

Memo

To: Bryan County Joint Workshop Participants
From: Michael Lauer, AICP - Principal
Date: June 17, 2020
Re: Joint Workshop UDO Discussion Items

At our June 22nd workshop, we will focus our discussions on substantive issues that are part of the first seven articles of the draft unified development ordinance (UDO). We will allot some time at the end of the workshop to address additional issues that are not included in this memo.

Status Report: Staff and consultant have continued to work through the details of the draft UDO, refining initial drafts to ensure internal consistency and testing the draft regulations against past and current regulatory challenges. Articles I-VII will be ready for public discussion once the Board and Commission provide direction on the issues outlined below. Of the remaining articles, which staff is currently reviewing, the most significant provisions are in Article VIII: Development Patterns and Design Standards.

Density and Conservation Subdivision

Several of the UDO's density and conservation subdivision provisions are sensitive to the availability of adequate infrastructure. More specifically, infrastructure capacity will affect:

- **Service to suburban and urban development.** In areas planned for lots smaller than one acre, the County will need to provide sewer service or enable the creation of centralized sewer collection and treatment systems by others. The draft UDO identifies the need for adequate facilities but does not establish any policies for the timing, location, or provider of sewer extensions.
- **Ability to accommodate density bonuses.** The draft UDO includes provisions for density bonuses when an applicant provides additional open space, recreational amenities, buffers, and other development enhancements. The ability to capitalize on density bonus provisions depend on the availability of public infrastructure.
- **Conservation Subdivisions.** Conservation subdivisions can work in areas zoned A-5 and RR-2.5 areas by clustering lots encompassing one or more acres around common open space. If off-site drain fields are enabled, a conservation subdivision may work in an RR-1.5 zoning district if the affected tract of land has few development constraints. However, to work in an RR-1 or R-15 area, centralized sewer systems must be provided because conservation subdivisions at

these densities require lots that are too small to serve using on-site sewer systems.

Article I: Code Administration:

1. **Creation of New Board of Adjustment.** The draft UDO includes the creation of a new five-member Board of Adjustment. Variances and appeals to staff decisions are currently decided upon by the P&Z Commission. While there are some efficiency gains in having the P&Z wear two hats, there are also risks. The standards for hearings, evidence, testimony, and decision-making are different for variances and appeals than for any of the other decisions made by the P&Z. Additionally, with the implementation and enforcement of additional development standards, there has been an increase in the number of applications for variances, which requires additional time and effort of P&Z members.
2. **Creation of New Building and Construction Board of Appeals.** The draft UDO includes the creation of a five-member Building and Construction Board of Appeals. Currently, the Board of Commissioners serves as the Building Board of Adjustment. Appeals to technical standards of the building code, engineering design manual, and flood hazard regulations would be more appropriately heard by a separate board that is referenced in Chapter 103 of the Bryan County Code and comprised of individuals associated with the building and engineering industry, as such issues tend to be very specific and technical.

Article II: General Development Procedures

1. **Planned Developments**
 - a. **Should the County retain the Planned Development process for future developments?** This process allows for a high degree of discretion that allows the flexibility for more efficient development of difficult sites. This flexibility is generally connected to design and amenity enhancements. Some Board members have expressed concerns that this flexibility hasn't always resulted in better developments – that it merely enables higher density development than could be achieved through conventional development standards.
 - b. **Proposed PD Procedural Changes:** The draft UDO proposes three key changes to the PD process:
 - i. **Elimination of the Conceptual Development Plan.** The purposes of this step can be achieved through pre-submittal coordination with County staff.
 - ii. **Granting of Zoning when the Board approves the Preliminary Development Plan.** This change is significant, because it requires the applicant to commit to a phasing plan and to identify the land uses, intensities and design enhancements in sufficient detail to convince the P&Z Commission and Board of Commissioners that the proposed development will meet County expectations. Zoning does not guarantee future development approvals, but provides

the County and applicant with sufficient certainty to proceed with the development process

iii. **Granting Final Development Plan approval authority to staff.**

This change requires the Board to provide sufficient clarity on its expectations in conjunction with Preliminary Development Plan approval to enable staff to ensure that the development meets those expectations. Staff action would be appealable to the Board of Commissioners, so if the applicant and staff do not reach agreement, the Board would have the final decision. Final Development Plan approval enables the applicant to submit a sketch plat for the subdivision.

2. **Proposed Major Subdivision Procedural Changes:**

- a. **Consolidation of the Sketch Plat and Preliminary Plat processes.** This change means that the P&Z Commission and Board will be conducting hearings on a Sketch Plat that will provide all of the details of the Preliminary Plat as established in the IDO.
- b. **Granting Final Plat approval authority to staff.** If a final plat complies with all of the conditions of Sketch Plat approval, the staff would be able to grant approval of the Final Plat once Construction Plans are approved and improvements are completed. The Board of Commissioners, however, would accept dedications of right-of-way.

3. **Clearing and Grading Permit.** The draft UDO allows the Engineering Director to issue a clearing and grading permit prior to other development approvals but requires a restoration bond to guarantee that a site will not be graded and abandoned. Under current regulations, there is no way to ensure that site work is completed unless authorized pursuant to construction plan approval.

4. **Sign Removal.** The draft UDO requires that signs for businesses be removed if the business ceases to operate for more than six months. There currently is no requirement for removal of signs for closed businesses.

Article V: Zoning Districts and Uses

1. **Create New Districts.** The draft UDO proposes the creation of one new district that is highlighted in Table 1. The R-15 low-density residential district effectively mirrors the R-30 district by allowing 15,000 sq.ft. lots but assumes that centralized water and sewer service will be provided. Larger lots would be required where one or more centralized services are lacking.

2. **Rename Existing Districts.**

- a. Agricultural-Residential (AR) lots would become rural residential lots to reflect the fact that most of these lots are too small for and are incompatible with commercial agricultural operations.
- b. R-3 and R-4 would be renamed R-M and R-MH to reflect that these districts are intended for multifamily and manufactured home parks, respectively.

- c. Industrial districts would be renamed I-1 and I-2 to provide more consistent naming for light and general industrial districts.
- d. Office district would be renamed institutional/civic district to reflect that district's current purposes.

Table 1: Proposed Zoning Districts

District Abbreviation	Zoning District Name
Agricultural and Rural Residential Districts	
A-5	Agricultural
RR-2.5	Rural Residential 2.5
RR-1.5	Rural Residential 1.5
RR-1	Rural Residential 1
Residential Districts	
R-15	Low-Density Residential 15
R-M	Multi-family Residential
R-MH	Manufactured home park
Commercial Districts	
B-1	Neighborhood Commercial
B-2	General Commercial
C-1	Interchange Commercial
Industrial and Institutional Districts	
I-1	Light Industrial
I-2	General Industrial
P/I	Public/Institutional
WP	Waste Management
Waterfront Business and Dunes/Marsh Districts	
WB	Waterfront Business
DM-1	Dunes and Marshlands
Other Zoning Districts	
PD	Planned Development

- 3. **Consolidate Existing Districts.**
 - a. The neighborhood business (BN) and neighborhood commercial (B-1) districts are consolidated to a single neighborhood commercial district. Note that this will broaden the range of uses currently allowed in the BN district to include more neighborhood scale businesses.
 - b. The three waterfront districts are consolidated, with all the WB-3 and the more intensive WB-2 district uses becoming conditional uses.
- 4. **Identify Proposed Changes from Existing to New Zoning.** Table 2 lists the proposed transitions from existing to future zoning under the UDO

Table 2: Proposed Zoning District Transitions

Prior Zoning District to be Eliminated	New Zoning District Assignment
AR-2.5 – Agriculture Residential	RR-2.5
AR-1.5 – Agriculture Residential	RR-1.5
AR-1 – Agriculture Residential	RR-1
R-30 – Residential	RR-1 or R-15 ¹
R-1 – Residential	R-15
R-2 – Two-family residential	R-15
R-3 – Multifamily residential	R-M
R-4 – Manufactured home park	R-MH
BN – Neighborhood business	B-1
I-L – Light industrial	I-1
I-1 – General Industrial	I-2
O – Office	P/I
WB-1 – Waterfront Business	WB
WB-2 – Waterfront Commercial	WB
WB-3 – Waterfront Commercial/Industrial	WB
PUD – Planned development	PD

Note: (1) RR-1 zoning applicable to lots of 1 acre or greater. R-15 zoning applicable to lots smaller than 1 acre. In determining the appropriate zoning district, however, the Community Development shall determine the average lot size of R-30 parcels within a platted subdivision, lot size for single parcels outside of a major or minor subdivision, or review the conceptual plan included with a rezoning application for undeveloped tracts of land.

5. **Farm Animals in RR Districts.** The draft UDO includes the following standards for large and small farm animals in RR districts:

a. **Large Farm Animals**

- Commercial operations require 5 acres or more
- Non-commercial operations require 2 acres or more
- Density of 1.33 acres per animal unit (horse or cow = 1 animal unit; 5 sheep = 1 animal unit)
- No pigs allowed in RR districts
- Enclosures other than fences must be 100 feet from property line (discuss standards for commercial enclosures)

b. **Small Farm Animals**

- Require 1 acre or more for commercial operations
- Enclosures other than fences must be 50 feet from property line (discuss standards for commercial enclosures)
- Discuss animal density

6. **Small Farm Animals in R-15 Districts.** The draft UDO includes the following standards for small farm animals in R-15 districts:
 - a. If 15,000 sq.ft. or more, then up to 5 hens, rabbits or other small animals, or up to 2 small hoofed animals
 - b. Commercial operations prohibited
 - c. Enclosures must be 50 feet from property lines
6. **Commercial Districts.**
 - a. B-1 districts are limited to 10,000 square feet for an individual building or up to 40,000 square feet in multiple buildings
7. **Planned Districts.**
 - a. Mix of uses encouraged, but not required
 - b. At least two types of housing (e.g., single family and townhome) are required
 - c. Base density is 3 du/a in low density suburban character areas but may be increased to up to 5 du/a with density bonus
 - d. Base density is 6 du/a in mixed-use character areas but may be increased to up to 10 du/a with density bonuses
 - e. Density bonuses are available by formula for:
 - Low Impact Design (LID/green infrastructure)
 - LEED-ND
 - Extra open space
 - Extra recreational facility credits
 - Increase buffers
 - Preservation
 - Discretionary purposes
 - f. PD Design Standards include:
 - Mobility – complete streets and traffic calming
 - Street trees
 - Centralized water and sewer
 - Open space (see later section)
 - Recreational amenities (see later section)
 - Buffers, landscaping, and tree preservation (see later section)
 - Design guidelines (to be submitted with application)

Article VI: Site Development Standards

1. **Minimum Living Area.** The draft UDO reduces the minimum area for a dwelling unit from 525 to 400 square feet, which would accommodate an efficiency apartment but not the typical tiny house, which falls below 200 square feet.
2. **Height Measurement.** Height measurement is simplified in the UDO, starting at either mean grade at the front building line or base flood elevation and measuring up to the mid-point of pitched roofs or the highest point of a flat roof or parapet.
3. **Height Transitions.** The draft UDO requires height transitions between:
 - a. Detached single family residential districts and other districts

- b. Multi-family dwellings and project boundaries
- 4. **Flagpoles.** The draft UDO limits flagpoles to 16 feet in residential districts and 35 feet in other districts.
- 5. **Setbacks.** The draft UDO allows mailboxes, piers, docks, fences, light poles, signs and unenclosed, at-grade pools to encroach in setback areas but all other structures are required to meet minimum setback requirements. Previously these other accessory structures were required to be set back at least 10 feet from the property lines. **The Steering Committee recommended the accessory structures meet setbacks.**
- 6. **Minimum Lot Area.** The draft UDO allows lots on private roads to extend to the centerline of those roads but does not include the access easement or right-of-way in the calculation of minimum lot area. Note that 4-6 lots may be built on a 40 ft. wide private road easement, but a private road would be required for 7 or more lots, with no variance permitted. Similarly, when buffers are allowed on a developable lot, they are not included in minimum lot size.
- 7. **Buffers.** The draft UDO includes the following buffer requirements:
 - a. 30 ft. buffers around major subdivisions
 - b. 100 ft. buffers along arterials for RR, R-15, RM or R-MH
 - c. 50 ft buffers along arterials for other districts
 - d. 30 ft buffers along collector roads
 - e. Street yards are allowed as an option for retail and service uses
- 8. **Buffers Rules.** The draft UDO requires buffers for major subdivisions to be located on a separate common lot, but allows them to be part of a lot, but not included in the minimum lots size for multi-family and non-residential lots.
- 9. **Tree Preservation.** The draft UDO's tree preservation strategy retains existing provisions for maintaining a 40% tree canopy and adds requirements to protect or mitigate of Heritage (16-28" dbh) and Historic (28" dbh and greater) trees. The Board has not discussed include proposals to:
 - a. Base replacement requirements on the species of the heritage or historic tree.
 - b. Allow street trees to be planted to mitigate heritage or historic tree removal.
 - c. Establish a fee in lieu of mitigation in lieu of **or** in addition to planting requirements.
 - d. Protect heritage and historic trees on individual lots, in addition to protection of these trees in major subdivisions, minor subdivisions and site plans.
- 10. **Open Space Requirements.** The UDO establishes open space requirements as a percentage of gross acreage by zoning district for all major subdivisions as follows:

Zoning District	Minimum Percentage of Gross Acreage for Open Space
A, RR-2.5, RR-1.5, RR-1	No minimum
R-15	10
R-M, PD	20
R-MH	15
B-1, B-2, C-1, I-1, I-2, P/I	10

- a. Up to 50% of the open space may be wetlands or water bodies
- b. At least 5% of open space must be undisturbed greenspace
- c. Not more than 5% of required open space may be counted towards required recreation facilities. Optional recreational facilities may earn credit towards density bonuses in PDs. To obtain the bonus, the PD development would need to provide recreational facilities greater than the standard minimums, as identified under the “Recreational Facilities” heading below.

11. **Recreational Facilities.** The draft UDO requires recreational facilities for PD, R-15 and RM subdivisions approvals. Recreational facilities are not required for development in RR districts. Active park land of at least 1.5 acres of active park land is required for developments of 50 or more dwelling units and at least one credit is required per 50 dwelling units according to the following:

- a. **Active Recreation Fields** – these may consist of open fields or sport-specific fields encompassing at least 1.5 acres for each credit.
- b. **Swimming Pool** – swimming pools shall include at least 1,200 square feet of pool surface and 2,000 square feet of deck area for each credit. Restrooms, showers, and changing areas are required.
- c. **Sports Courts** – these may consist of tennis courts, basketball courts, volleyball courts, multi-purpose courts or similar facilities encompassing 40,000 square feet for each one-half (1/2) credit.
- d. **Picnic Areas** – these may consist of independent covered picnic tables or shelters accommodating multiple picnic tables. These may abut open spaces but shall not be used to satisfy required open space acreage. At least one (1) acre of land, ten (10) tables, and two (2) restrooms shall be provided for each one-half (1/2) credit.
- e. **Community Activity Building** – indoor community activity space may be provided in the amount of 30 square feet per dwelling unit. Restrooms must be included. One credit shall be given for the minimum square footage met.
- f. **Active Playground** – these may consist of a minimum of 2,400 square feet of play area and play equipment in locations so that each dwelling unit is within one-quarter (1/4) of a mile of a playground. Each active playground shall, at a minimum, include swings, a slide, climbing apparatus, and a bench, or equivalent recreational amenities as

determined by the Community Development Director. One-half (1/2) credit shall be provided for each active playground.

12. **Signs.** The draft UDO incorporates many existing sign code provisions but, based on past discussions, additional guidance should be provided on the following issues:
 - a. Should sign illumination be limited to external lights and backlighting, or should internally illuminated signs be allowed?
 - b. Other than tall signs near interstate interchanges, should free-standing signs be limited to monument signs in lieu of allowing pole signs?
 - c. Should electronic message center signs be limited to non-animated signs or sign inserts of limited size (e.g., gas price, time/temperature type signs)?
 - d. Should outdoor advertising be limited to the C-I district or allowed in I-1 and I-2 districts as currently permitted?
 - e. Should the County limit the duration of election signs? The current draft proposes 90 days before the election and 7 days after.
 - f. Should temporary blade signs (e.g., banners on a pole) be allowed?
 - g. When temporary signs are removed by the County, should a fee be required for the return of the sign?
13. **Lighting.** The draft UDO includes standards for lighting of commercial property to minimize spillover and limit brightness. The standards will require staff to rely on certifications provided by applicants. Draft standards do not apply to residential development.

Article VII: Supplemental Conditions for Specified Uses

1. **Accessory Farm/Non-residential structures.** Should accessory structures be allowed to be built before principal structures are constructed in RR 1.5 and RR-1 zoning districts?
2. **Accessory Structures (Residential).** Current zoning provisions limit lots in RR and R districts to two accessory structures, should this be changed to three structures to accommodate a pool, gazebo and shed or detached garage?
3. **Family Child Care Learning Homes.** The draft UDO requires family child care learning homes with 6 or fewer non-resident children to be owner occupied and separated from other child care homes by 1,000 feet.
4. **Heavy Auto Repair.** The draft UDO requires heavy auto repair facilities to have frontage on an arterial or collector street and to have room for at least one vehicle in front of each service bay.
5. **Bed and Breakfast Facilities.** The draft UDO distinguishes bed and breakfast homes (up to 4 guest rooms) from bed and breakfast inns (5 to 10 guest rooms). Homes would be allowed in any A or RR district, but Inns would be limited to A-5 and the RR-2.5 districts.
6. **Religious Institutions** – Religious institutions, which are defined as “house of worship, such as a church, temple, synagogue, or mosque,” frequently have one

or more accessory uses associated with the institution. Once a use is established, most give broad discretion for operation of the principal use and allowed accessory uses. The question for discussion is whether the UDO should place a higher level of review on any of the following potential accessory uses:

- a. Fellowship halls, parish halls and similar buildings or rooms used for meetings, religious education, and similar functions;
 - b. Religious schools (even where the facilities are used for both secular and religious educational activities);
 - c. Religious camps or retreat centers;
 - d. Faith-based homeless shelters;
 - e. Faith-based soup kitchens; or
 - f. Faith-based group homes.
7. **Special Events and Temporary Uses.** These would be permitted by staff unless there is a determination that the use would have significant traffic or emergency access issues, in which case, Board of Commissioners approval would be required.
 8. **Special Event Venues and Special Event Centers.** The draft UDO distinguishes these uses with special events venues being accessory to primary residences and allowed a limited number of events with a limited number of guests at any given time. Special events centers would be limited to commercial zoning districts and would not be restricted in the numbers of events or guests.
 9. **Vehicle Sales.** The draft UDO requires that display areas for vehicle sales be paved. This helps control dust and reduces the temptation for display vehicles to encroach on public right-of-way. Should other surfaces be considered?

Next Steps

Following the workshop, consultant and staff will incorporate recommendations into the draft UDO and schedule a second joint workshop in early August to discuss the provisions of Articles VIII-XIII. Given current health concerns, there is a concern that the public may be reticent to attend multiple large public workshops to provide input on the UDO. Please be prepared to discuss the following options for public outreach:

1. Conduct a Go-To-Meeting workshop on the first 7 articles following the June 22 joint workshop and a second Go-To-Meeting workshop on articles 8-13 following the above-mentioned August Joint Workshop.
2. Conduct a pair of live meetings (north and south County) following the August Joint Workshop using large venues that maximize the ability to separate attendees.

Regardless of which approach is taken, prior to the first hearing of the Planning and Zoning Commission on the UDO, a virtual meeting should be planned to answer questions and solicit comments on the public hearing draft of the UDO.