



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: APRIL 3, 2018

TO: THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH

FROM: METROPOLITAN PLANNING COMMISSION

SUBJECT: MPC RECOMMENDATION

PETITION REFERENCED:

Text Amendment to the City of Savannah Zoning Ordinance

**Re: Amendment to Article K, Section 8-3205-3208, Mid-City
District, Design Review Process and Demolition
Standards**

Applicant: Staff-Initiated

MPC ACTION: Approval of the amend as proposed.

MPC STAFF RECOMMENDATION: Approval of the amend as proposed.

MEMBERS PRESENT: 10 + Chairman

Joseph Ervin, Chairman
Thomas Branch
Travis Coles
Ellis Cook
Roberto Hernandez
Karen Jarrett
Tanya Milton
Lee Smith

Linder Suthers
Joseph Welch
Tom Woiwode

PLANNING COMMISSION VOTE: Approve Staff Recommendation (11-0)

APPROVAL Votes: 11	DENIAL Votes: 0	ABSENT
Ervin Branch Cook Coles Hernandez Jarrett Milton Smith Suthers Welch Woiwode		Manigault

Respectfully submitted,


Melony West
Interim Executive Director

/jh

Enclosure

cc Luciana Spracher, Interim Clerk of Council
Brooks Stillwell, City Attorney
Lester B. Johnson, Assistant City Attorney
Jennifer Herman, Assistant City Attorney
Beth Barnes, Department of Inspections

EH



Chatham County - Savannah Metropolitan Planning Commission

April 3, 2018 Regular MPC Meeting

Title

D1 - TEXT AMENDMENT | Amend Mid-City Ordinance Design Review Process | Staff-Initiated Petition | File No. 18-001150-ZA

Description

A petition to revise the Mid-City design review process to require that new construction be reviewed by the Planning Commission rather than the Design Administrator, the Planning Commission shall have the authority to waive measurable design and development standards by up to 20% when visually compatible, and that the demolition review process be consistent with the demolition review process in the Victorian District.

Recommendation

Approval as submitted.

Contact

Ellen I. Harris

Financial Impact

Review Comments

Attachments

📎 [18-001150-ZA Staff Recommendation.pdf](#)

📎 [REVISED Article K Mid City-4-3-18.pdf](#)



METROPOLITAN PLANNING COMMISSION

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M E M O R A N D U M

TO: The Mayor and Aldermen

FROM: The Planning Commission

DATE: April 3, 2018

SUBJECT: Text Amendment to the City of Savannah Zoning Ordinance
Re: Amendment to Article K, Section 8-3205-3208, Mid-City
District, Design Review Process and Demolition
Standards
Applicant: Staff-Initiated

Ellen I. Harris, Project Planner

MPC FILE NO: 18-001150-ZA

ISSUE:

A petition to revise the Mid-City design review process to require that new construction be reviewed by the Planning Commission rather than the Design Administrator, the Planning Commission shall have the authority to waive measurable design and development standards by up to 20% when visually compatible, and that the demolition review process be consistent with the demolition review process in the Victorian District.

BACKGROUND:

The Mid-City Ordinance was adopted in 2005 as part of a rezoning of the entire neighborhood. The ordinance establishes the review process for issuing Certificates of Appropriateness (COAs) for all alterations to existing buildings, new construction, and demolitions. Currently all COAs are reviewed and issued by the "Design Administrator." The Design Administrator is identified as the City Manager or designee. The City Manager's designee is the City Preservation Officer. All COAs within the district, with the exception of demolitions, are reviewed at staff level. All variances from Design Standards are reviewed by the Zoning Board of Appeals.

FINDINGS:

1. The current review process effectively means that all COAs are reviewed and issued by Staff without public notification or a public hearing (except for demolitions of contributing buildings). This is inconsistent with the State Historic Preservation Act.
2. By comparison, within the Victorian District, new construction is reviewed by the Planning Commission with smaller projects deferred to staff. The Planning Commission is able to waive strict compliance with certain design standards, such as height and setbacks, by as much as 20%.

3. The proposed text amendment requires that new construction be reviewed by the Planning Commission and allows the Commission to waive strict compliance with measurable design standards, such as height and setbacks, by as much as 20%. The proposed text amendment would essentially change the review process for the Mid-City District to be consistent with the Victorian District process.
4. The current process for demolition within the Mid-City district refers to the Cuyler-Brownville ordinance for standards. This ordinance is very weak in comparison to demolition standards in other historic ordinances. Essentially, if the Planning Commission denies a request for demolition, that decision is only valid for six months. The demolition can proceed after a six month stay. The proposed ordinance revision changes the demolition standards to be consistent with the Victorian District process and provides additional protection to historic buildings.

POLICY ANALYSIS:

1. The current review process for Mid-City is not consistent with the GA Historic Preservation Act and does not include public notice or opportunity for public comment.
2. The proposed revisions would bring Mid-City into closer compliance with the GA Historic Preservation Act and provide public notice and a public hearing through the Planning Commission Review.
3. The revisions to the demolition standards protect historic buildings from unnecessary demolition. Taking no action leaves many buildings unprotected especially with regard to demolition.

ALTERNATIVES:

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

RECOMMENDATION:

Amend the Mid-City ordinance as proposed.

Amendments recommended to be enacted are shown in boldface type and are underlined.

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.

EIH