



UDO: Codes Assessment, Outline, & Fiscal Impacts Framework

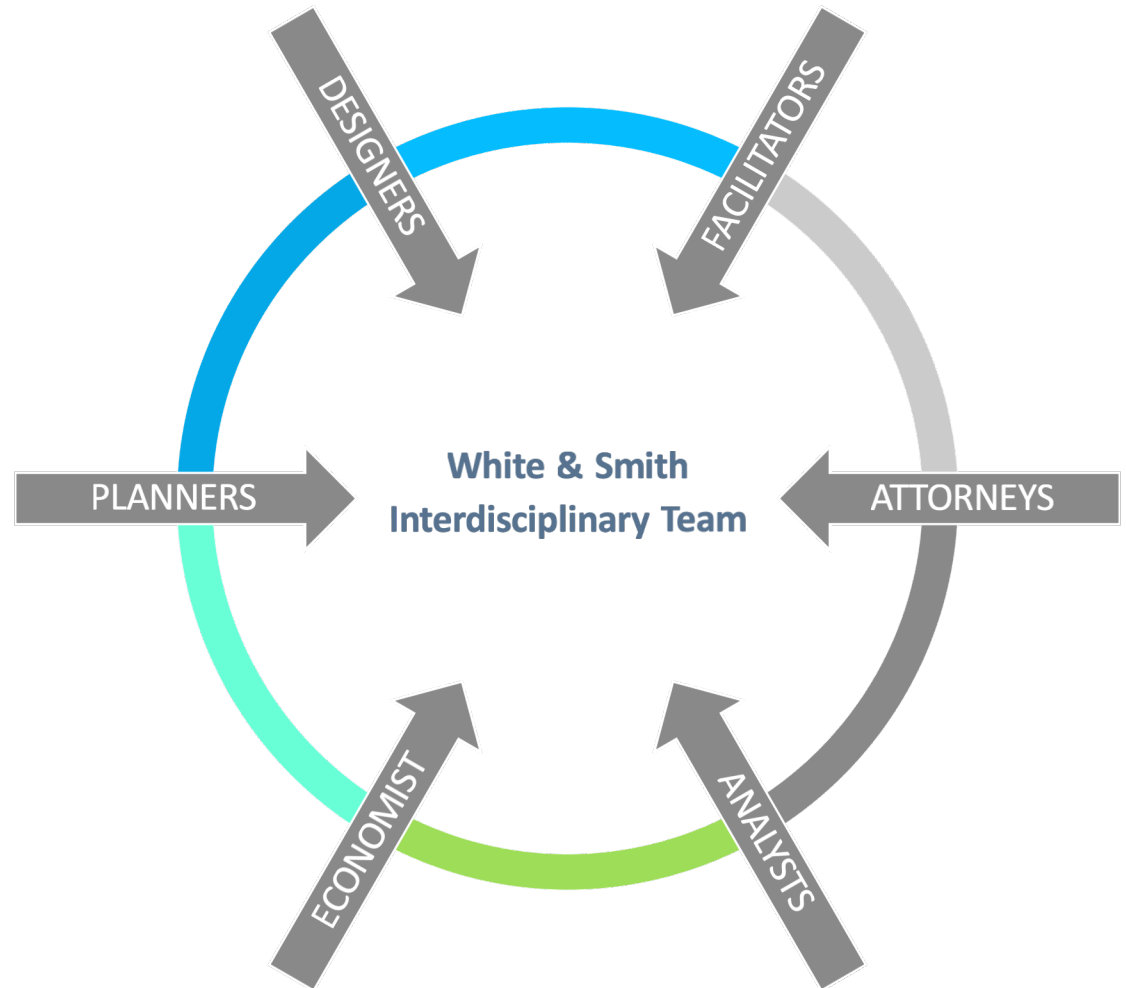
Joint Council-Planning Commission Workshop
Greenville County, SC
November 9, 2020

Our Team



MKSK

Dr. Timothy Green, Lecturer
Clemson University
Department of City Planning &
Real Estate Development



Prior Tasks Performed

- » Initial Presentation to Council and Planning Commission
- » 2-Day Kick-Off and Stakeholder Sessions
- » Stakeholder Synopsis Memo

Tasks this Phase

- » Zoning & LDR Assessment
- » UDO Outline (annotated)
- » Fiscal Analysis





UDO: Zoning Code & Land Development Regulations Assessment

Joint Council-Planning Commission Workshop
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Codes Assessment

- » Introduction
- » Background
- » Areas of Recommended Changes
- » Conclusion & Next Steps

GREENVILLE COUNTY, SC ZONING CODE & LAND DEVELOPMENT REGULATIONS ASSESSMENT



PUBLIC REVIEW DRAFT | NOVEMBER 6, 2020



Areas of Recommended Changes

A. Increase Compatibility & Consistency with Municipalities

- Revise regulations applicable in “transition areas” at the edges of municipalities to increase consistency in development outcomes between incorporated/unincorporated areas

B. Improve Code Organization, Formatting, & Usability

- Consolidate Zoning Code, LDR, and other ordinances (e.g., signs)
- Consolidate related requirements
- Frequently used sections up front (e.g., zoning districts)
- Resolve internal inconsistencies
- Reduce ambiguity
- Use short sentences with clear language

Areas of Recommended Changes

C. Revise the Zoning Districts

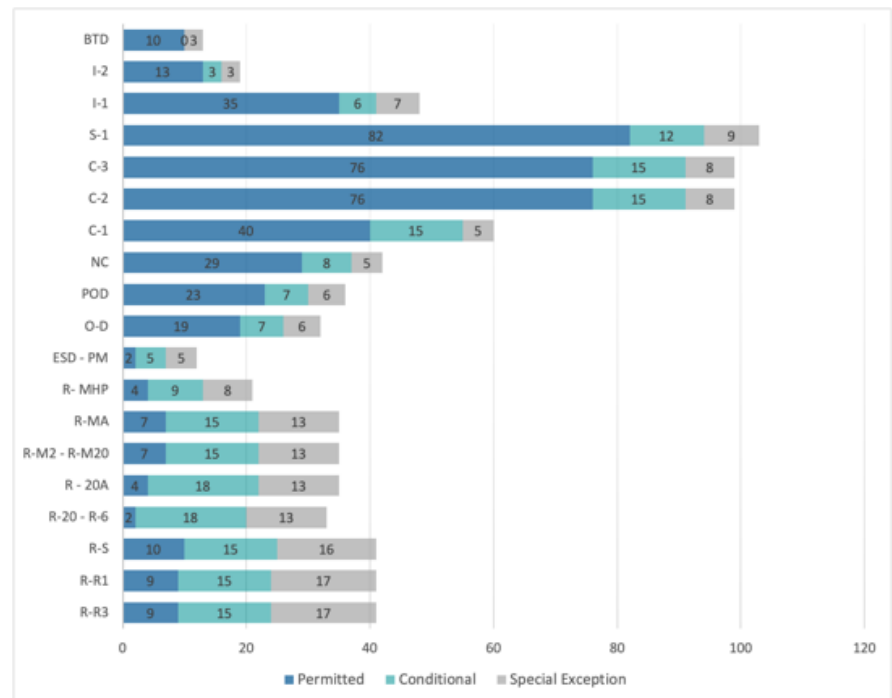
- Create an agricultural zoning district
- Reduce the number of residential districts
- Review and revise Special Purpose Districts
- Streamline Review Districts



Areas of Recommended Changes

D. Modernize the Land Uses & Use Regulations

- Update use table
- Address emerging land uses (e.g., short-term rentals, 5G)
- Review and revise use regulations (e.g., outdoor storage, home occupations, motor sports facilities)
- Consider incentives for affordable housing



Assessment, p. 18

Areas of Recommended Changes

E. Align Design & Development Standards with *Plan Greenville County*

- Setbacks
- Commercial & MF site and building design standards
- Parking
- Transit
- Tree protection
- Buffers and screening
- Stormwater, floodplains
- Low Impact Development (LID)
- Open space, parks, and trails
- Environment and conservation

Areas of Recommended Changes

F. Update the Land Development Regulations

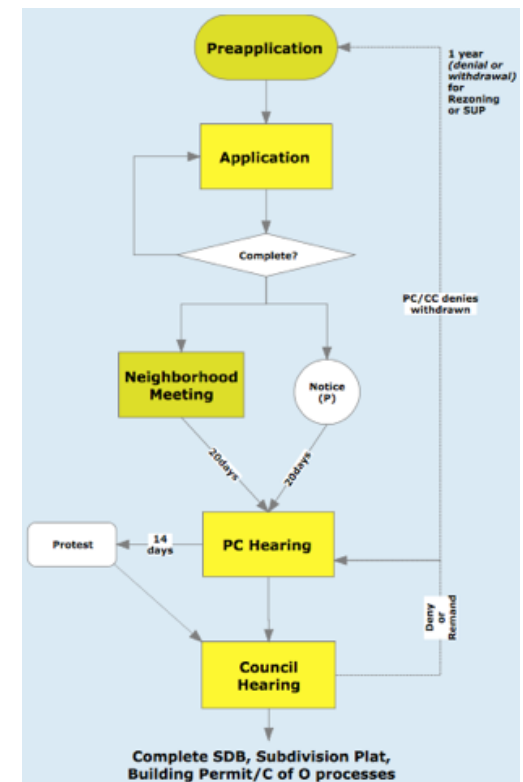
- Un-zoned areas
- Cluster developments / conservation subdivisions
- Subdivisions
- Infrastructure (e.g., streets, sidewalks/ multi-use paths/ trails)
- Utilities and services (e.g., water, sewer, trash collection)



Areas of Recommended Changes

G. Improve Procedures & Administration

- Development and approval processes
- Submittal requirements and fees
- Traffic Impact Studies
- Coordination
- Nonconformities
- Definitions
- Enforcement



Areas of Recommended Changes

H. Promote Historic Preservation

- Review and revise Historic Preservation District
- Protect abandoned cemeteries
- Submittal requirements (e.g., pre-application meeting, Cultural Resources Survey)
- Adaptive reuse of existing and historic structures
- Preserve character of historic neighborhoods





UDO: Annotated Outline

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New UDO

- » Logically organized by topic
- » Similar subjects arranged by article
- » Most commonly used parts up front
- » More technical material at the back
- » Definitions consolidated

Article/Title

1. Introduction
2. Zoning Districts
3. Use Regulations for Zoned Areas
4. County-Wide Use Regulations
5. Parking & Loading
6. Tree Preservation, Buffers, & Screening
7. Parks & Open Space
8. Outdoor Lighting
9. Signs
10. Building Design Standards
11. Site Design Standards
12. Subdivision Design Standards
13. Access & Connectivity
14. Transportation Corridor Preservation
15. Stormwater Management
16. Utilities
17. Zoning Procedures
18. Land Development Procedures
19. Agencies
20. Nonconformities & Vested Rights
21. Violations & Enforcement
22. Legal Provisions
23. Rules of Interpretation & Measurement
24. Definitions & Acronyms
25. Submittal Requirements

New UDO

- » Organization allows identification (by article) of Zoning vs. LDR, which have different statutory requirements
- » Numbering system is consistent with current ZO and LDR

Article/Title

- | | |
|--|---|
| 1. Introduction | 14. Transportation Corridor Preservation |
| 2. Zoning Districts | 15. Stormwater Management |
| 3. Use Regulations for Zoned Areas | 16. Utilities |
| 4. County-Wide Use Regulations | 17. Zoning Procedures |
| 5. Parking & Loading | 18. Land Development Procedures |
| 6. Tree Preservation, Buffers, & Screening | 19. Agencies |
| 7. Parks & Open Space | 20. Nonconformities & Vested Rights |
| 8. Outdoor Lighting | 21. Violations & Enforcement |
| 9. Signs | 22. Legal Provisions |
| 10. Building Design Standards | 23. Rules of Interpretation & Measurement |
| 11. Site Design Standards | 24. Definitions & Acronyms |
| 12. Subdivision Design Standards | 25. Submittal Requirements |
| 13. Access & Connectivity | |

New UDO section & title

Discusses changes and notes where various sections help implement *Plan Greenville County* policies and strategies

ZO & LDR sections that will be relocated/replaced

| ARTICLE 3: USE REGULATIONS FOR ZONED AREAS | | | |
|--|--|---|--|
| New UDO Section | Title | Description / Comments | Existing County Code Section(s) |
| 3.1 | GENERAL PROVISIONS | | |
| 3.1.1 | PURPOSE | <i>Explains intent of article—i.e., to establish the uses allowed in each zoning district, to add supplemental regulations that apply to conditional and special exception uses, to clarify issues relating to uses (e.g., permitted accessory uses), and to implement state and federal law regarding certain land uses.</i> | |
| 3.1.2 | APPLICABILITY | <i>Specifies this article applies only in zoned areas.</i> | |
| 3.1.3 | TBD | | ZO SECTION 12:5 RELATIONSHIP OF BUILDINGS TO LOTS ZO SECTION 12:6 PROJECTIONS INTO PUBLIC STREETS AND STREET RIGHTS-OF-WAY |
| 3.2 | USE TABLE | | |
| 3.2.1 | INTRODUCTION | <i>Carries forward explanation of how to read the use table.</i> | ZO 6:1.1 USES PERMITTED BY-RIGHT = P ZO 6:1.2 USES SUBJECT TO CONDITIONS = C ZO 6:1.3 SPECIAL EXCEPTION USES = SE ZO 6:1.4 USES NOT ALLOWED |
| 3.2.2 | CLASSIFICATION OF NEW & UNLISTED USES. | <i>Describes how new and unlisted are classified. Provides new criteria to assist the Zoning Administrator in making determinations regarding new and unlisted uses.</i> | ZO 6:1.5 NEW OR UNLISTED USES |
| 3.2.3 | USE TABLE | <i>Carries forward, consolidates, and audits the list of uses permitted in each base zoning district. Adjusts uses in districts as needed. Implements Plan Greenville County Objective C-1, Strategies 4, 6, 9 and 15; Objective C-3, Strategy 4; Objective G-1, Strategies 1 and 2; Objective G-2, Strategies 1, 2, 3, 4, 5, and 9; Objective H-3, Strategy 1.</i> | ZO TABLE 6.1 USES PERMITTED, USES BY SPECIAL EXCEPTION, AND CONDITIONAL USES ZO 7:2.4-3 AND 7:2.5-3 PERMITTED USES (OPEN SPACE RESIDENTIAL DEVELOPMENTS) ZO 8:2.7 RESIDENTIAL USES (POD DISTRICT) ZO 8:4.5 PROHIBITED USES (I-2 DISTRICT) ZO 8:4.11 OUTSIDE STORAGE (I-2 DISTRICT) ZO 8:3.6 NON-RESIDENTIAL USES (NC DISTRICT) ZO 8:3.7 RESIDENTIAL USES (NC DISTRICT) ZO 8:10.2 USES PERMITTED, USES BY SPECIAL EXCEPTION, AND CONDITIONAL USES (BT <u>D</u> DISTRICT) |

The outline is a “working” document.

- » The outline will be updated as the UDO takes shape.
- » As the UDO is drafted, minor edits may be necessary to relocate articles/sections or add new ones. The outline will reflect all of these changes.
- » An updated outline will accompany each review module.

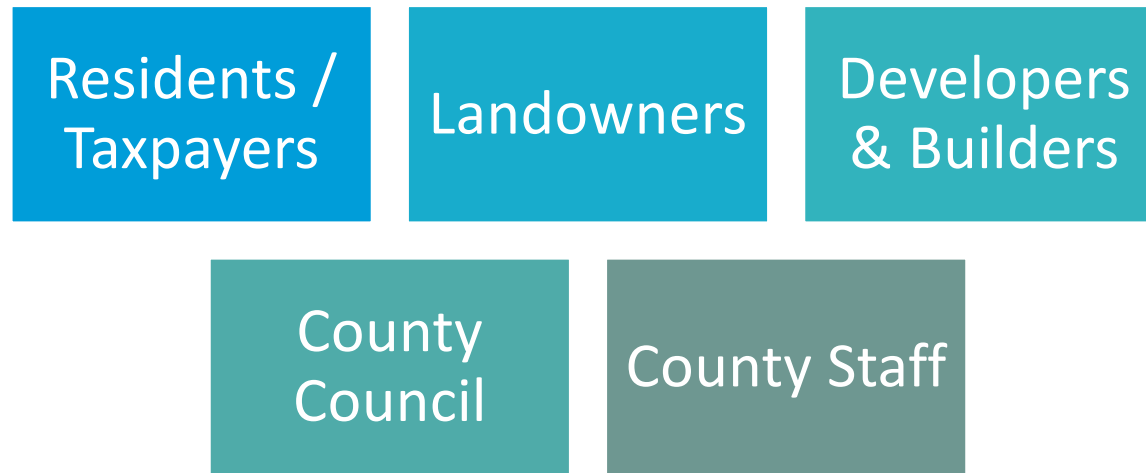
| ARTICLE 4: COUNTY-WIDE USE REGULATIONS | | | |
|--|--------------------------------------|--|--|
| New UDO Section | Title | Description / Comments | Existing County Code Section(s) |
| 4.1 | GENERAL PROVISIONS | | |
| 4.1.1 | PURPOSE | <i>Explains intent of article—i.e., to establish regulations for specific uses that apply throughout unincorporated Greenville County, in both zoned and un-zoned areas.</i> | |
| 4.1.2 | APPLICABILITY | <i>Specifies this article applies throughout unincorporated Greenville County.</i> | |
| 4.1.3 | TBD | | |
| 4.2 | ADULT-ORIENTED BUSINESSES | | |
| 4.2.1 | PURPOSE | <i>Carries forward existing use regulations for adult-oriented businesses. Incorporates or cross-references, as appropriate, Chapter 2.5 of the County Code.</i> | ZO SECTION 6:2(1) USE CONDITIONS ADULT-ORIENTED BUSINESS ORDINANCE (#2673), AS AMENDED |
| 4.2.2 | APPLICABILITY | | |
| 4.2.3 | TBD | | |
| 4.3 | JUNKYARDS & SALVAGE YARDS | | |
| 4.3.1 | PURPOSE | <i>Carries forward existing use regulations for junkyards and similar facilities.</i> | ZO SECTION 11:10 REQUIRED CONDITIONS FOR AUTO WRECKING FACILITIES, JUNKYARDS, RECYCLING COLLECTION AND PROCESSING CENTER, SALVAGE YARDS AND SCRAP PROCESSORS JUNK YARD ORDINANCE #1777, AS AMENDED |
| 4.3.2 | APPLICABILITY | | |
| 4.3.3 | TBD | | |
| 4.4 | MOTOR SPORTS FACILITIES | | |
| 4.4.1 | PURPOSE | <i>Carries forward existing use regulations for motor sports facilities.</i> | MOTOR SPORTS ORDINANCE |
| 4.4.2 | APPLICABILITY | | |
| 4.4.3 | TBD | | |



Considering the Fiscal and Economic Impacts of Development in the UDO

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Key stakeholders in land development



Key stakeholders in land development



Looking for:

- High quality development
- High quality of life
- Low taxes

Key stakeholders in land development



Key stakeholders in land development



Looking for:

- Low development costs
- Predictability in permitting and regulation
- Speedy approval process

Key stakeholders in land development



Key stakeholders in land development



Looking for:

- Consistency in review and to economize limited staff time

Balancing competing needs

High quality
development



Low development costs

Low taxes and
development
fees



Funding sufficient to
meet public needs

Predictability in
regulation / efficiency
in permitting



Ability to effectuate County
policy and desired outcomes

Potential impacts of development

Desired outcomes:

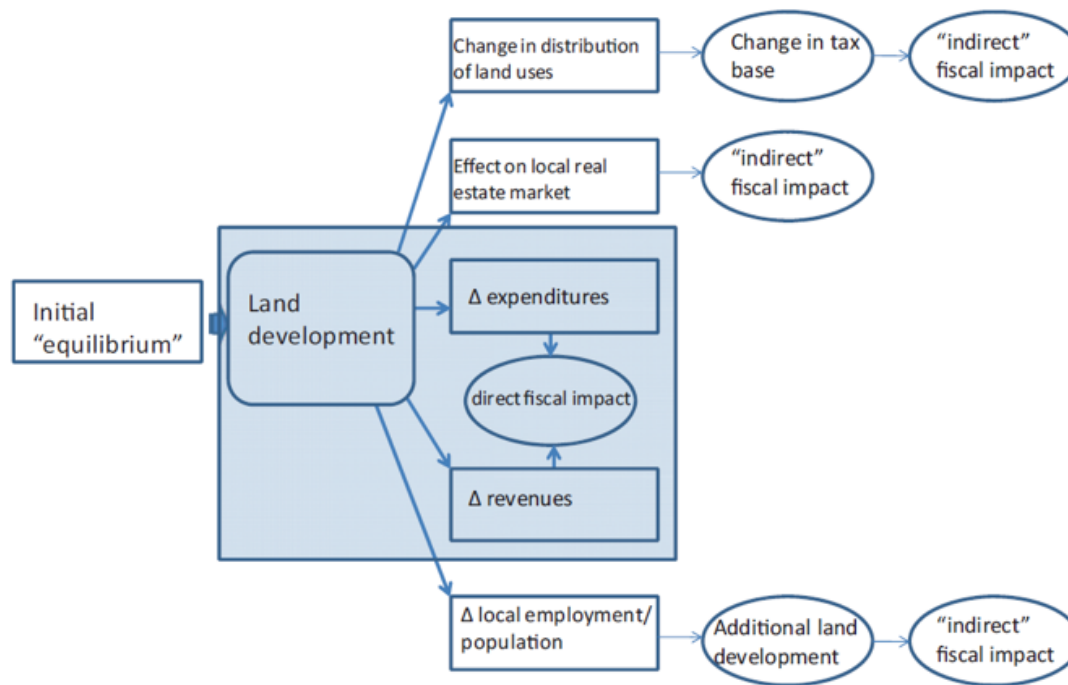
- New services for county residents
- Increased land value for nearby parcels
- Impetus for additional development
- Additional tax revenue
- Improved housing affordability



Resulting Challenges:

- Traffic / noise
- Increased demand on infrastructure capacity and maintenance
- Increased demand for county services
- Potential decreased land values for adjacent parcels
- Impetus for additional development

Estimating fiscal impacts of development is quite complex

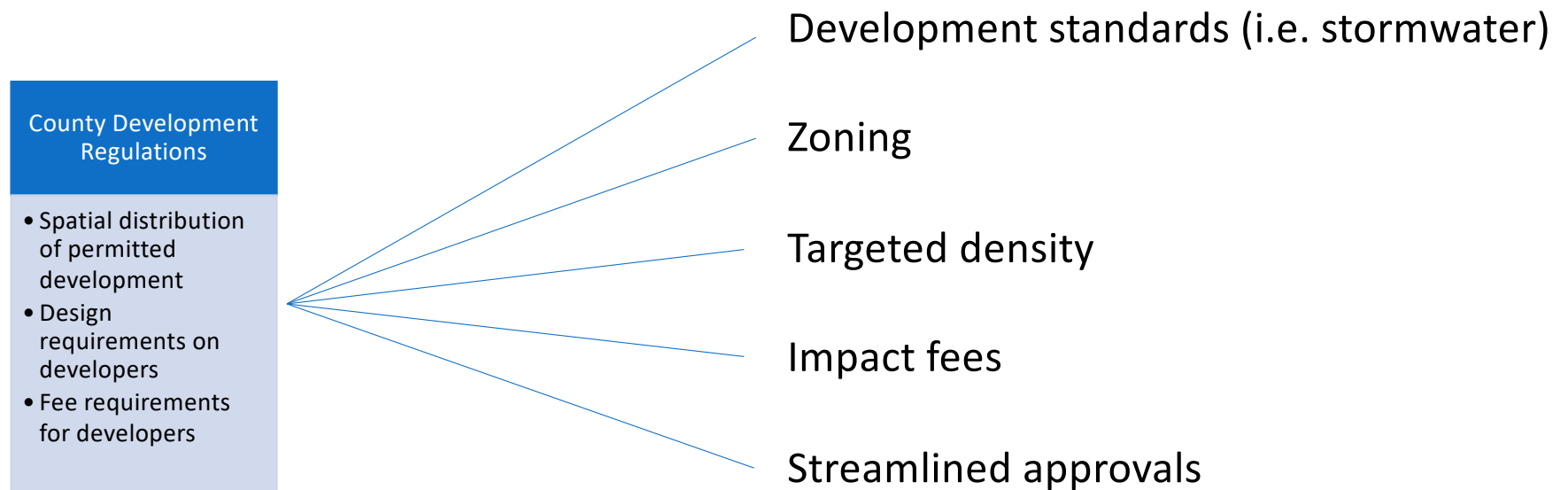


From Paulson, K. 2014. "The Effects of Land Development on Municipal Finance." *Journal of Planning Literature* 29(1).

What determines the net fiscal impact of development?

| County Development Regulations | Market conditions | Public expenditures | Public revenues | State and federal regulations |
|---|---|---|---|--|
| <ul style="list-style-type: none">• Spatial distribution of permitted development• Design requirements on developers• Fee requirements for developers | <ul style="list-style-type: none">• Land prices / Supply & demand of land | <ul style="list-style-type: none">• Marginal cost of increase in infrastructure and services to accommodate development | <ul style="list-style-type: none">• Anticipated revenue from a given project• Property tax mill rate• Sales tax (commercial only) | <ul style="list-style-type: none">• Adverse impacts can trigger additional regulatory burden (i.e. water quality)• Limits on taxing authority |

What determines the net fiscal impact of development?



Streamlined permitting and approvals

The permitting and approvals process itself can affect the cost and fiscal impact of development

Longer processes, and those where outcomes are less certain, may increase costs for developers, but may also increase quality of development and support the implementation of the Comprehensive Plan

Sources:

National Association of Home Builders. 2015. "Development Process Efficiency: Cutting Through the Red Tape." Report at

<http://www.localhousingsolutions.org/wp-content/uploads/2018/10/NAHB-ABT-full-report.pdf>

World Bank. 2020. Doing Business 2020. Washington, DC: World Bank.

Streamlined permitting and approvals

Policy approaches to consider in order to streamline processes:

- Consolidated permitting across agencies
- Combined hearings
- Revise zoning to minimize need for variances
- Creating a separate process for expedited review

Sources:

National Association of Home Builders. 2015. "Development Process Efficiency: Cutting Through the Red Tape." Report at <http://www.localhousingsolutions.org/wp-content/uploads/2018/10/NAHB-ABT-full-report.pdf>

Streamlined permitting and approvals

Example:

State of Washington, Office of the State Auditor

Lean Academy

Learn to be Lean

Local governments across Washington are regularly asked to do more with less. SAO staff can help with programs designed to get you started, and build better, smarter and leaner operations.

[Find out more »](#)

Exhibit 2. Results of Lean Academy in Sample Locations

| Location | Permit Type | Results (average # days before and after Lean) |
|----------------|---------------------------|--|
| Whatcom County | Residential | 31 days to 9 days |
| Clark County | Single Family Residential | 45 days to 13 days |
| Kitsap County | Residential | 26 days to 6-8 days |
| Island County | Shoreline Exemption | 90 days to 45 days |

Sources:

National Association of Home Builders. 2015. "Development Process Efficiency: Cutting Through the Red Tape." Report at <http://www.localhousingsolutions.org/wp-content/uploads/2018/10/NAHB-ABT-full-report.pdf>

Conclusion

As we develop the UDO for the county, we are focused on these issues:

Recognizing the interests of
all stakeholders

Balancing trade-offs
between competing
interests

Attention to the specific
development conditions of
the County and the unique
areas within it

Identifying ways to capture
value from development and
minimize its negative effects
on County resources



Questions

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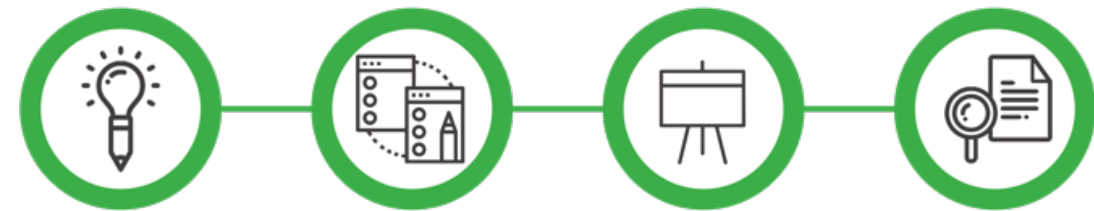
UDO: Next Steps

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Revisions Tracking Tool

THIS TABLE TRACKS WHERE CURRENT ORDINANCE PROVISIONS ARE LOCATED IN THE REVISED ZONING ORDINANCE.

| Current Code Section | Title | New Article/Division | New Code Section | Title | Notes / Questions |
|------------------------------|---|----------------------|--------------------|---|--|
| CHAPTER 4-10 - ZONING | | | | | |
| ARTICLE I. | IN GENERAL | | | | |
| 4-10-1 | Preamble. | Article I. | 4-10-1 | Title. | Revised current text to remove "1968" and provided an abbreviated title. |
| 4-10-2 | Purpose. | Article I. | 4-10-2 | Purpose. | Carries forward and adds new purposes of the Zoning Ordinance. |
| 4-10-3 | General definitions. | Article IX. | 4-10-308 | Definitions. | Revised as needed to modernize or for consistency. New definitions added. |
| 4-10-4 | Penalty for violations. | Article VIII. | 4-10-296; 4-10-298 | Violations; Penalties. | First sentence carried forward and expanded in 4-10-296. Second sentence carried forward in 4-10-298(a). |
| 4-10-5 | Exceptions and exemptions not required to be negatived. | Article VIII. | 4-10-298(c) | Penalties. | Burden of proof carried forward. |
| 4-10-6 | Savings clause; severability. | Article X. | 4-10-317 | Severability | Carries forward savings clause severability. |
| 4-10-7 | Creation of a building site. | Article I. | 4-10-4 | Applicability. | Carried forward current text. Consolidated "Building Site Tract or Building Lot" as simply "lot." |
| ARTICLE II. | ADMINISTRATION AND ENFORCEMENT | | | | |
| DIVISION 1. | GENERALLY | | | | |
| 4-10-21 | Certificate of occupancy and compliance. | Article V. | 4-10-255 | Certificates of Occupancy and Compliance. | Carried forward current provisions. |
| 4-10-22 | Completion of building under construction. | n/a | n/a | n/a | Did not carry forward. New section on vested rights (Article 4-10-276) aligns with state law. |
| 4-10-23 | Amending procedure. | | | | |
| | 4-10-23 (a) (1) | Article XI. | 4-10-329 | Application checklists. | Moved to Submittal Requirements table. |
| | 4-10-23 (a) (1) | Article V. | 4-10-249; 4-10-250 | Text amendments; Rezonings | Provisions in first sentence moved to Procedures. |



Summer-Fall
2020

Winter-Summer
2021

Spring
2021

Summer-Fall
2021

Kick-Off,
Assessment,
UDO Outline,
Fiscal Analysis

Drafting
Module 1
Module 2
Module 3

Draft UDO
Module 1
Workshops

Public
Meetings &
Hearings



Meetings & Workshops

Staff Technical Advisory Committee

*Citizens Advisory Committee | Stakeholders Advisory Committee | Public Workshops
Planning Commission | Executive Committee | County Council*

» *Module 1: Zoning*

» *Module 2:
Development
Standards & LDRs*

» *Module 3:
Administration &
Procedures*

Input & Comments

Tyler Stone

Long Range Planning Manager for
Community Planning, Development and Public Works

astone@greenvillecounty.org

(864) 467-7279