

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO AMEND DIVISION II, PART 8, PLANNING AND REGULATION OF DEVELOPMENT, CHAPTER 3, ZONING, OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA, TO AMEND ARTICLE 3.0 TO SPECIFY APPLICATION LIMITATIONS FOR VARIANCES, APPEALS AND NONCONFORMING USES AND STRUCTURES; TO AMEND ARTICLE 8.0 TO PROVIDE USE STANDARDS FOR ANIMAL SERVICES (INDOOR), OFFICE (MEDICAL) AND CORRECT SCRIVENER'S ERRORS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled, and pursuant to lawful authority thereof:

SECTION 1: That Division II, Part 8, Planning and Regulation of Development, Chapter 3, Zoning (Effective September 1, 2019) of the Code of the City of Savannah, Georgia be amended to read as follows:

Note: Text to be enacted shown in red and underlined. Text to be repealed shown in strikethrough.

Article 3.0 Application and Review Procedures

3.21 Variances

3.21.14 Limitations on Variance Applications

If the Zoning Board of Appeals or Planning Commission deny an application for a variance request, the applicant shall not resubmit a variance application for the same previously requested variance on any part or all such property for a period of 12 months from the date of the written decision by the Zoning Board of Appeals or Planning Commission.

3.23 Appeals

3.23.8 Limitations on Appeals Applications

If the Zoning Board of Appeals deny an application for the appeal of a decision, the applicant shall not resubmit an application for the same previously requested appeal on any part or all of such decision for a period of 12 months from the date of the written decision by the Zoning Board of Appeals.

3.24 Relief for Nonconforming Uses and Structures

3.24.13 Limitations on Nonconforming Uses and Structures Applications

If the Zoning Board of Appeals deny an application for a nonconforming use and/or structures, the applicant shall not resubmit an application for the same previously requested nonconforming use and/or structures on any part or all of such property for a period of 12 months from the date of the written decision by

the Zoning Board of Appeals.

Article 8.0 Use Standards

8.4.24 Animal Services, Indoor

- a. The facility shall be designed with a Sound Transmission Class (STC) rate of 52 as set forth in the most recent version of *Architectural Graphics Standards*.
- b. In the D-R zoning district, only those facilities operating as of the Effective Date of this Ordinance shall be permitted.
- c. In the TN-1 and TN-2 zoning districts, Animal Services, Indoor shall be permitted as a Special Use with the following conditions:
 - (1) Animal Shelters and Kennels shall be prohibited;
 - (2) The use shall be located along collector or arterial roads as defined and as identified in Appendix A-1. In the TN-2 Zoning District the use shall only be located on a corner lot;
 - (3) The use shall only operate between the hours of 7:00 am– 6:00 pm Monday through Saturday. Surgeries, outdoor pet runs, and boarding shall be prohibited; and
 - (4) Residential uses on the parcel or in the building are prohibited while operating as an “Animal Services, Indoor” use.

Animal Services, Indoor	A-1	TN-1	TN-2 Int. Lot	TN-2 Cor. Lot	TN-3	TC-1	TC-2	D-R	D-N	D-C	D-CB-D	D-X	O-I	O-I-E	B-L	B-N	B-C	I-L-R	I-L-T	Use Standard
	L	<u>S</u>		<u>S</u>	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

Section 8.4.3 Office, Medical

- a. In the D-R district, such use shall be located on a corner lot.
- b. Office, Medical shall be permitted as a Special Use in the TN-2 zoning district with the following conditions:
 - (1) The use shall be located along collector or arterial roads as identified in Appendix A-1.
 - (2) The use shall only operate between the hours of 7:00 am– 6:00 pm Monday through Saturday.
 - (3) The use shall be permitted on corner lots only.

Office, medical	T N - 1	TN- 2 Cor. Lot	T N - 3	T C - 1	T C - 2	D - R	D - N	D - C	D - C B D	D - X	D - W	O I - T	O I	O I - E	B - L	B - N	B - C	Use Standard
	✓	<u>S</u>	✓	✓	✓	L	✓	✓	✓	✓	✓	✓	S	✓	✓	✓	✓	✓

Section 8.5 Industrial Use Standards for Limited and Special Uses

The following use standards shall apply to limited and special uses, as set forth in Sec. 5.4 Principal Use Table.

8.5.3 Salvage Yard; Recycling Facility

a. General Standards

All facilities shall comply with O.C.G.A. §12-8-20 Georgia Solid Waste Management Act and all other pertinent local, state and federal regulations, as amended. In the City of Savannah, a salvage yard or recycling facility shall comply with City of Savannah Code of Ordinances Part 6, Chapter 1, Article F Junk and Secondhand Goods.

b. Application Requirements

All applications shall include the following:

- i. An Environmental Site Assessment (ESA) shall be prepared by an engineer, landscape architect or environmental professional meeting standards set forth in the City of Savannah Engineering Department Design Directives. The ESA shall include a hydro-geologic evaluation and shall meet all applicable standards for protection of water, air and other natural resources.
- ii. A proposed plan of operation for the facility shall include the following:
 - (1) Days and hours of operation; and
 - (2) Manner of disposal or sale of waste products or recycled materials.

c. General Conditions of Approval

In its consideration of an application for a Special Use Permit, the Mayor and Aldermen shall include conditions that address the following:

- i. Containment structures and procedures to protect groundwater resources;
- ii. Dust and emission control;
- iii. Screening of processing, storage and shipping areas;
- iv. Height of stockpiles of processed and unprocessed materials;
- v. Hours of operation;
- vi. Lighting;
- vii. Monitoring program for protection of air, natural and water resources;
- viii. Litter control;
- ix. Noise; and
- x. Traffic impacts, including any truck traffic on local streets.

b. d. Scrap Yard Conditions of Approval

All materials to be recycled shall be located within an enclosed weather resistant container on a dry impervious surface. No storage of materials outside the approved container or sorting or processing of materials shall be allowed, and the site shall be kept litter free.

e. e. Salvage Yard Conditions of Approval

- i.** No use or development shall be allowed on the site that is not shown on the approved site development plan. Such plans shall include: gross acreage, number, type and location of the buildings, parking and loading areas, service drives, building heights, open space, setbacks, buffer strips location and design of fences and construction materials, and such other information as may be reasonably required by the reviewing agencies;
- ii.** There shall be no on-site burning of material except within a furnace or incinerator approved by the City Manager or his or her designee and appropriate State regulatory agencies;
- iii.** Access to salvage yards shall be only from a street classified as a collector or greater; and
- iv.** Any dismantling, shredding and crushing operations shall be set back at least 500 feet from a Residential zoning district or residential use property line, and at least 200 feet from all other zoning districts with the exception of I-L and I-H zoning districts.

Section 8.8.3 Permitted Temporary Uses

Certain temporary uses as indicated below may be permitted provided that an approved Temporary Use Permit is issued in accordance with Sec. 3.11, Temporary Use Permit. Any use that is not listed within the categories below shall comply with the requirements provided elsewhere in this Ordinance. Any temporary use that exceeds the maximum time limits established shall be regulated as a principal use as determined by the City Manager or his or her designee.

a. Consumer Fireworks Retail Sales Stand

Such use is permitted in the B-C, I-L-T, I-L and I-H zoning districts and shall comply with the licensing requirements of O.C.G.A. § 25-10-2, as amended, and meet the following distance requirements:

- i.** A separation of not less than 500 feet from another consumer fireworks retail sale stand, as measured from property line to property line.
- ii.** A separation of not less 1,000 feet from any residential use, as measured from property line to property line. This requirement is not variable.

b. Mobile Farmers' Market

- i.** In Residential zoning districts, such use shall only be located on public and private K-12 schools, places of worship, colleges and universities, and on government property.

- ii. Such use shall only use overflow/excess parking. It is preferable to have this use an establishment on a day that it is not in use by the principal use (e.g. a church on a Tuesday or an office building on a Saturday).
- iii. Hours of operation shall be limited to 7:00 am to 9:00 pm.
- iv. Hours of operation shall be limited to 7:00 am to 7:00 pm in residential zoning districts.
- v. Two temporary signs not to exceed 15 square feet may be placed adjacent to the right of way of the parcel where the farmers market is located during farmers' market hours only.
- vi. Such use shall not be located in any required setback, sight distance triangle, or required buffer.
- vii. Any associated lighting shall be downcast and shall not extend beyond the property boundaries of the site.
- viii. Such use requires a Georgia Department of Agriculture license, which shall be provided at the time of application for a temporary use permit. The approved permit or certificate must be visibly displayed for patron view.
- ix. Such use requires a City of Savannah Business Tax Certificate.

b. c. Mobile Food Service Unit (MFSU)

- i. MFSU that is part of a special event (see g below) shall be required to comply only with iii. and iv. below.
- ii. An approved Food Service Permit or equivalent permit or certificate shall be provided at the time of application for a temporary use permit. The approved permit or certificate must be visibly displayed for patron view.
- iii. In residential zoning districts, such use shall only be located on public and private K-12 schools, places of worship, colleges and universities, and government property.
- iv. Such activity on public and private K-12 schools and places of worship shall be limited to one (1) monthly event per site of four (4) consecutive days or less. Vending on consecutive days is considered one (1) event. Hours of operation shall be limited to 7:00 am to 9:00 pm.
- v. Such use shall only use overflow/excess parking. It is preferable to have this use an establishment on a day that it is not in use by the principal use (e.g. a church on a Tuesday or an office building on a Saturday).
- vi. Such use shall not be located in any required setback, sight distance triangle, or required buffer.
- vii. Such use shall also comply with the Mobile Food Service regulations as set forth in Part 6- Licensing and Regulations- Article HH.

c. d. Outdoor Display and/or Sales of Merchandise

Commentary: The temporary outdoor display and/or sales of merchandise should not be confused with permanent outdoor storage and display (see Sec. 9.7, Outdoor Storage Areas) and accessory outdoor storage and display (see Sec. 8.7, Accessory Structures and Uses).

The outdoor display and/or sales of merchandise (e.g., parking lot sales or sidewalk

sales) are permitted only by merchants permanently occupying the premises and subject to the following conditions:

- i. Such activities shall be limited to Mixed-use and Nonresidential districts.
- ii. Such activities shall be limited to one (1) monthly event per site of four (4) consecutive days or less. Sales on consecutive days are considered one (1) event.
- iii. If such activities are located in a parking area, such area shall not exceed 10% of the total parking area for the site and shall not be located in any required parking spaces.
- iv. Merchandise can be displayed only during the merchant's hours of operation.

~~d.~~ **e. Outdoor Religious or Revival Activities**

- i. Such activities shall be in association with a place of worship and shall be permitted for no more than 12 days within a 180-day period.
- ii. In Residential zoning districts, such use shall be located on the same property as a place of worship.

~~e.~~ **f. Promotional Lighting**

Promotional beacons, searchlights or any similar high-intensity narrow-beam lighting are limited to three (3) days per 12-month period per property. Such lighting shall not be permitted within any Residential zoning district or the Airport, Airfield Overlay District.

~~f.~~ **g. Seasonal Sales**

Includes the sale of Valentine Day flowers, Halloween pumpkins, and Christmas trees.

- i. Such use may be established for 45 consecutive days or less, twice per 12-month period.
- ii. Such use may be established for a total of 100 days per 12-month period; if for 45 consecutive days, twice per 12-month period.
- iii. In residential zoning districts, such use shall only be located on public and private K-12 schools, places of worship, colleges and universities, and on government property.
- iv. Hours of operation shall be limited to 7:00 am to 9:00 pm.
- v. Such use requires a City of Savannah Business Tax Certificate.
- vi. Such use shall not be located in any required setback, sight distance triangle, or required buffer.
- vii. Such use shall only use overflow/excess parking. It is preferable to have this use an establishment on a day that it is not in use by the principal use (e.g. a church on a Tuesday or an office building on a Saturday).

~~g.~~ **h. Special Events on Private Property**

Amusement rides, animal shows, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, rummage sales, second-hand sales and swap meets, vehicle shows or sales shall be limited to 14 consecutive days or less, or five (5) weekends (Friday through Sunday), within a 12-month period per property.

- i. In residential zoning districts, such use shall only be located on public and private K-12 schools, places of worship, and colleges and universities.
- ii. Such use shall not be located in any required setback, sight distance triangle, or required buffer.
- iii. Such use requires a City of Savannah Business Tax Certificate.
- iv. Such use shall only use overflow/excess parking. It is preferable to have this use an establishment on a day that it is not in use by the principal use (e.g. a church on a Tuesday or an office building on a Saturday).

i. Temporary Vendor with Off-site Promotional Sales

- i. Such use shall be limited to 14 consecutive days or less, or five (5) weekends (Friday through Sunday), within a 12-month period per property.
- ii. In residential zoning districts, such use shall only be located on public and private K-12 schools, places of worship, and colleges and universities.
- iii. Hours of operation shall be limited to 7:00 am to 9:00 pm.
- iv. Such use shall not be located in any required setback, sight distance triangle, or required buffer.
- v. Such use requires a City of Savannah Business Tax Certificate.
- vi. Such use shall only use overflow/excess parking. It is preferable to have this use an establishment on a day that it is not in use by the principal use (e.g. a church on a Tuesday or an office building on a Saturday).

SECTION 2: That the requirement of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the *Savannah Morning News* on the 8th day of March 2021, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: Upon the effective date of the ordinance all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE: This ordinance shall be effective as of the date hereof.

ADOPTED AND APPROVED: _____, 2021.

Van R. Johnson, II
Mayor

ATTEST:

Mark Massey
Clerk of Council