



METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

DATE: August 16, 2022
TO: THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH
FROM: METROPOLITAN PLANNING COMMISSION
SUBJECT: MPC RECOMMENDATION

PETITION REFERENCED:

Proposed Text amendment to the City of Savannah Zoning Ordinance

Re: Amendment to Section 11.4., Nonconforming Uses and Structures

Petitioner: MPC Staff

Nirav Gandhi, Planner, MPC Development Services

MPC File No. 22-003392-ZA

MPC ACTION:

Approval of the proposed Text Amendment to Section 11.4, Nonconforming Uses and Structures as follows: For nonconforming residential uses within a Local Conservation District that are damaged or destroyed beyond 75% of the replacement cost, approval by the Zoning Board of Appeals shall not be required. The new structure shall not, however, exceed the height, building footprint, or number of dwelling units of the damaged or destroyed building.

MPC STAFF RECOMMENDATION:

Approval of the proposed Text Amendment to Section 11.4, Nonconforming Uses and Structures as follows: For nonconforming residential uses within a Local Conservation District that are damaged or destroyed beyond 75% of the replacement cost, approval by the Zoning Board of Appeals shall not be required. The new structure shall not, however, exceed the height, building

footprint, or number of dwelling units
of the damaged or destroyed building.

MEMBERS PRESENT: 9 + Chairman

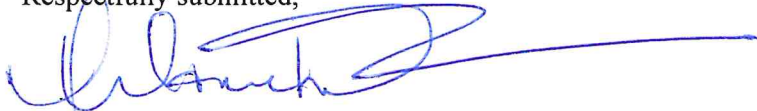
Joseph Welch, Chairman
Laureen Boles
Travis Coles
Coleman
Joseph Ervin
Karen Jarrett
Jay Melder

Wayne Noha
Jeff Notrica
Dwayne Stephens

PLANNING COMMISSION VOTE: Approve Staff Recommendation (10-0)

APPROVAL Votes: 10	DENIAL Votes: 0	ABSENT
Welch Boles Coles Coleman Ervin Jarrett Melder Noha Notrica Stephens		Epstein Kaigler, Interim Watkins Woiwode

Respectfully submitted,



Melanie Wilson
Executive Director

/ca

Enclosure

cc Mark Massey, Clerk of Council
Lester B. Johnson, Assistant City Attorney
Jennifer Herman, Assistant City Attorney
Zarina Davis, Department of Inspections
Bridget Lidy, Department of Inspections
Candra Teshome, Department of Inspections



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M E M O R A N D U M

TO: Mayor and Aldermen of the City of Savannah

FROM: The Planning Commission

DATE: August 16, 2022

SUBJECT: Text Amendment to the City of Savannah Zoning Ordinance
Re: Amendment to Section 11.4., Nonconforming Uses and Structures

Applicant: Staff Generated Amendment

MPC Staff Reviewer: Nirav Gandhi, Project Planner

MPC FILE NO: 22-003718-ZA - TEXT

ISSUE:

A petition to amend Section 11.4 to allow damaged or destroyed structures with nonconforming uses to be rebuilt to their pre-damaged state by right. There are currently four local Conservation Districts in the City of Savannah that would be affected by this amendment: Ardsley Park – Chatham Crescent, Ardmore, Parkside, and Historic Carver Village/Flatman Village Conservation Districts.

BACKGROUND:

In July 2022, MPC received a rezoning petition from the property owner of 543 Washington Avenue to rezone the building from single-family residential to multifamily. The owner was concerned that if the property were to be damaged, since it is nonconforming, it would not be able to be rebuilt by right.

The multifamily contributing structure is in a single-family residential district but has been used continuously as a multifamily (four unit) apartment building since 1913. Upon further investigation, MPC staff found that this issue was not exclusive to the aforementioned property, and this proposed amendment is a holistic approach to fixing the issue for several properties.

The historic portions of Savannah that have not qualified as Local Historic Districts are mostly located within the four established Conservation Districts, preventing structures therein from being demolished without approval from the Historic Preservation Commission.

If one of these historic buildings were to be damaged or destroyed, as the ordinance currently reads the applicant would have to apply for a Special Permit from the Savannah Zoning Board of Appeals to be able to rebuild it.

MPC Staff contacted the neighborhood associations of these four districts and they did not wish to have a meeting, as they felt the neighborhoods at large would be in favor of the amendment.

The text proposed to be amended is in **bold** and underline as follows:

11.4.2.d Damage or Destruction

i. Damage or Destruction Exceeding 75% of the Replacement Cost

Any nonconforming structure which is damaged or destroyed by a natural calamity or other involuntary act, to beyond 75% of its replacement cost at the time of damage or destruction, shall not be rebuilt, altered or repaired unless authorized to do so by the Zoning Board of Appeals in accordance with Sec. 3.24, Relief for Nonconforming Uses and Structures, within 24 months of the date of occurrence of such damage.

For nonconforming residential uses within a Local Conservation District that are damaged or destroyed beyond 75% of the replacement cost, approval by the Zoning Board of Appeals shall not be required. The new structure shall not, however, exceed the height, building footprint, or number of dwelling units of the damaged or destroyed building.

FINDINGS:

1. The majority of nonconforming uses in these historic parts of Savannah have been operating for close to or even exceeding one hundred years as legally nonconforming.
2. The proposed amendment would facilitate maintaining and restoring the historic development pattern.
3. The intent of the Conservation Overlay is to prevent the loss of historic and cultural resources in Savannah. Having to file an appeal to the ZBA to restore a historic building is counterintuitive to that intent.

POLICY ANALYSIS:

The proposed amendment will help assure the long-term success of the Conservation Overlay Districts and assist in maintaining the historic fabric of the community by allowing contributing structures with nonconforming uses to rebuild by right. There is a great need for more housing in Savannah, especially for more multifamily housing, in these historic neighborhoods.

RECOMMENDATION:

Amend Section 11.4, Nonconforming Uses and Structures as follows:

For nonconforming residential uses within a Local Conservation District that are damaged or destroyed beyond 75% of the replacement cost, approval by the Zoning Board of Appeals shall not be required. The new structure shall not, however, exceed the height, building footprint, or number of dwelling units of the damaged or destroyed building.

