

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 amended as follows:

ENACT

Sec. 8-3205. Site Plan Review.

(4) Major Site Plan Approval by Metropolitan Planning Commission.

(a) ***Action by the Site Plan Administrator.***

Within 30 days of receipt of a complete application, and after receiving recommendations from any appropriate reviewing agencies, the Site Plan Administrator shall notify the Metropolitan Planning Commission in writing of any comments or recommendations on the action.

(b) ***Action by the Metropolitan Planning Commission.***

The Metropolitan Planning Commission shall, after receiving recommendations from any appropriate reviewing agencies, approve, approve with conditions, or deny the major site plan. The Metropolitan Planning Commission may grant major site plan approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with applicable regulations or where additional conditions have been agreed to by the applicant. The Planning Commission may review the Site Plan and Certificate of Appropriateness concurrently.

(c) ***Consistency Required.***

If the proposed major site plan is determined to be consistent with all applicable regulations, the Metropolitan Planning Commission shall approve the plan.

(5) ***Site Plan Review Criteria.***

During review of any site plan, the Site Plan Administrator or Metropolitan Planning Commission, as applicable, shall ensure that the site plan meets or exceeds the following review criteria. All site plans shall illustrate conformance with the requirements of this Chapter, and:

- (a) Consistency with the Comprehensive Plan and any adopted small area plans;
- (b) Adequacy in the arrangement of pedestrian and traffic access;
- (c) Sufficiency of off-street parking and loading;
- (d) Appropriate location, arrangement, size and design of buildings, lighting and signs;
- (e) Conformance of improvement plans with City specifications;
- (f) Appropriate scale and relation of the various uses to one another;
- (g) Adequacy of existing and proposed public facilities, including roads, water, sanitary sewer, and stormwater;
- (h) Adequacy of other public services to serve projected needs; and
- (i) Protection of adjacent properties against noise, glare, unsightliness or other objectionable features; and adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between adjacent uses.

(6) *Additional Review Criteria for Residential Site Plans.*

When reviewing any site plan, the Site Plan Administrator or Metropolitan Planning Commission, as applicable, shall consider the following factors in addition to those described above:

Adequacy of usable space for active and passive recreation.

(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. The Metropolitan Planning Commission shall make a recommendation regarding the variance to the Board of Appeals.

(8) *Subdivision Review.*

Site plan review under the provisions of this section may occur simultaneously with subdivision review, where required.

(9) *Development Phasing.*

- (a) If the project is to be implemented in phases, each phase must have adequate provision for access, parking, open space, recreation areas and stormwater management and other public improvements to serve the development in the event that other phases are not constructed.
- (b) For projects that are developed in phases, construction of all phases of the development as shown on the approved site plan for that development must be commenced within five years from the date of that site plan approval. If construction of all phases of a development is not commenced within five years from the date of site plan approval, the phased development is thereafter required to obtain site plan approval in accordance with the current requirements of this ordinance for all undeveloped phases of the original site plan. Construction of all phases of a development shall be deemed to have commenced when building permits have been obtained and construction has started for all buildings shown on the approved site plan, and the site plan has been stamped and signed by the Site Plan Administrator.

(10) ***Additional Requirements.***

Following site plan approval, the applicant may move forward to submit construction plans or applications for building or other permits, as may be required elsewhere in these zoning regulations.

(11) ***Period of Validity.***

Except for subdivision plans that have been duly filed with the Clerk of Superior Court of Chatham County, if construction of the approved development has not commenced within two years from the time of site plan approval, that approval shall be deemed revoked. A single extension of this period may be granted by the Metropolitan Planning Commission.

Sec. 8-3206. Special Use Review.

See City of Savannah Zoning Ordinance, Article H.

Sec. 8-3207. Certificate of Appropriateness.

(1) ***Certificate of Appropriateness Required.***

No permit shall be issued to make any of the following changes to the exterior of a structure visible from any public right-of-way within the Mid-City Districts until the plans have been reviewed and approved as complying with the neighborhood design requirements in the Mid-City Neighborhood Design Standards by the Design Administrator, and the Design Administrator or Metropolitan Planning Commission has issued a certificate of appropriateness:

- (a) Demolition of a contributing structure (see Section 8-3208 below).
- (b) Moving a structure into or within the Mid-City District or moving a contributing structure out of the Mid-City District.
- (c) Construction of, or material change in the appearance of an existing principal structure. Material change shall specifically include the addition of awnings to any contributing structure.

- (d) Construction of, or material change in the appearance of an existing accessory structure. Material change shall specifically include the addition of awnings to any contributing structure.
- (e) Construction of, or material change in the appearance of existing walls and fences.
- (f) Erection or placement of any illuminated sign, or of any other sign exceeding three square feet in size.

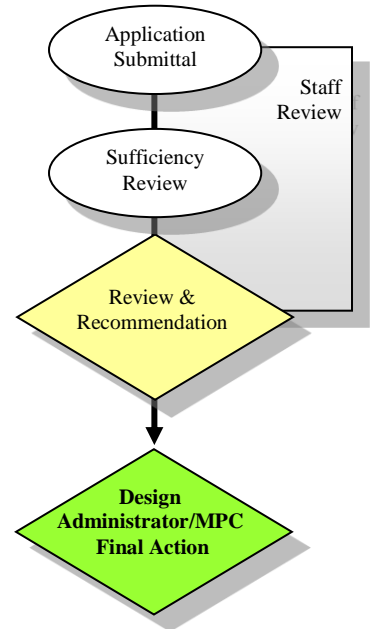
[Sec. 8-3207(1) amended 11/9/17 (File No. 17-005633-ZA)]

(2) Application for Certificate of Appropriateness.

Application for a certificate of appropriateness shall be made in the office of the Metropolitan Planning Commission on forms provided. Application forms shall specify the information required by the Design Administrator to determine whether the proposed activity, repairs or construction will be in compliance with the provisions of this chapter. Each application shall be accompanied by all required information as specified on the form.

(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 with a cumulative footprint greater than 4,000 square feet, any project with design-related variance requests, 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 calendar days of receipt of and acceptance of the fully completed application and supporting documentation,. The applicant may request Planning Commission review instead of Design Administrator review and the application will be placed on the next available agenda.



(4) Action by the Metropolitan Planning Commission

The Metropolitan Planning Commission shall review all new construction with a cumulative footprint greater than 4,000 square feet, any project with design-related variance requests, demolition of contributing buildings and relocation of contributing buildings within 45 calendar days of receipt and acceptance of fully completed application and supporting documentation.

(5) Criteria for Approval.

- (a) **Visual Compatibility.**

Development or redevelopment activity shall be considered compatible with the contributing structures to which the structure is visually related in terms of the following requirements.

- i. Height. The height of proposed structures shall be visually compatible with contributing structures on the same block face.
- i. Proportion of Building's Front Façade. The relationship of the width of the structure to the height of the front elevation shall be visually compatible with contributing structures to which it is visually related.
- ii. Proportion of Openings Within the Facility. The relationship of the width of the windows to height of windows in a building shall be visually compatible with contributing structures to which the structure is visually related.
- iii. Rhythm of Buildings on Street. The relationship of a structure to the open space between it and adjacent structures shall be visually compatible with the open spaces between contributing structures to which it is visually related.
- iv. Rhythm of Entrance and Porch Projection .Entrances, porch projections and walkways to the proposed structure shall be visually compatible with contributing structures to which they are visually related.
- v. Relationship of Materials, Texture. The relationship of materials, texture and color of the facade of a structure shall be visually compatible with the predominate materials used on contributing structures to which it is visually related.
- vi. Roof Shapes .The roof shape of a building shall be visually compatible with contributing structures to which it is visually related.
- vii. Enclosure Along Street .Appurtenances of a structure such as walls, fences, and evergreen landscape masses shall form a consistent wall of enclosure along the street.
- viii. Scale of a Building .The mass of a structure, and the size of window and door openings, porches and balconies shall be visually compatible with contributing structures to which they are visually related.

(b) ***Neighborhood Design Standards.***

The Design Administrator shall find proposed construction in compliance with the applicable Neighborhood Design Standards in Division 6.

(6) ***Period of Validity.***

Where construction of the approved development has not commenced within one year from the time of certificate of compatibility, that approval shall be deemed revoked. A single extension of this period may be granted by the Design Administrator where no other changes in the same block face have occurred over the intervening period.

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

All appeals from decisions of the Design Administrator with regard to interpretation and administration of this part shall be made to the Metropolitan Planning Commission.

Appeals from decisions of the Metropolitan Planning Commission with regard to interpretation and administration of this ordinance 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.

(8) ***Relocation of Contributing Structures.***

A contributing structure shall not be relocated to another site unless it is shown that the preservation of such a building, on its existing site, is not consistent with the purposes of such building on such site.

(9) ***Protective Maintenance of Contributing Structures.***

(a) ***Maintenance Required.***

Lack of maintenance that leads to demolition by neglect shall be considered a negative visual alteration. All structures rated as contributing shall be preserved against decay and deterioration in order to maintain property values, prevent hazards to public safety, and rid neighborhoods of negative visual appearances and unsafe conditions. Exterior walls, roofs, foundations, doors and windows shall be maintained or secured in a weather tight condition to prevent structural decay.

(b) ***Routine Maintenance.***

Ordinary maintenance and repair of any contributing structure to correct deterioration decay or damage does not require a Certificate of Appropriateness if the work does not involve a change in design, material or exterior appearance.

(c) ***Securing Vacant Property.***

All windows and doors, except the front door through which access to the interior of the dwelling is made, shall be secured, at a minimum, in accordance with the applicable section of the City ordinance.

- i. A deadbolt lock or other locking device shall be installed on the front exterior door above the existing lockset.
- ii. All exterior sheathing shall be painted with at least one coat of primer on all exterior surfaces.
- iii. Leaking roofs shall be repaired so that water cannot enter the structure.
- iv. Exterior walls shall be sheathed such that weather cannot penetrate the structure.

- (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.

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 or 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 purposes 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 8-3341 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: Upon the effective date of the ordinance all ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: _____, 2018.

MAYOR

ATTEST:

CLERK OF COUNCIL
FILE NO.: 18-001150-ZA