

AN ORDINANCE

To Be Entitled

AN ORDINANCE TO AMEND PART 8, CHAPTER 3, ZONING ARTICLE K, MID-CITY DISTRICT TO REVISE THE REVIEW PROCESS FOR NEW CONSTRUCTION AND THE DEMOLITION STANDARDS; TO REPEAL ALL OTHER 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 Part 8, Chapter 3, Zoning of the Code of the City of Savannah, Georgia (2003) hereinafter referenced as "Code," be enacted as follows:

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 Text to be repealed shown in red, bold, and strikethrough.

ENACT

Sec. 8-3205. Site Plan Review.

- (7) Waivers and Variances.
 - (a) The Site Plan Administrator and Design Administrator shall have no authority to waive or vary from the requirements of this Ordinance.
 - (b) Where a waiver of or modification to a requirement in Mid-City District General Development Standards, is requested, it shall be reviewed as part of a major site plan approval by the Metropolitan Planning Commission.
 - (c) The Metropolitan Planning Commission may waiver measurable development and design standards by up to 20% during the COA review process when the Commission determines that such waiver is visually compatible with the historic context.
 - (d) Where a variance to a requirement in the Mid-City Zoning Districts, or to a measurable standard beyond 20% in Mid-City Use Regulations is proposed, it shall be reviewed by the Board of Appeals in accordance with Article H. No use variances shall be considered. Where a variance is required, it shall be approved or denied prior to final consideration of the site plan by either the Site Plan Administrator or the Metropolitan Planning Commission.

Sec. 8-3207. Certificate of Appropriateness.

- (3) Action by Design Administrator.
 - (a) The Design Administrator or his authorized representative shall review all applications prior to their being accepted for processing. Adequate

documentation shall be submitted with each application to ensure that an informed and knowledgeable decision can be made by the Design Administrator within the time period prescribed herein.

- (b) All applications, except new construction, demolition of contributing buildings, and relocation of contributing buildings shall be reviewed and a decision in writing rendered thereon by the Design Administrator within 30 ~~working calendar~~ days of receipt of and acceptance of the fully completed application and supporting documentation, ~~except as set forth below.~~

~~i. Where such application involves new construction, the review time shall be extended to 45 working days.~~

~~ii. Where such application follows required site plan review, the review time shall be reduced to 15 days following site plan approval.~~

(4) Action by the Metropolitan Planning Commission

The Metropolitan Planning Commission shall review all new construction, demolition of contributing buildings and relocation of contributing buildings within 45 calendar days of receipt and acceptance of fully completed application and supporting documentation.

- (7) Appeals of Design Administrator and Metropolitan Planning Commission's Decisions.

All appeals from decisions of the Design Administrator and the Metropolitan Planning Commission with regard to interpretation and administration of this part shall be made to the Zoning Board of Appeals in accordance with the provisions of Section 8-3165, Appeals. Compatibility factors shall not serve as the basis of an appeal to the Zoning Board of Appeals.

- (10) Posting of property. Fifteen days in advance of the public hearing for new construction or demolition of a contributing building, notice shall be posted on the premises. A sign, to be furnished by the zoning administrator, shall be erected by the applicant within ten feet of all traveled public rights-of-way to which the building abuts. Such sign(s) shall be erected to face in such a manner as may be most readily see by the public. The lower edge of the sign(s) face shall be of sufficient height so as to be read from the roadway. The sign(s) shall be weather resistant; shall have a minimum size of 30 by 40 inches; and shall show the application number, a statement of the proposed date, time and place of any public hearing, and the telephone number to call for further assistance.

- (11) Removal of signs. Any such sign(s) shall be maintained at all times by the applicant until a decision on the application has been rendered by the visual compatibility officer.

Sec. 8-3208 Certificate of Appropriateness for Demolition.

~~See City of Savannah Zoning Ordinance, Sec. 8-3029 (H)(1)-(3), and (4)a-d.~~

Demolition of contributing buildings is deemed detrimental to the public interest and shall only be permitted pursuant to this section.

- (1) All requests for demolition of any non-contributing building shall be reviewed by the Design Administrator.
- (2) Any building not designated as contributing must first be evaluated and considered for historic designation prior to the issuance of a Certificate of Appropriateness for demolition. The Design Administrator will evaluate the non-contributing building utilizing the criteria as defined in this ordinance under Section 8-3222 (3).
- (3) All requests for demolition of any contributing building shall be reviewed by Metropolitan Planning Commission.
- (4) A certificate of appropriateness for demolition of a contributing building shall be issued by the Metropolitan Planning Commission only when one of the following conditions has been established by clear and convincing evidence pursuant to criteria established herein.
 - i. The demolition is required to alleviate a threat to public health of public safety; and/or
 - ii. The demolition is required to avoid exceptional practical difficulty or undue hardship upon any owner of any specific property. If the difficulty or hardship claimed is economic, the applicant shall be required to submit sufficient evidence to demonstrate that the application of the standards and regulations of this section deprives the applicant of a positive economic use or return on the subject property.
- (5) A certificate of visual compatibility for demolition of a contributing building shall not be issued until a certificate of visual compatibility has been issued approving the replacement building, except in the case of emergency demolition.
- (6) In granting a certificate of visual compatibility for demolition of any building, the Metropolitan Planning Commission or the Visual Compatibility Officer may impose such reasonable and additional stipulations as will best fulfill the purposed of this ordinance.
- (7) Demolition due to imminent threat to public safety: Any order for demolition, in whole or in part, of any contributing building due to a dangerous, hazardous or unsafe condition shall not be issued until the order has been reviewed and signed by a licensed structural engineer in the state of Georgia and the Design Administrator.

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 ____ day of _____, 2018, a copy of said notice being attached hereto and made a part hereof.

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: _____, 2018.

MAYOR

ATTEST:

CLERK OF COUNCIL

FILE NO.: 18-001150-ZA

DRAFT