

AN ORDINANCE

To Be Entitled

AN ORDINANCE TO AMEND PART 8, CHAPTER 3, ZONING PERTAINING TO THE AMENDMENT OF ARTICLE O, ALCOHOL DENSITY OVERLAY DISTRICT TO REGULATE THE SALE AND SERVICE OF ALCOHOL WITHIN CERTAIN AREAS OF THE CITY; 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 is shown in blue, bold, and underlined. Text to be repealed is shown in red, bold, and double strikethrough.

Article O. Alcohol Density Overlay District.

Sec. 8-3354. Findings; purpose and intent.

The concentration of establishments engaging in the sale and or service of alcohol in certain identifiable areas of the city has contributed to undesirable conditions and activity, such as littering, loitering, aggressive panhandling, noise and increased vehicular traffic. Accordingly, the purpose of the alcohol density overlay district is to establish standards to curtail or prevent these and other detrimental actions from diminishing property values and the quality of life for nearby residents and property owners.

Sec. 8-3355. Alcohol density districts and identification.

An alcohol density ("AD") district is identified on the official zoning map as "AD" followed by a designated number (e.g., AD-1). The numerical designation identifies the geographic location of the overlay district. "AD" districts include:

- a. AD-1 district. This district includes portions of the Hudson Hill/Bayview, West Savannah, Woodville/Bartow, Bay Street Viaduct Area neighborhoods. The boundaries of the AD-1 District are shown on Map 1.
- b. AD-2 district. This district includes portions of the Cann Park, Bingville, Jackson Park, Feiler Park/Hussars Terrace/Dittmerville, Tatenville and Sylvan Terrace neighborhoods. The boundaries of the AD-2 district are shown on Map 2.
- c. AD-3 district. This district includes portions of the Cuyler-Brownville, Laurel Grove/Railroad Area, Ogeecheeton/Dawes Avenue, Tremont Park neighborhoods. The boundaries of the AD-3 district are shown on Map 3.
- d. AD-4 district. This district includes portions of Liberty City, Tremont Park and Southover neighborhoods. The boundaries of the AD-4 district are shown on Map 4.

Sec. 8-3356. Relationship to base zoning districts.

In addition to the requirements of this article, existing and proposed uses within an "AD" overlay district must also comply with the requirements of the base zoning district designated on the official zoning map for the City of Savannah. Should a conflict between any requirement(s) of the base and overlay districts exist, the more restrictive requirement(s) will apply.

Sec. 8-3357. Prohibited uses.

a. Certain uses prohibited.

- i. As of January 4, 2018, certain uses that engage in the sales or service of alcohol cannot be established as a new use within the AD-1, AD-2 (original), and AD-3 (original) overlay districts:
 1. Adult entertainment establishments.
 2. Assembly halls greater than 2,000 square feet.
 3. Event venues as defined by the city alcoholic beverage ordinance.
 4. Cocktail lounges, taverns, bars and similar uses that are primarily engaged in the sales of alcoholic beverages for consumption on the premises.
 5. Nightclubs.
 6. Package stores (not including accessory or ancillary package sales).
- ii. As of June 6, 2019, convenience stores that engage in the sale or service of alcohol cannot be established as a new use within the AD-1, AD-2 (original), and AD-3 (original) overlay districts;
- iii. As of [Effective Date (July 18, 2019)], the previously listed uses in this section (Sec. 8-3357(a)(i and ii)) that engage in the sale or service of alcohol cannot be established as a new use with the AD-2 (expansion) and AD-4 overlay districts.

b. Effect of prohibition on existing uses.

- i. Establishments with lawfully issued business tax certificates and alcoholic beverages licenses prior to the January 4, 2018 adoption of this article and the AD-1, AD-2 (original), and AD-3 (original) overlay districts:
 1. Any existing use that is identified as a prohibited use as of the January 4, 2018 adoption of this article will be considered conforming;
 2. Lawfully existing business tax certificates and alcoholic beverage licenses will not be terminated, and applications for renewal or transfer of such certificates and licenses will not be denied for the reason that the establishment is a prohibited use in the overlay district.
- ii. Establishments (convenience stores that engage in the sale or service of alcohol) with lawfully issued business tax certificates and alcoholic beverages licenses prior to the June 6, 2019 amendment within the AD-1, AD-2 (original), and AD-3 (original) overlay districts:
 1. Any existing use that is identified as a prohibited use as of the June 6, 2019 amendment will be considered conforming;

2. Lawfully existing business tax certificates and alcoholic beverage licenses will not be terminated, and applications for renewal or transfer of such certificates and licenses will not be denied for the reason that the establishment is a prohibited use in the overlay district.
- iii. Establishments with lawfully issued business tax certificates and alcoholic beverages licenses prior to the expansion of the AD-2 and AD-3 overlay districts and creation of the AD-4 overlay district on [Effective Date (July 18, 2019)]:
 1. Any existing use that is identified as a prohibited use as of the [Effective Date (July 18, 2019)] amendment will be considered conforming;
 2. Lawfully existing business tax certificates and alcoholic beverage licenses will not be terminated, and applications for renewal or transfer of such certificates and licenses will not be denied for the reason that the establishment is a prohibited use in the overlay district.
- c. Time period for re-establishing a prohibited use.
 - i. If a prohibited use has not been in operation and a business tax certificate or an alcoholic beverages license has expired (not renewed or transferred), the time period for re-establishing the use or obtaining a new business tax certificate or an alcoholic beverages license for the same physical location is 12 months:-
 1. As of January 4, 2018, within the AD-1, AD-2 (original), and AD-3 (original) overlay districts;
 2. As of June 6, 2019, within the AD-1, AD-2 (original), and AD-3 (original) overlay districts;
 3. As of [Effective Date (July 18, 2019)], within the AD-2 (expansion), AD-3 (expansion) and AD-4 overlay districts.
 - ii. However, if a tax certificate or alcohol license for the business is terminated, not renewed or transferred within 12 months, regardless of whether the use is intended to be abandoned, the use cannot be re-established.

Sec. 8-3358. Use conditions.

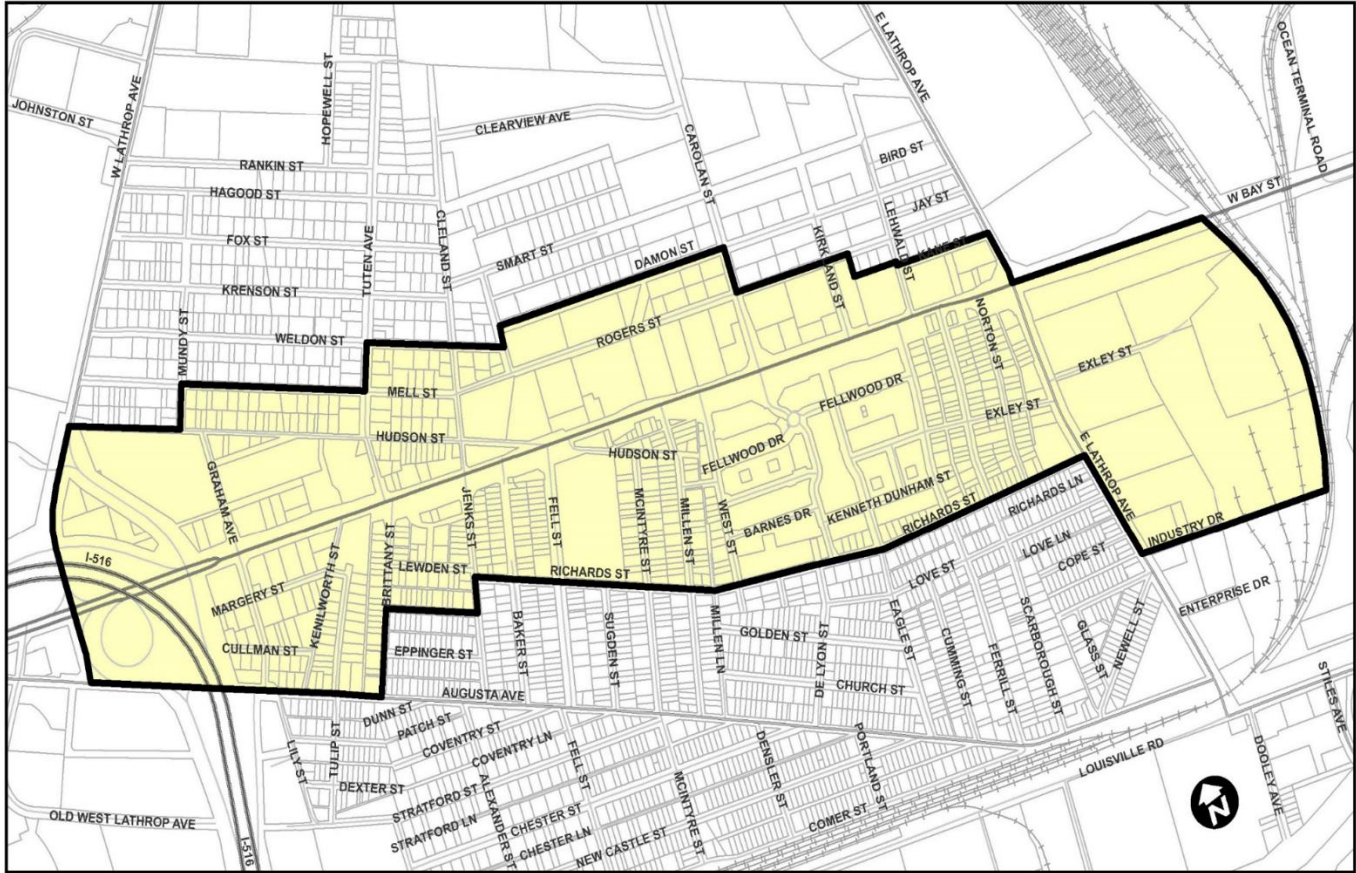
The following conditions are in addition to any condition(s) that may be required of the use within its base zoning district. To determine if there are use conditions, see section 8-3025(a) or 8-3025(b), as applicable. The following conditions may be varied by the board of appeals.

- a. Off-site consumption.
 - i. Ancillary retail package store (accessory sales of beer and wine by the package).
 1. Accessory or ancillary sales of alcohol are permitted when a principal use has at least 10,000 square feet of floor area. The floor area square footage cannot include any area designated for package sales.
- b. Retail dealer (on-site consumption).
 - i. Assembly Hall.
 1. Such use shall not be greater than 2,000 square feet in floor area.

2. Such use shall not be located within 300 feet of a residential use or a residential ("R") zoning district.
 3. Such use may include a licensed alcohol caterer.
 4. Alcohol sales, service and consumption are limited to the interior of the assembly hall.
- ii. Restaurants with alcohol sales.
 1. A restaurant must have at least 2,000 square feet in interior floor area.
 2. Alcohol sales, service and consumption are limited to the interior of the restaurant.
- c. Manufacturing and distribution.
 - i. Such use shall abut an arterial street as classified in section 8-3048.

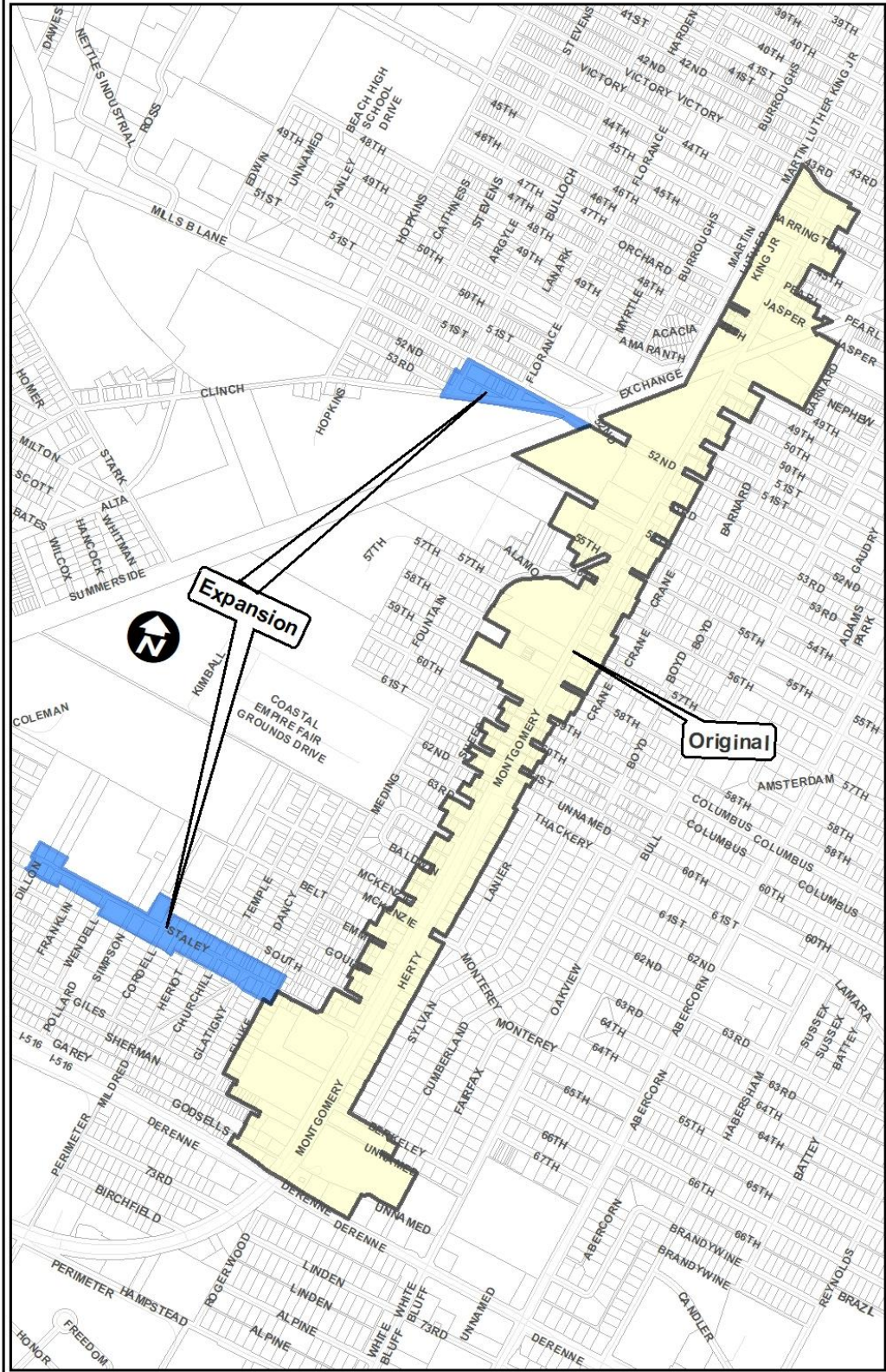
Alcohol Density Overlay District (“AD”) Maps

Map 1: AD-1 District (West Bay Street Area)



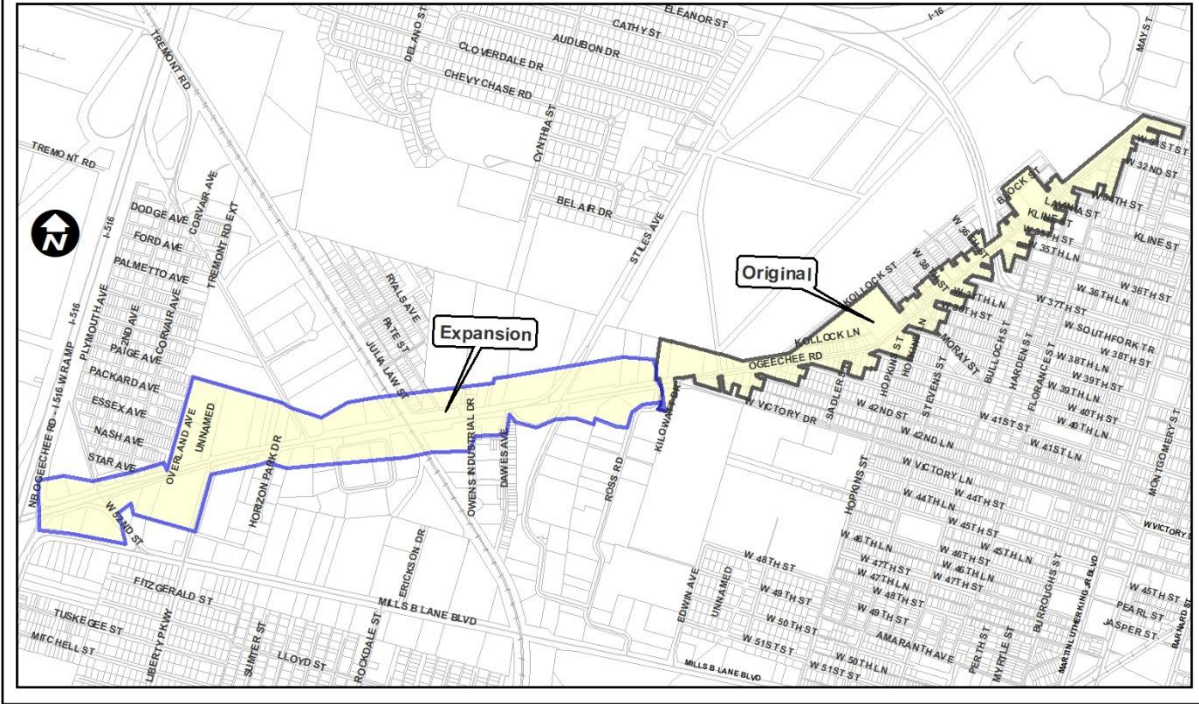
Map 1: West Bay Street Area Alcohol Density Overlay District (AD-1)

Map 2 : AD-2 District (Montgomery Street Area)



Map 2: Montgomery Street Area Alcohol Density Overlay District (AD-2)

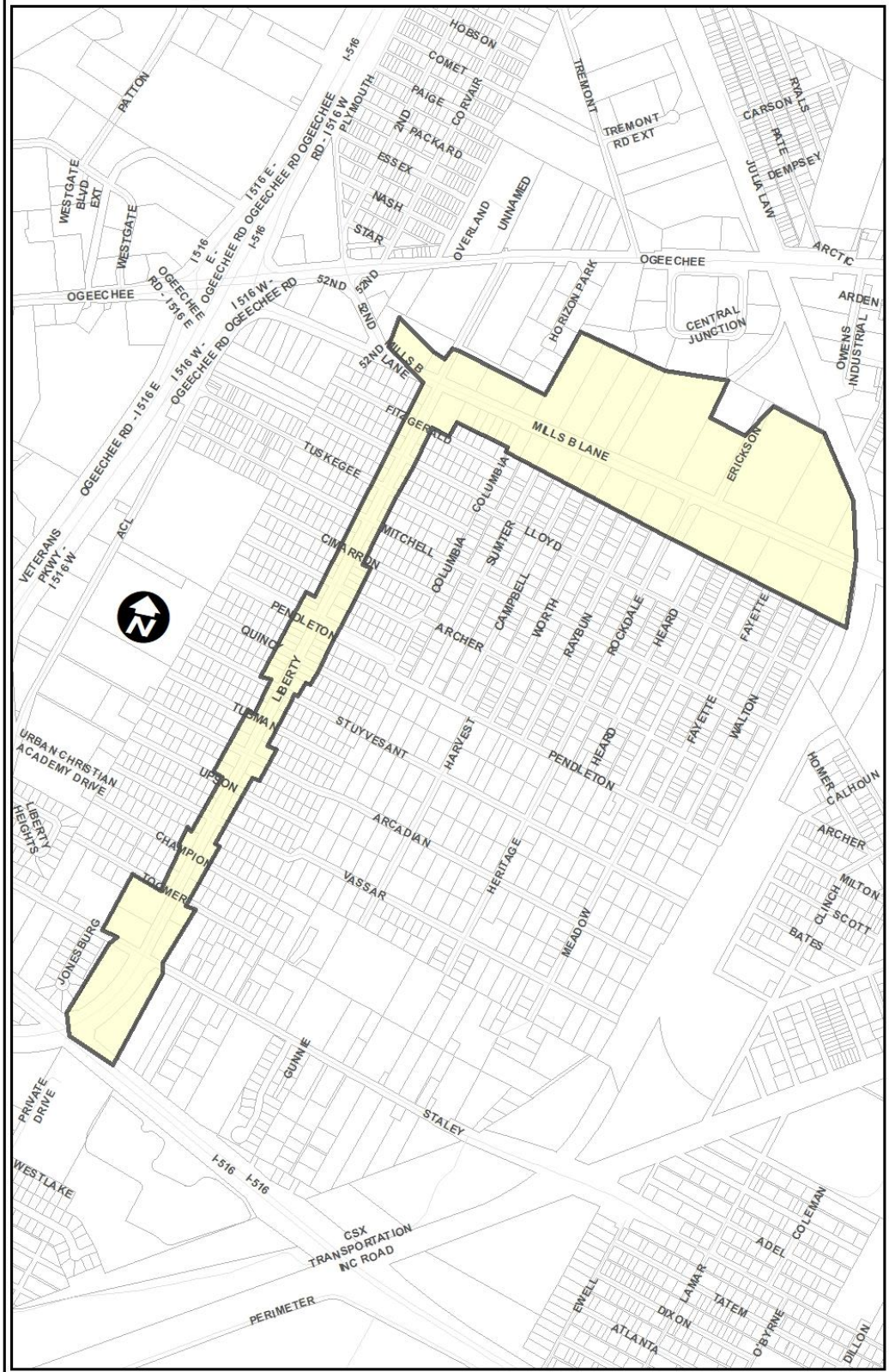
Map 3 : AD-3 District (Ogeechee Road Area)



Map 3: Ogeechee Road Area Alcohol Density Overlay District (AD-3)

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Map 4 : AD-4 District (Liberty Parkway Area)



Map 4: Liberty Parkway Area Alcohol Density Overlay District (AD-4)

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 13th day of June, 2019, 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: _____, 2019.

MAYOR

ATTEST:

CLERK OF COUNCIL

FILE NO.: 19-003628-ZA