: *Incorporate consideration of fiscal impacts into discretionary decisions such as plan amendments, zoning map amendments and development agreements.*

Lack of Design Guidance. Bryan County enjoys a high quality of life and a beautiful natural setting that residents value. The lack of clear design standards in the County’s development regulations has resulted in a more contentious and less predictable development review process as design issues are increasingly dealt with on an ad hoc basis. This means that applicants and their neighbors do not always know what will be required and the County is often uncertain that the outcomes of the development process will meet community standards. One of the more difficult challenges that the County faces will be to establish design

standards that accommodate housing choice, while ensuring that new neighborhoods will be long-term community assets.

Recommendation: *Incorporate development patterns, design standards for residential and commercial site development into a new UDO. To address existing deficiencies in design standards while the UDO is being developed, the County should adopt design guidelines addressing the most critical needs as part of an IDO.*

Zoning Ordinance

Overview

The zoning ordinance language is generally written in a defensible manner, but, as mentioned above, the organization of the zoning ordinance could be improved dramatically by grouping development procedures, responsibilities for code administration and administrative provisions rather than scattering them throughout the ordinance. In addition to the organizational issues, the zoning ordinance lacks several key provisions that typically fall within zoning ordinances. Site development standards, such as landscaping and buffering are only included in the subdivision regulations or engineering and design standards, but their absence from the zoning ordinance in text or via cross-references makes the zoning ordinance more difficult to use and raises questions about their applicability to site development. Building and site design standards addressing scale, orientation and other elements of building form are not addressed. Finally, improvements in the formatting of the codes, including additional tables and illustrations, would make the procedures and standards much easier to understand and use for applicants, the public and County decision-makers.

Procedures and Responsibilities

Exhibit 1 summarizes zoning ordinance procedures and responsibilities. While some of the appeals bodies are listed, others have been inferred. In the case of the Planning Commission, the zoning ordinance includes two reserved sections for the “Powers of” and “Appeals to” the County Commission (sections 500 and 501), but elsewhere the Commission is assigned responsibility the tasks listed in **Exhibit 1**. In the case of the County Commission, the zoning ordinance includes two reserved sections for the “Powers of” and “Appeals to” the County Commission (sections 502 and 503), but elsewhere the Commission is assigned to specific responsibilities for action on zoning text amendments and zoning map amendments.

Recommendation: *Clarify responsibilities for development reviews, recommendations, actions and appeals in a single article of the UDO that focuses on development procedures.*

Exhibit 1: Zoning Ordinance Procedures and Responsibilities

| Application Type | Reviews | Recommendations | Approvals | Appeals |
|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------|----------------------------------------|--------------------------------|
| Comprehensive Plan Amendments | Planning Department | Planning Commission | County Commission | Superior Court of Bryan County |
| Zoning Text Amendments | Planning Department | | County Commission | Superior Court of Bryan County |
| New Zoning Map Adoption | | | County Commission | Superior Court of Bryan County |
| Zoning Map Amendments | Planning Department, Engineering and Inspections Department, Board of Education | Planning Commission | County Commission | Superior Court of Bryan County |
| Planned Unit Developments | Planning Director | Planning Commission | County Commission | Superior Court of Bryan County |
| Variances | | | Planning Director after public hearing | Superior Court of Bryan County |
| Appeals to Staff Actions and Interpretations | | | Planning Department | Board of Appeals |
| Zoning Map Interpretation | | | Planning Director | Board of Appeals |
| Building Permits | | | Planning Director | |
| Certificates of Occupancy | | | Planning Director | Board of Appeals |
| Non-Conforming Lots, commercial and residential structures, mobile homes, accessory structures, RPAR lots, secondary living units, | | | Planning Director | Board of Appeals |

The most unusual aspect of the established zoning procedures is that the Planning Director is responsible for conducting public hearings on and deciding upon variance applications. Board of Appeals functions are limited in the zoning ordinance to hearing appeals from staff decisions. Most communities also assign responsibility for granting variances to Boards of Appeals. Delegating variances to the Board of Appeals would eliminate the awkward situation that currently exists, where the Planning Director reviews variance applications, conducts a public hearing on the applications, decides whether the variance meets applicable criteria and then enforces the decision. Because variances should only apply to a very limited set of circumstances, the ordinance should clearly distinguish hardship-based variances from exceptions that the Planning Director can grant under narrowly defined conditions (e.g., adjusting setbacks by up to a specified distance for tree preservation, improved mobility or better site design).

Recommendation: Establish distinct procedures for variances and ministerial relief (exceptions) in an IDO and carry these forward in the UDO. Variances should be decided by the Planning and Zoning Commission, with appeals going to District Court. As an option, during the life of the IDO, the ordinance could provide for appeals to the Board of County Commissioners before District Court review.

Apparent Gaps in the Zoning Ordinance

While the zoning ordinance addresses many procedural, administrative and site development matters, the ordinance has the following deficiencies:

1. **Mixed-use guidance** is becoming increasingly important as demand for walkable neighborhoods by Baby Boomers and Millennials has increased. Bryan County allows for mixed-use development through the PUD, but does not provide any guidance on how to compatibly integrate residential and non-residential uses.
2. **Compatibility standards** other than setbacks are missing from the zoning ordinance. While provisions for exterior buffers are established in the engineering design standards, the County should consider the addition of context sensitive standards addressing setbacks, buffers, height transitions, building orientation (which way doors and windows face) and other building and site design factors. Compatibility should be defined so that it facilitates transitions between differing land uses and intensities of development.
3. **Design and scale** are two critical determinants of non-residential character that are generally not addressed in the commercial district standards. The County should consider adopting standards to ensure that commercial development is consistent with its aesthetic values and compatible with adjacent development. More explicit design standards can be crafted to accommodate design flexibility through a combination of exceptions and a formalized site plan appeals process.
4. **Height regulations** do not address how building height is measured. This becomes a more critical factor with accessory structures and in areas where buildings are elevated to minimize flood risks.
5. **Landscaping** standards are largely absent from the zoning ordinance.
6. **Tree preservation** standards are established in the engineering design standards rather than the zoning ordinance where they are more traditionally located. Consolidation of the regulations would address this issue. The required percentages of canopy cover should be reviewed for non-residential development to ensure that sites can be efficiently developed.
7. **Conformity with Comprehensive Plan** is referenced within the zoning ordinance, but it is not defined. The ordinance should more clearly define the role of comprehensive plan in guiding decisions. One common requirement is for zoning decisions to be consistent with the future land use map, which forces the County to keep their comprehensive plan in sync with development decisions and tends to yield better coordination between land use and infrastructure improvement decisions.

8. **Parcels with more than one zoning district** are not addressed within the zoning ordinance. Typically, ordinances establish rules guiding development under these circumstances. While most ordinances provide some discretion based on the map, the City of Richmond Hills recently adopted unified development ordinance assigns the least intensive zoning classification to the entire track affected by the split.
9. **Minor amendments** to approvals of the County Commission are prohibited in the zoning ordinance. Increasingly, ordinances are including distinctions between minor amendments that can be granted by staff and major amendments that would require subsequent action by the County Commission. Most planned unit developments (PUDs) and many site plans require some adjustments between the approved concept plan and the final development. The County could enable staff to coordinate with the applicant to make minor adjustments (e.g., parking lot and driveway changes, internal road realignments, internal lot line shifts, increases in open spaces and buffers, and internal changes to bikeway alignments), when those changes would have no impact on nearby property owners or the function of the development.
10. **Timelines for staff review of zoning map amendments, zoning permits and site plans** are not established within the zoning ordinance. Such timelines would make the process more predictable for applicants and other stakeholders.
11. **Yards and setbacks** are not adequately distinguished, though both terms are used within the zoning ordinance. A setback is the minimum distance between a structure and a lot line, while a yard is the entire area between the building and the lot line, which may include courtyards and other open areas. This distinction is most important when addressing what may or may not be located within a front yard (e.g., storage, mechanical equipment, parking).
12. **Junk yard regulations** do not limit the height of stacks of junk or relate buffers to the operations (e.g., crushing and processing) occurring within the junk yard. A fence or buffer that is eight-feet tall provides little screening of a stack of vehicles that is twenty-feet tall.
13. **Parking space standards** limit the use of shared parking where uses have different peak parking demands. This results in excess parking spaces, increased impervious surface and loss of landscape area. Additionally, off-site parking standards are overly restrictive for traditional neighborhood developments which may provide for off-site parking at distances greater than 300 feet. While parking standards are consistent with those for many other jurisdictions, they tend to require more parking than necessary.
14. **Parking design standards** are not clearly established in the zoning ordinance. Aisle widths, space dimensions and driveways dramatically affect the function of a parking lot, yet the ordinance is silent on these factors. Additionally, the ordinance does not make allowances for pervious pavement or other surfaces that may be more consistent with the County's environmental and stormwater management objectives.
15. **Design credit** is a great concept in the County's zoning ordinance that should be broadened to allow for incentives other than merely reducing lot widths. The County should consider providing greater flexibility for setbacks, lot area, height and density to entice developers to provide the amenities listed in this section.

16. **Zoning district use lists are incomplete;** while the table of permitted and conditional uses is helpful for residential districts, there is no corresponding table of uses for non-residential districts. Increasingly common uses such as food trucks and short-term vacation rentals are not addressed in the zoning ordinance.
17. **Front setbacks are excessive in some settings.** While larger front setbacks may be appropriate for residential structures along higher volume roads, the setbacks for local (36 ft.) and minor local (30 ft.) roads preclude some residential development patterns that could better serve the needs of older residents and create safer streets, improve mobility and reduce environmental impacts. One option would be to tie reduced front setbacks to the design credits.
18. **Temporary certificates of occupancy** are not authorized under the current ordinance. These are typically allowed when landscaping or other site improvements need to be deferred due to inclement weather or drought. While the County's engineering design standards anticipate this need, the zoning ordinance does not authorize this common practice.
19. **Floodplain regulations** are typically cross-referenced when not located within the zoning ordinance. They often appear within zoning ordinances because flood hazard areas are treated as zoning overlay districts.
20. **The planned unit development district (PUD)** regulations in section 1200 clearly establish the district's purposes, but provide little design guidance other than the open space standards. While flexibility and procedural clarity are important elements of a PUD, the lack of design guidance can yield widely different outcomes. Increasingly, communities are defining development patterns¹ that serve as flexible templates for planned unit developments, and yield more consistent quality of development. Because PUDs tend to be large scale and often multi-phase developments, the final development typically deviates from the initial approval. By distinguishing major and minor amendments as discussed above, the County can eliminate the need for public hearings to review minor amendments that have no impact on adjacent development.
21. **Exemption from zoning analysis** is provided for lots smaller than 20 acres that are within the WM-2 or B-1 zoning districts. These districts are likely to be smaller and in closer proximity to neighborhoods, so the analysis seems to be especially relevant.
22. **Mobile homes** are distinct and much more poorly constructed from manufactured homes. The County should not allow the placement of a mobile home for habitation, because these units (which were built prior to 1976 by Federal definition) pose much greater risks to inhabitants from fire and storms. Replacement with manufactured homes should be allowed.
23. **Non-conforming lot, use and structure regulations** are very detailed and establish subtle differences between classes of non-conformities that seem unnecessarily complex.

¹Common development patterns include traditional neighborhood developments, conservation subdivisions, alternative lot designs, transit supportive development and mixed-use centers.

24. **Traffic impact analysis** is not adequately addressed in either the zoning or subdivision regulations. The development codes should have clear triggers for analysis, rational standards for reviewing the analysis and specific mitigation standards.

Recommendations: Each of the above deficiencies should be resolved in a new UDO. The County should consider addressing the following issues in the proposed IDO:

- ***Design guidelines** (see previous recommendations) should address compatible land use transitions through buffering, height, scale and site design guidelines;*
- ***Design credits** should be expanded to allow for lot area reductions, setback flexibility and density bonuses for provision of additional amenities within a development;*
- *The **site plan review process** should be clarified, with approvals tied to the IDO's design guidelines. Procedures should clearly distinguish major and minor amendments for site plans that require action by the Planning and Zoning Commission and/or Board of County Commissioners; and*
- ***Traffic impact analysis** requirements should be established for site developments and subdivisions generating threshold volumes of traffic. These standards should distinguish between projects requiring no analysis, projects that require traffic study of adjacent roads and intersections, and projects that require more in-depth analysis of the impacts throughout defined traffic-sheds.*

Subdivision Regulations

Generally

Bryan County's subdivision regulations are generally defensible, but were drafted to address smaller scale, single use subdivisions and their development. They address many key aspects of land subdivision that many jurisdictions overlook (e.g., private improvements, public improvement warrantees, reimbursement of certain fees, pending subdivisions and abbreviated subdivision processes). They also address provisions that are more commonly found in zoning ordinances (e.g., buffering, lot standards and block standards). There are good arguments to be made for including these provisions in the subdivision regulations, but their absence from zoning limits their applicability to single-lot development. As with the zoning ordinance, the subdivision regulations lack design guidance for a variety of residential, non-residential and mixed-use development patterns. This tends to promote the engineering of lot patterns to maximize profits rather than fostering designs of sustainable neighborhoods.

***Recommendation:** Combine and expand site and subdivision design standards in a UDO and clarify their applicability. Design guidelines should be included in the IDO to address the current lack of standards while the UDO and the recommended design standards are being developed.*

The most significant problem with the subdivision process is the union of preliminary plat and construction plan approval. The preliminary plat is the first opportunity for public review of a proposed subdivision. By requiring all engineering to be completed prior to the plat's vetting, the applicant has significant investments that have been made in the proposed design and may face significant costs for re-engineering streets, drainage or utilities if even minor changes are made to the plat. A more conventional and workable process is to review and act on the preliminary plat and require staff approval of construction plans prior to final plat review.

Recommendations: Update the subdivision review process in the IDO and subsequently in the UDO to separate construction plan approval from preliminary plat approval. Construction plans should be approved by the County Engineer. Revisions to the subdivision process should create a ministerial (staff) approval process for minor subdivisions (e.g., lot splits and plat corrections, conveyance plats and other divisions of land that do not require public improvements).

Subdivision Design Standards

Road standards in section 502 are generally adequate, though they should address roundabouts and provide context-sensitive standards for road offsets. Standards prohibiting new lots on recognized private access roads (RPAR lots) could be adjusted to permit a limited number of lots on shared drives in more rural settings and to properties abutting marshlands that do not justify additional road construction.

Pedestrian way standards in section 507 should be modified. Basing the square footage of pedestrian ways on the number of lots does not account for the location or design of the subdivision or pedestrian way.

Maximum block lengths in section 509 of 1,800 feet are very long and do not promote mobility. In circumstances where long blocks are unavoidable, pedestrian crosswalks should be required. The ordinance also fails to establish maximum lengths for cul de sac streets.

Secondary access is not addressed in the ordinance, which has resulted in the creation of large subdivisions that would be completely cut off from emergency services if a tree falls or an accident occurs. With one road in and one road out, all residents depend on the same intersection for all trips, which dramatically reduces emergency access and makes day-to-day trips less convenient.

Subdivision buffers in section 514 seem to be limited to the perimeter of subdivisions and are unrelated to the abutting uses or potential phasing of subdivisions. Buffers based on abutting road types make sense in conjunction with the design flexibility provided in subsequent sections, but the provisions ignore buffers and other design enhancements that ensure compatibility between differing housing types and land uses.

Recreation standards in section 517 create an incentive to establish subdivisions of 9 or fewer lots to avoid having to provide recreation space. Jurisdictions with public recreation facilities often establish fee-in-lieu provisions for parks and open space that are applied to smaller subdivisions and establish a more equitable system of funding needed recreational facilities.

Engineering design standards are included in Chapter 19 of the County Code. While a more thorough review of these standards is under way, many of the standards are outdated and should reference or be replaced by best practices for improvements to streets, trails, stormwater management, utilities and other improvements. The lack of construction details and cross-sections for streets and drainage improvements has yielded inconsistent designs between projects, which complicates the development review process and could lead to future maintenance and repair challenges. Focus group participants expressed the most concern about street elevation requirements that increased development costs and often necessitated excess site clearing to ensure that drainage systems function.

***Recommendation:** The County's engineering design standards fall into two categories – lot layout and improvement standards. The lot layout standards should be included within the UDO and current deficiencies related to mobility, access and open space should be addressed in the proposed design guidelines for the IDO. A new construction improvement design manual should be created to replace Chapter 19 of the County's code. This manual should be ratified by the Board, but should be separate from the County Code to allow greater flexibility for the County Engineer to accommodate best engineering practices. These updates should begin immediately and may proceed independently of the IDO and UDO processes. Both the IDO and the UDO need to establish rules for the application, modification and periodic update of public improvement design standards.*

Subdivision Procedures

Generally. The subdivision review process is relatively conventional, but could do a better job of addressing large-scale phased developments. The process is efficient for conventional subdivisions, but requires significant expenditure on the part of applicants prior to receiving any approvals from the County Commission.

Sketch Plan. It is relatively common to have optional or mandatory sketch plan review process. This provides a low-cost way for applicants to identify staff concerns about potential subdivisions before significant funds are spent on more detailed design. However, these reviews have no legal status and do not assure that subsequent approvals will be granted. For large-scale and phased developments, the applicant would benefit from the option to secure conceptual approval of the use and density of proposed developments. This is done for non-residential development through the site plan process at rezoning or through the first phase of the PUD application with the Planning Commission and the County Commission, but there is no mechanism for public review and comment of sketch plans or concept plans in the subdivision regulations. This means that the first public review occurs when the preliminary plat and constructions plans are submitted, so any changes can result in significant additional design costs. If an additional process is created, the regulations should clearly state the effect of the review and resulting action. Concept plan approval, which may be optional or mandatory, may identify permitted uses, maximum intensities of each use and the general road layout, which can facilitate project financing for the Preliminary Plat phase of development.

Recommendation: *Include a sketch plan process in the UDO that is optional for most subdivisions, but mandatory for multi-phase developments. The purposes will be to assess the general road layout, land uses and intensities for consistency with the Comprehensive Plan and to identify needs related to the phasing of the development.*

Preliminary Plat. The preliminary plat and construction plans are submitted and reviewed concurrently. County Commission approval is required before site development can begin. As noted above, the preliminary plat review provides the sole opportunity for public review and action on a subdivision. Requiring construction plan approval in conjunction with preliminary plat review and approval is counter-productive; creating strong fiscal incentives for applicants to resist minor changes to a preliminary plat that would make the subdivision a safer, more convenient and more desirable place for future residents. Construction plans should be approved independently from the preliminary plat.

Recommendation: See earlier recommendation for separation of the preliminary plat and construction plan approval processes in both the IDO and UDO.

Improvement Guarantees. The subdivision regulations do not adequately address improvement guarantees. Section 902 requires improvements to be warranted for one-year after acceptance of improvements, which may be in the form of a letter of credit, maintenance bond or monetary pledge. One of the problems that this section creates is that one year is inadequate for some construction deficiencies to appear. Another problem is that for larger projects, heavy construction equipment can continue to damage roadways for several years after completion of a roadway, which can require the County to rebuild or repair roads in newly constructed subdivisions. This is particularly problematic in multi-phase developments. Finally, the option for a monetary pledge is vague and has been interpreted by some applicants to be satisfied by merely drafting a letter promising to pay for needed improvements and repairs.

Recommendation: While updating the subdivision procedures during development of the IDO, adjust subdivision improvement maintenance guarantees to adequately address street improvements, particularly for multi-phase developments.

Final Plat. Approval of the final plat is a staff function that may occur when improvements are completed or guarantees that the improvements will be constructed are provided. No option for bonding or cash deposit is established, but given the relatively low cost of letters of credit, this is generally the preferred option for applicants. While this process makes sense for small to medium sized developments, large PUDs and Developments of Regional Impact (DRIs) often are accompanied by development agreements that establish the rights and responsibilities of the applicant and the County related to the development and the infrastructure required to adequately serve it. The addition of provisions for County Commission approval of development agreements prior to or in conjunction with final plat approval under certain circumstances would provide more security for both the County and applicants.

Short-Form Subdivisions. Article XV establishes an abbreviated process for the following type of subdivisions which may be approved by the Planning Director with no public review:

- All lots are ten or more acres, no subdivision improvements are required and no building permits may be issued for the parcels

- All parcels are 100 acres or greater. Such plats are reviewed and approved by the Planning Director.

These circumstances are primarily for the conveyance of large parcels and are not intended to result in development. Some jurisdictions allow for short-form subdivisions under conditions in which no public improvements are required other than the extension of water and/or sewer to the resulting lots. This can greatly reduce the cost of subdivisions in rural settings, but by doing so, can also encourage rural residential development.

Recommendations: Within the IDO and subsequently the UDO, expand provisions to allow for ministerial approval of minor subdivisions.

Pedestrian Ways, Recreation and Buffer Committee

The subdivision regulations establish a 3-member committee to review proposals for alternative pedestrian way plans, alternative buffer plans and alternative recreation plans. The County Administrator and the County Engineer serve on the committee with a third member appointed by the County Commission. This is a creative process to provide design flexibility in the development process in an open manner that does not bog down County Commission meetings on preliminary plats.

Board of Appeals

Article XXIII establishes a Board of Appeals to hear appeals to staff actions on certain items in the subdivision ordinance. The regulations are unclear whether this is the same or a different body than the Board of Appeals formed under the Zoning Ordinance.

Recommendation: During the creation of the IDO and variance processes, clarify the roles of the Board of Appeals to address variances and appeals to certain staff decisions. Consider assigning the Board's responsibilities to the Planning and Zoning Commission.

Next Steps

The recommendations embedded in this memorandum call for three initiatives that will have different time-frames and processes – an Interim Development Ordinance, update of the engineering design standards, and preparation of a Unified Development Ordinance. The following sections provide general guidance for the scheduling and processes to be used for each of these initiatives.

Interim Development Ordinance Preparation.

By definition an interim development ordinance is a temporary set of regulations that address critical needs while the long-term solution is being created. The long-term solution is the drafting of a unified development ordinance, which should take 12-18 months, depending on the public process (see discussion below). The critical needs for the IDO identified by participants in the code evaluation process include:

1. Site and building design guidelines² for residential and non-residential structures and site development;
2. Revised variance review and approval procedures and standards;
3. Staff relief to certain zoning and site development standards;
4. Staff and public review procedures and approval criteria for site development plans;
5. New and expanded standards and procedures authorizing staff approval of minor subdivisions;
6. Traffic impact analysis that is appropriate to the scale and potential impacts of affected development;
7. Revisions to major subdivision procedures to:
 - a. Provide ministerial approval of construction plans and create an appeals process;
 - b. Authorize consent approval of final plats that are consistent with preliminary plan approvals by the Board of County Commissioners; and
 - c. Establish procedures and standards for development agreement review and approval; and
8. Rules for adoption, amendment, administration and appeals to public improvement design standards; and
9. Definitions and staff approval criteria for minor amendments to planned developments, site plans, and preliminary plats.

A preliminary review draft of an IDO addressing the above issues should be presented at a Planning and Zoning Commission workshop that provides the opportunity for public questions and comments. After amendments based on the feedback from the public and the Commission's recommendations, the IDO should be forwarded to the Board of County Commissioners for public hearing, deliberation and action. The preliminary review draft can be prepared in about a month and the subsequent public review process can be accomplished in as little as 45 days, which means that the IDO could be in effect by the end of the first quarter of 2018.

The IDO should be adopted for a term of 24 months, with the option for extensions to allow for potential delays in the process of drafting the recommended UDO. A draft scope for the process is included in **Attachment B**.

Public Improvements Design Manual

Chapter 19 of the County Code currently includes a mix of engineering design standards, zoning regulations and subdivision requirements. As recommended above, this document should be prepared as an appendix to the UDO. The IDO should include the language incorporating revised Public Improvements Design Manual by reference, and establishing rules for administration, appeals and amendments. The manual itself should be developed under supervision of the County Engineer to ensure that improvement design standards address the County's water, wastewater, transportation and stormwater management challenges while creating systems that are resilient, cost-effective, easily maintained and efficient to operate.

² 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.

Unified Development Code

Scope. The IDO is a temporary ordinance that serves as a bridge between current development regulations and their replacements in the UDO. Earlier sections of this memo identify the strengths and weaknesses of the County's existing development regulations and propose the reorganization of those regulations to create a code that is easier to use, easier to administer and better suited to the challenges facing Bryan County. This section discusses how the UDO should be developed. A draft scope for development of the UDO is included as **Attachment C** to this memo.

Relationship to Comprehensive Plan. To be effective, the UDO must reflect the County's needs, values, aspirations and resources. Many of the needs have been highlighted above and others will be identified in the current Comprehensive Planning process. The Planning process will also identify the County's values and aspirations in the form of a vision for the future, more detailed goals and objectives that move the County closer to achieving the vision and goals. The Plan will guide many decisions and will inform decision-makers when evaluating major development decisions that shape the character of the County for future generations.

Steering Committee Role. The UDO revision process should build upon the findings and recommendations from the Comprehensive Planning initiative so that the UDO facilitates development that helps achieve local goals and impedes development that is inconsistent with the Plan's goals. While the Plan will not be completed before development of the IDO, it should be a primary resource during the development of the UDO. Citizens who helped define the Plan's vision and goals should be involved in the development of the UDO to ensure consistency with the Plan's broad directives. The County has the option of ensuring this involvement through creation of a policy-oriented steering committee or through periodic community workshops under the supervision of the Planning and Zoning Commission. The steering committee option has the benefit of allowing for inclusion of a much broader range of stakeholders. If this option is chosen, the County should consider appointing at least one member of the Planning and Zoning Commission to the steering committee.

Technical Advisory Team. Unlike the Comprehensive Plan, the UDO involves many technical issues that have significant, but not always obvious impacts on the resulting land uses. Small changes in design may have dramatic impacts on site and neighborhood character. Procedures and standards influence the viability of development and the cost of on-going service provision in sometimes subtle ways. For this reason, the County should form a technical advisory team with responsibility to inform UDO related recommendations to the Board of County Commissioners from the steering committee and the Planning and Zoning Commission. This team should be comprised of key County staff members, representatives from other service providers, and design professionals with expertise in architecture, landscape architecture and engineering.

Schedule. The UDO is a complex document that arises from myriad interrelated decisions. The drafting, review and revision process can be compressed to a period of as little as twelve months if the County has adequate staff to review drafts and support consultant and committee activities. Given the heavy workloads on existing staff, the County should plan for an 18-month process that is generally divided into the following phases:



Phase 1: Selecting Regulatory Strategies – this phase involves the refinement of the UDO outline presented in Attachment A of this memo and the identification of beneficial refinements to the procedures, standards and guidelines presented in the IDO.



Phase 2: Assembling the Unified Development Ordinance – this phase involves the drafting of the code, extensive review of the drafts for consistency with the Comprehensive Plan’s goals and refinement of existing and new development procedures and standards.



Phase 3: Finalizing, Adopting and Implementing the UDO – this phase involves informal public review and the formal adoption process. Another critical element of this task is training staff and decision-making bodies on the changes affecting development review and decision-making.

Attachment A: Unified Development Code Outline

Note: the following outline is a preliminary outline of the provisions that should be addressed within Bryan County's Unified Development Ordinance, which should replace Chapters 12 and 13 of the existing code. Modifications should be anticipated throughout the UDO revision process.

Article 1: Code Administration

- Title
- Purpose
- Authority
- Jurisdiction
- Organization
- Interpretation
- Applicability
- Coordination with Other Documents
- Code Administration – assigns responsibilities for administering code
- Penalties
- Severability

Article 2: Procedures

Division 1: Generally

- Purpose
- Procedural Requirements
- Approvals Required
- Authority to Condition Development Approvals
- Types of Development Approvals
- Completeness Review
- Failure to Act
- Approvals
- Phased Development
- Notice
- Exemption from the Code
- Legislative Hearing Procedures
- Quasi-Judicial Hearing Procedures

Division 2: Approvals Requiring Hearings

- Comprehensive Plan Amendments
- Code Text/Map Amendments (Rezoning)
- Planned Development
- Regulation of Subdivisions, Generally
- Major Subdivisions
- Conditional Use Permits
- Variances
- Appeals

Vested Rights Determination
Development Approval Revocation
Vacation of Streets or Alleys

Division 3: Ministerial Development Approvals

Adoption and Amendment of Technical Standards
Minor Subdivision
Vacation of Easements or Plats
Plats, Amending
Zoning Permits
Land Disturbance Permits
Building Permits
Certificates of Occupancy
Floodplain Development Permits
Sign Permits
Driveway Permit / Right-of-Way Permits
Home Occupation Permits
Temporary Use Permits
Administrative Relief

Article 3: Zoning Districts and Uses

Division 1: Zoning Generally

Purpose
Overview and Applicability
Establishment of Zoning Districts
Zoning Map

Division 2: Base Zoning Districts

Division 3: Overlay Districts

Division 4: Use Matrix and Interpretation

Article 4: Supplemental Conditions for Specified Uses

Includes all standards associated with specific uses, including cemetery, telecommunication facility standards, all uses described in article X of the zoning ordinance and other uses not currently addressed (e.g., short-term vacation rentals, food trucks and mixed-use buildings).

Article 5: Site Development Standards

Division 1: Lot Development Standards

Division 2: Off-street Parking and Loading

Division 3: Landscaping, Tree Preservation, Buffering and Screening

Division 4: Open Space

Division 5: Signs

Article 6: Development Patterns

Includes standards for different development patterns, such as traditional neighborhood development, conservation subdivisions, business parks, and corporate campuses.

Article 7: Floodplain Management

Includes updates to floodplain development standards

Article 8: Stormwater Management

Includes provisions for soil erosion and sedimentation control, as well as drainage and stormwater management requirements

Article 9: Streets and Trails

Includes all provisions for street layout, access and design, in addition to provisions for sidewalks, trails and greenways.

Article 10: Utilities

Includes provisions for water, sewer, electric, gas and telecommunications utilities.

Article 11: Non-Conforming Situations

Addresses standards for the certification, continuance and termination of non-conforming uses, buildings and lots.

Article 12: Interpretation and Definitions

Rules of Construction

Interpretation

Abbreviations

Definitions

Appendices

- A. Table of Amendments to Code Text
- B. Table of Amendments to Zoning Map
- C. Public Improvements Design Manual – discussion item – I propose that we separate construction design details from the layout and installation requirements in Articles 8-10 above. These will be administered and periodically updated by the County Engineer pursuant to the Adoption of Technical standards section in Article 2, Division 3.
- D. Development Applications

Attachment B: Draft Scope of Services for Preparation of an Interim Development Ordinance

Project Objective

Draft an interim development ordinance (IDO) that addresses the most critical short-term needs identified in this memo. Specifically, the IDO will establish:

1. Site and building design guidelines³ for residential and non-residential structures and site development;
2. Revised variance review and approval procedures and standards;
3. Staff relief to certain zoning and site development standards;
4. Staff and public review procedures and approval criteria for site development plans;
5. New and expanded standards and procedures authorizing staff approval of minor subdivisions;
6. Traffic impact analysis that is appropriate to the scale and potential impacts of affected development;
7. Revisions to major subdivision procedures to:
 - a. Provide ministerial approval of construction plans and create an appeals process;
 - b. Authorize consent approval of final plats that are consistent with preliminary plant approvals by the Board of County Commissioners; and
 - c. Establish procedures and standards for development agreement review and approval; and
8. Rules for adoption, amendment, administration and appeals to public improvement design standards; and
9. Definitions and staff approval criteria for minor amendments to planned developments, site plans, and preliminary plats.

Task 1 – IDO Outline

Consultant will prepare an annotated outline of proposed amendments to affected sections of the existing code to accomplish the above changes to the County’s existing development regulations. The outline will describe the substantive changes to existing provisions; the sections to be amended, created or repealed to implement the above changes; and regulatory alternatives that are most relevant to the County’s regulatory needs. Following staff review, Consultant will revise the outline for staff to affirm proposed changes and incorporate preferred regulatory alternatives prior to beginning Task 2.

Task 2 – IDO Draft

Consultant will draft provisions to the IDO in legislative format indicating repealed, edited and newly created sections of the County’s development regulations in redline and strikeout format. Following initial staff review and resulting revisions and refinements to the redlined version, Consultant will provide clean copy highlighting new provisions to facilitate public review.

³ 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.

Task 3 – IDO Workshop

Consultant will facilitate a workshop of the Planning and Zoning Commission to present the proposed IDO, highlight the implications of the ordinance and address questions and comments from the Commission and attendees. Following this workshop, Consultant will prepare amendments in consultation with County staff.

[Options here include joint workshop, separate meetings with Board members on the same trip and a separate public workshop outside of the P&Z workshop.]

Task 4 – Planning and Zoning Commission Hearing

Consultant will provide public hearing support and will prepare a summary of amendments recommended by the Planning and Zoning Commission.

Task 5 – Board of County Commissioners Hearing

Consultant will provide support at one public hearing and will incorporate amendments adopted by the Board in a final document to be used during the life of the IDO.

Attachment C: Draft Scope of Services for Preparation of a Unified Development Ordinance

Phase 1: Selecting Regulatory Strategies

Task 1.1 UDO Outline Review

After reviewing the project scope and facilitating discussion of the Steering Committee's roles and responsibilities, Consultant will present the working UDO outline and highlight significant regulatory changes that are anticipated in the new UDO to the Steering Committee in a kickoff workshop. Annotations will highlight alternative standards and procedures that should be considered in subsequent workshops.

Task 1.2 Code Building Forum #1 – Technical Framework

Consultant will conduct a 2-day forum focusing on the UDO's technical framework, including the proposed reorganization. Separate meetings will be conducted with the Technical Advisory Team, the Steering Committee and the public in discussions of the following topics:

- Procedures, Administration, Special Purpose Regulations and Zoning Districts
- Development Standards and Improvement Requirements

Task 1.3 Code Building Forum #2 – Design Framework

Consultant will facilitate a two-day forum focusing on the UDO's design framework. Separate meetings will be conducted with the Technical Advisory Team, the Steering Committee and the public in discussions of the following topics:

- Building Design
- Subdivision Design
- Area and Corridor Design

Task 1.4 Detailed Annotated UDO Outline and Report

Based on the results of the forums, the Consultant will refine the annotated outline and describe where new and existing regulations will be located in the new UDO. Before beginning Phase 2, Technical Advisory Team will be asked to confirm that the annotated outline should serve as the basis for organizing the draft regulations.

Phase 2: Assembling the Unified Development Ordinance

Task 2.1 Prepare Administrative and Public Review Drafts

Consultant will draft a preliminary public review draft UDO based on the annotated outline prepared in Task 1.4. Once staff has signed off on an administrative review draft, Consultant will prepare a public review draft for discussion at subsequent workshops. Throughout the drafting, Consultant will regularly coordinate with staff to review and discuss regulatory options to be included in the draft

Task 2.2 Code Building Forum #3 – UDO Refinement Workshops

Consultant will present a preliminary public review draft UDO at a two-day planning forum. Workshops with the Steering Committee, the Technical Advisory Team and the public will provide both general and specific discussions of the purposes, procedures, standards and effects of the new UDO.

- How the UDO Works
- What the UDO Requires

Task 2.3 UDO Revisions

During tasks 2.1 through 2.2, consultant will identify and begin drafting potential revisions to address staff, committee and stakeholder concerns. Consultant will coordinate with staff to identify changes that should be incorporated in the final public review draft.

Phase 3: Finalizing, Adopting, and Implementing the UDO

Task 3.1 Prepare Public Review Draft

Following Task 2.3, Consultant will prepare a Public Review Draft for review by Staff, the Technical Advisory Team and the Steering Committee. After addressing Staff and Committee comments, Consultant will prepare a PDF Public Review Draft for distribution to the public.

Task 3.2 Public Review Draft Workshops

Following distribution of the UDO draft, Consultant will facilitate a public workshop to discuss the implications of the UDO, answer questions and elicit concerns that will be forwarded to the Planning and Zoning Commission prior to adoption. Consultant will facilitate a joint workshop of the Steering Committee, the Planning and Zoning Commission and the Board of County Commissioners to review public concerns and comments and solicit additional guidance prior to task 3.3.

Task 3.3 Planning and Zoning Commission

Consultant will present the draft UDO at a public hearing before the Planning and Zoning Commission to describe the effect of the UDO, to answer community questions, and support the Commission's decision-making process.

Task 3.4 Board of County Commissioners Hearing

Consultant will present the draft UDO at a public hearing before the Board of County Commissioners and provide support at the hearing. Prior to this meeting, Consultant will prepare an addendum of revisions recommended by the Planning and Zoning Commission.

Task 3.5 Refine Final Draft

Following UDO adoption, Consultant will coordinate final revisions and review with Staff and prepare a final version for delivery.

Task 3.6 Training Workshops

Consultant will conduct workshops for staff, elected and appointed officials, the development community, and the public to educate them on new procedures and standards included in the adopted UDO.