



C H A T H A M C O U N T Y - S A V A N N A H

METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

DATE: OCTOBER 10, 2017

TO: THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH

FROM: METROPOLITAN PLANNING COMMISSION

SUBJECT: MPC RECOMMENDATION

PETITION REFERENCED:

Text Amendment to the City of Savannah Zoning Ordinance

Re: Amendments to Article M (Public Notification), Sections 8-3337 (Applicability), 8-3338 (Types of Public Notice, Table 1), 8-3339 (Content of Mailed and Published Notices), 8-3340 (Procedure for Mailed Notice)

Petition of City of Savannah

File No: 17-005211-ZA

MPC ACTION:

Approval of the amendments to Article M (Public Notification), Sections 8-3337 (Applicability), 8-3338 (Types of Public Notice, Table 1), 8-3339 (Content of Mailed and Published Notices), 8-3340 (Procedure for Mailed Notice).

MPC STAFF RECOMMENDATION:

Approval of the amendments to Article M (Public Notification), Sections 8-3337 (Applicability), 8-3338 (Types of Public Notice, Table 1), 8-3339 (Content of Mailed and Published Notices), 8-3340 (Procedure for Mailed Notice).

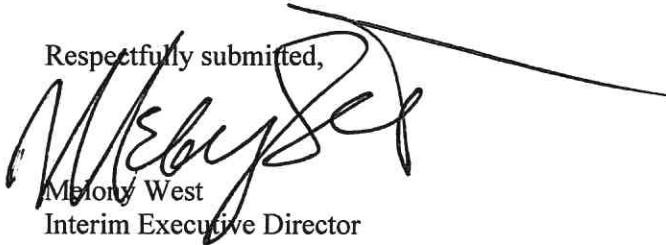
MEMBERS PRESENT: 10 + Chairman

James Overton, Chairman
Joseph Ervin, Vice Chairman
Shedrick Coleman
Ellis Cook
Karen Jarrett
Timothy Mackey
Lacy Manigault
Tanya Milton
Linder Suthers
Lee Smith
Tom Woiwode

PLANNING COMMISSION VOTE: Approve Staff Recommendation (11-0)

APPROVAL Votes: 11	DENIAL Votes:	ABSENT
Overton Ervin Cook Coleman Jarrett Mackey Manigault Milton Smith Suthers Woiwode		Coles Hernandez Welch

Respectfully submitted,



Melony West
Interim Executive Director

/jh

Enclosure

cc Dyanne C. Reese, Clerk of Council
Brooks Stillwell, City Attorney
Lester B. Johnson, Assistant City Attorney
Jennifer Herman, Assistant City Attorney
Beth Barnes, Department of Inspections

D.P.



Chatham County - Savannah Metropolitan Planning Commission

October 10, 2017 Regular MPC Meeting

Title

D1 - TEXT AMENDMENT: Amend Certain Public Notice Provisions in Article M (Public Notification) for Amendments Submitted for or by the Mayor and Aldermen of the City of Savannah | City of Savannah, Petitioner | File No. 17-05211-ZA

Description

Amendments to Article M (Public Notification), Sections 8-3337 (Applicability), 8-3338 (Types of Public Notice, Table 1), 8-3339 (Content of Mailed and Published Notices), 8-3340 (Procedure for Mailed Notice) to establish consistency with the public notice requirements of Georgia state law.

Recommendation

Approval. See attached report for more information.

Contact

Charlotte L. Moore, AICP
moorec@thempc.org or 912.651.1465

Financial Impact

n/a

Review Comments

Attachments

☉ [Staff Report-17-005211-ZA-Oct 10.pdf](#)



METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

TO: City of Savannah Mayor and Aldermen

FROM: Planning Commission

DATE: October 10, 2017

SUBJECT: Text Amendment to the City of Savannah Zoning Ordinance
Re: Amendments to Article M (Public Notification), Sections 8-3337 (Applicability), 8-3338 (Types of Public Notice, Table 1), 8-3339 (Content of Mailed and Published Notices), 8-3340 (Procedure for Mailed Notice)
Petition of City of Savannah
File No: 17-005211-ZA

ISSUE:

To amend the public notice requirements for zoning amendments initiated by or for the Mayor and Aldermen to be consistent with the requirements of Georgia state law.

BACKGROUND:

The existing notice requirements for map(rezoning) amendments initiated by or for the Mayor and Aldermen exceed the requirements established by Georgia state law (O.C.G.A §36-66-1, also known as The Zoning Procedures Law or "ZPL"). To establish consistency, an amendment to the existing public notice requirements is proposed.

FINDINGS:

1. The minimum public notice requirements required by State law for any action resulting in a "zoning decision," including a map amendment, is the publication of notice in a newspaper of general circulation within the territorial boundaries of the jurisdiction where the proposal is sought. A zoning decision includes petitions for map amendments (including for properties to be annexed), text amendments and special uses.
2. Published public notice must appear in the newspaper at least 15 days but not more than 45 days before the public hearing (i.e., the hearing held by City Council). For the City of Savannah, public notice is published in the classified section of the *Savannah Morning News*.

Because the Planning Commission is an advisory board and makes a recommendation, not a zoning decision, published notice is not required for its meetings.

3. For map amendments initiated by the Mayor and Aldermen, the present process is consistent with the minimum requirements of State law when there are three (3) or fewer acres of land. However, for three (3) or fewer acres, mailed and posted notice is required in addition to published noticed.

Mailed notice is required to be sent to all property owners within the area to be rezoned *and* all property owners within 300 feet of the area proposed to be rezoned, as well as known neighborhood associations within the affected area. Additionally, posted notice is required; however, the zoning ordinance does not address posting for multiple properties as opposed to just one or two properties, which is the typical request. It would not be practical to post a sign on all properties within the affected area—a neighborhood-wide rezoning that could include hundreds of properties, for example.

POLICY ANALYSIS:

The proposed change would align the local public notice requirements with those required by State law. This change would affect only map amendments proposed by or on behalf of the Mayor and Aldermen. Privately-initiated amendments would still have to comply with the posting and mailing requirements. The amendment eliminates uncertainty regarding posting requirements for a large-scale rezoning, such as a neighborhood, and avoids the possible financial burden of mailed notice. Supplemental notice, such as working with neighborhood associations and other affected stakeholders, can be as effective (if not more effective) to publicize a proposed rezoning initiated by or on behalf of the Mayor and Aldermen.

ALTERNATIVES:

1. Recommend approval of the request to amend the Zoning Ordinance as proposed.
2. Recommend an alternate amendment.
3. Recommend denial of the request.

RECOMMENDATION:

Approval of the amendments to Article M (Public Notification), Sections 8-3337 (Applicability), 8-3338 (Types of Public Notice, Table 1), 8-3339 (Content of Mailed and Published Notices), 8-3340 (Procedure for Mailed Notice) as follows:

Amendments recommended to be enacted are shown highlighted in yellow and are underlined.

Article M.

Public Notification

Sec. 8-3337.-Applicability

All meetings or hearings of the Mayor and Aldermen, the Planning Commission and the Zoning Board of Appeals are public and are subject to notification requirements under state law, where applicable, and of this Ordinance. This Article establishes the minimum requirements for notice for such meetings and hearings. For reviews not indicated in this Article, public notification requirements, if applicable, are provided elsewhere in this Ordinance.

Notwithstanding any other provision in this Chapter to the contrary, the only required public notice for an application for an amendment to this Chapter submitted by or behalf of the Mayor and Aldermen shall be as required by O.C.G.A. §36-66-4(a) which reads as follows: A local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

Sec. 8-3338.-Types of Public Notice

- a. Forms of notice required for various public meetings and hearings may include mailed notice, published notice provided via a newspaper of general circulation and posted notice by signs as described within this Article. Public notice requirements for various development applications are generally indicated in **Table 1** below.
- b. For applications that require a public meeting followed by a public hearing, such as a Planning Commission recommendation followed by a decision by the Mayor and Aldermen, any required mailed or posted notice for the public meeting must be repeated for the public hearing unless otherwise specified by this Ordinance.

Table 1: Types of Required Public Notice for Development Applications

Proposal	Mailed	Posted	Published	
			Public Meeting	Public Hearing
Planning Commission (Board) Reviews				
Change of Approved Land Use in a PUD	✓	✓	n/a	n/a
Site Development Plans	✓	✓	n/a	n/a
Special Uses	✓	✓	n/a	✓
Zoning Map Amendment (Rezoning-Privately Initiated)	✓	✓	n/a	✓
<u>Zoning Map Amendment (Rezoning-Initiated by Mayor and Aldermen,</u>	✓	✓	n/a	✓

Proposal	Mailed	Posted	Published	
3-acres-or-less)				
Zoning Map Amendment (Rezoning-Initiated by Mayor and Aldermen); more than 3 acres)	n/a	n/a	n/a	✓
Zoning Text Amendment	n/a	n/a	n/a	✓
Zoning Board of Appeals Reviews				
Appeals	✓	✓	n/a	✓
Establish a Use/Special Use	✓	✓	n/a	✓
Expand a Nonconforming Use	✓	✓	n/a	✓
Rehearings	✓	✓	n/a	✓
Variances	✓	✓	n/a	✓

Sec. 8-3339.-Content of Mailed and Published Notices

All mailed and published notices shall include, at a minimum, the information listed below unless otherwise provided herein.

For map and text amendments submitted by or on behalf of the Mayor and Aldermen, only published notice as provided in O.C.G.A. §36-66-4(a), as amended, is required.

For text amendments, Sec. 8-3339.d. thru gf. shall not be required as such amendments are not property specific.

For published notice, Sec. 8-3339.f. thru i. shall not be required.

a. **Statutory Requirements**

Any information required by the Official Code of Georgia Annotated (O.C.G.A.) for published notice for the type of application which is the subject of the notice.

b. **Nature of Application**

The application number, application type, applicant’s name, and a description of the request.

c. **Public Meeting or Hearing Location, Time and Date**

The location, time and date of the scheduled public meeting or hearing for the application.

d. **Location of the Subject Property**

i. The location of the land involved by street address, or if there is no street address, by description of the subject property, which may include the property identification number. If the applicant is the Mayor and Aldermen and the application is for a rezoning (including planned unit development districts and overlay districts) of three (3) or more acres, street addresses shall not be required but a description shall be provided as described below in Sec. 8-3339.d.ii.

ii. For mailed notice only, a location map shall be included, indicating the location and general boundaries of the property, with reference to the closest intersection of public streets, when possible.

e. ***Zoning Designations***

The zoning district(s) and any overlay districts for the property subject to the application. If the application is for a rezoning (map amendment), the proposed zoning district(s) and/or overlay district shall also be provided.

f. ***Size of Subject Property***

The total size of the subject property, rounded to the nearest one-hundredth of an acre.

g. ***Materials Available for Public Information***

The name, address and telephone number of the department in which the application, staff report and related materials may be inspected by the public, and the fact that information is available for public inspection during normal business hours.

h. ***Submittal of Written Materials***

The name, address and telephone number of the department where the public may submit written comments or evidence prior to the public meeting or hearing.

i. ***Public Comment Allowed***

A statement that affected parties may appear at the public meeting or hearing, be heard and submit evidence and written comments.

Sec. 8-3340.-Procedure for Mailed Notice

a. ***To Whom Provided***

When required, as shown in Table 1, notice shall be mailed, to all property owners, organizations and associations indicated below.

i. ***Property Owners and Occupants of the Subject Property***

(1) All property owners of the land subject to the application shall be mailed notice of a public meeting or hearing unless otherwise provided below in this Chapter.

(2) For any map amendment that is initiated by the Mayor and Aldermen for any land area that is three (3) or more acres, including to a planned unit development district or overlay district, mailed notice shall not be required in accordance with O.C.G.A. §36-66-4 (“The Zoning Procedures Law”).

ii. ***Military Installations***

In accordance with the O.C.G.A, §36-66-6 (“The Zoning Procedures Law”), or as amended, all military bases and installations, including Hunter Army Airfield, shall receive written notice of any application that requires a zoning decision by the Mayor and Aldermen. This applies only to land within 3,000 feet of the base or installation, or within 3,000 feet of any Clear Zone or Accident Potential Zone that is affiliated with such base or installation.

iii. ***Nearby Property Owners and Associations***

(1) Nearby Property Owners

All property owners within 300 feet of the boundaries of the subject property shall receive notice.

(2) Neighborhood and Property Owner's Associations

When the subject property is within the boundary of a neighborhood or property owner's association known to the Metropolitan Planning Commission, notice shall be provided to such association. Mailed notice shall also be provided to other such neighborhood or property owner's association(s) within 300 feet of the subject property if known to the Metropolitan Planning Commission.

b. ***Mailing and Postmarking***

i. *How Property Addresses are to be Obtained*

Mailing addresses for property owners shall be obtained from the most recent tax digest available from the office of the Chatham County Board of Assessors. For neighborhood and property owner associations, mailing addresses shall be obtained from the most recent addresses provided to the Metropolitan Planning Commission by such associations.

ii. *Timing of Mailed Notice*

For all development applications that require mailed notice, such notice shall be mailed at least 15 but no more than 45 days prior to the public meeting or hearing.

iii. *When Notice Deemed to be Mailed*

Notice shall be deemed mailed by its deposit with the U.S. Postal Service.

Sec. 8-3341.-Procedure for Published Notice

a. ***Publishing of Public Notice***

When required, as shown in **Table 1**, public notice shall be published in accordance with the standards established by the Official Code of Georgia Annotated and this Ordinance.

b. ***Preparation of Notice Content and Publishing Responsibility***

The MPC Executive Director or Clerk of Council, as applicable, shall prepare the content of the notice and be responsible for publishing the notice in a local newspaper of general circulation within the boundaries of Chatham County.

c. ***Timing of Published Notice***

i. *Public Hearings*

For all development applications that require published notice, such notice shall be published at least 15, but no more than 45 days prior to the public hearing.

Sec. 8-3342.-Procedure for Posted Notice

a. ***Content of Notice***

When required, as provided in **Table 1**, posted notice shall include the information listed below on the sign.

- i. The type of application;
- ii. Description of the proposal or request;
- iii. The date, time and location of the scheduled public meeting or hearing;
- iv. The application file number; and
- v. A phone number to call for additional information.

b. ***Posting of Notice***

Posting of property shall comply with the requirements listed below.

i. ***Responsibility for Posting***

Signs shall be posted by the applicant.

ii. ***Form of Required Signs***

Notice shall be posted on weather resistant signs in a form established by the City of Savannah Director of Development Services. Such signs shall not be less than 22 inches by 28 inches.

c. ***Timing of Posted Notice***

For any application requiring posted notice, such notice shall be mailed at least 15 but no more than 45 days prior to the public meeting or hearing.

d. ***Location of Signs***

i. ***Subject Property***

Signs shall be placed on the subject property.

ii. ***Street Frontage***

Signs shall be placed along each street, not to include lanes, and set back a maximum of five (5) feet from the property line, so that the signs are visible from the street. The Zoning Administrator may deem additional signs necessary.

iii. ***Lack of Street Frontage***

If the land does not have street frontage, at least one (1) sign shall be placed on the property at the access point and additional sign(s) shall be placed on the nearest public right-of-way.

iv. ***Installation***

Signs shall be posted in a professional manner, able to withstand normal weather events. The Zoning Administrator may provide supplemental sign installation requirements.

e. ***Maintenance***

The applicant shall ensure that the signs are maintained on the subject property until completion of the final action on the application. Changes to signs shall be made by the applicant to reflect the correct dates and any other changing information involving a petition that has been postponed or continued at least ten (10) days prior to the revised public meeting or hearing date.

f. ***Removal***

The applicant shall remove the sign within 10 days after final action on the application. For applications requiring a public hearing, the public meeting sign shall be removed before the public hearing sign is posted.

Sec. 8-3343.- Failure to Receive Notice

Notwithstanding the notice requirements set forth in this Article or any policy, by-law or practice of the Mayor and Aldermen, Planning Commission and Zoning Board of Appeals, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the amendment or other action for which the notice was given if the procedure followed satisfies the minimum requirements of State law.