



C H A T H A M   C O U N T Y   -   S A V A N N A H

## METROPOLITAN PLANNING COMMISSION

*"Planning the Future - Respecting the Past"*

M E M O R A N D U M

**DATE:** FEBRUARY 2, 2021

**TO:** THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH

**FROM:** METROPOLITAN PLANNING COMMISSION

**SUBJECT:** MPC RECOMMENDATION

**PETITION REFERENCED:**

**Proposed text amendment to the Savannah Zoning Ordinance**

**Re: Amendment to Sections 3.21, 3.23, 3.24 (Limitations on Applications), 8.4.24 (Animal Services, Indoor), 8.4.3 (Office, Medical), 8.5 (Industrial Use Standards for Limited and Special Uses), and 8.8.3 (Permitted Temporary Uses)**

**Applicant: Mayor and Aldermen**

**Agent: Bridget Lidy**

**File No. 21-000448-ZA**

**MPC ACTION:**

**Approval** of the request to amend the ordinance as outlined.

**MPC STAFF RECOMMENDATION:**

**Approval** of the request to amend the ordinance as outlined.

**MEMBERS PRESENT:** 12 + Vice-Chairman

Joseph Welch, Vice-Chairman  
Laureen Boles  
Travis Coles  
Elizabeth Epstein  
Joseph Ervin  
Karen Jarrett  
Ruel Joyner  
Wayne Noha  
Eula Parker  
Lee Smith

Dwayne Stephens  
Linder Suthers  
Tom Woiwode

**PLANNING COMMISSION VOTE:** Approve Staff Recommendation (13-0)

APPROVAL Votes: 13	DENIAL Votes: 0	ABSENT
Welch Boles Coles Epstein Ervin Jarrett Joyner Noha Parker Stephens Smith Suthers Woiwode		Brown

Respectfully submitted,



Melanie Wilson  
Executive Director

/jh

Enclosure

cc Mark Massey, Clerk of Council  
Lester B. Johnson, Assistant City Attorney  
Jennifer Herman, Assistant City Attorney  
Beth Barnes, Department of Inspections





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## **METROPOLITAN PLANNING COMMISSION**

*"Planning the Future - Respecting the Past"*

M E M O R A N D U M

**TO:** The Mayor and Alderman, City of Savannah

**FROM:** The Planning Commission

**DATE:** February 2, 2021

**SUBJECT:** Proposed text amendment to the Savannah Zoning Ordinance

**Re: Amendment to Sections 3.21, 3.23, 3.24 (Limitations on Applications), 8.4.24 (Animal Services, Indoor), 8.4.3 (Office, Medical), 8.5 (Industrial Use Standards for Limited and Special Uses), and 8.8.3 (Permitted Temporary Uses)**

**Applicant: Mayor and Aldermen**

**Agent: Bridget Lidy**

**File No. 21-000448-ZA**

**Jordan Holloway MPC Project Planner**

### **ISSUE:**

A proposal to amend the Savannah Zoning Ordinance relative to Limitations on Variance Applications, Limitations on Appeals Applications, Limitations on Nonconforming Uses and Structures Applications, updating Use Standards and Use Table for "Animal Services, Indoors", updating Use Standards and Use Table for "Office, Medical", and a clerical update to Permitted Temporary Uses as well as Industrial Use Standards for Limited and Special Uses.

### **BACKGROUND:**

Since the adoption of NewZo in the summer of 2019, staff continues to update and advance ordinance requirements that may have been overlooked at the time but are in keeping with the intent of the current ordinance.

Staff discovered that the limitations that were a part of the previous ordinance were never placed in the new ordinance related to Variance Applications, Appeals Applications, and Nonconforming Uses and Structure Applications. Without limitations, applicants could request the same variance, appeal, or approval of a nonconforming use/structure after denial by the governing body, without changing the initial request. This update seeks to place a prohibition on above mentioned applications for twelve (12) months from the date of the written decision by the Mayor and

Aldermen.

In September of 2020, the Planning Commission tasked MPC Staff with reviewing the TN Zoning Districts uses and use standards, as it was brought to their attention that certain uses may be appropriate to be permitted uses within the TN-1 and TN-2 Zoning Districts, as they were compatible with other similar uses.

Finally, Section 8.5 Industrial Use Standards for Limited and Special Uses and Section 8.8.3 Permitted Temporary Uses was updated, however subsection formatting was not adequately addressed. This update seeks to address the formatting so that it is updated and correct.

## **FINDINGS:**

The proposed amendments to Sections 3.21, 3.23, 3.24 (Limitations on Applications), 8.4.24 (Animal Services, Indoor), 8.4.3 (Office, Medical), 8.5 (Industrial Use Standards for Limited and Special Uses), and 8.8.3 (Permitted Temporary Uses) are as follows: **Proposed language is in red and underlined.**

### **Section 3.21 Variances**

#### **3.21.14 Limitations on Variance Applications**

If the Zoning Board of Appeals or The Metropolitan 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 The Metropolitan Planning Commission.

### **Section 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.

### **Section 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.

**Section 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 listed in the Zoning Ordinance. 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 7AM – 6PM Monday through Saturday. Surgeries, outdoor pet runs, and boarding shall be prohibited.
  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	T	T	T	D	D	D	D	D	O	O	B	B	B	I	I	Use Standard
				N	C	C	R	N	C	C	X	I	I	L	N	C	L	L	
				3	1	2				B			E				R	T	
										D									
L	S		S	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 8.4.24</a>

**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 defined and listed in Appendix A-1.
  2. The use shall only operate between the hours of 7AM – 6PM Monday through Saturday.
  3. The use shall be permitted on corner lots only.

	TN-2	T	T	T	D	D	D	D	D	D	O	O	O	B	B	B	Use
TN-1	Cor.	N	C	C	R	N	C	C	X	W	I	I	I	L	N	C	Standard
	Lot	3	1	2				B			T		E				
								D									
Office, medical	✓	S	✓	✓	✓	L	✓	✓	✓	✓	S	✓	✓	✓	✓	✓	Sec. 8.4.3

## 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.

**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. 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..

~~e.~~ **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)

**ALTERNATIVES:**

- 1. Recommend approval to amend the Ordinance as outlined.
- 2. Recommend an alternate amendment.
- 3. Recommend denial of the request.

**RECOMMENDATION:**

The Planning Commission recommends **approval** of the request to amend the ordinance as outlined.