



**METROPOLITAN PLANNING COMMISSION**

*"Planning the Future - Respecting the Past"*

M E M O R A N D U M

**DATE:** MARCH 12, 2019  
**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: Amendments to Section 8-3134(g)(1) (Changes in Nonconforming Uses) to permit the sale of beer in addition to wine in a restaurant use within the RIP-A1 district.**

**Applicant: Robert McCorkle**

**File No. 19-000812-ZA**

**MPC ACTION:**

**Approval** of the request to amend Section 8-3134(g)(1) (Changes in Nonconforming Uses) to permit the sale of beer in addition to wine in a restaurant use within the RIP-A1 district.

**MPC STAFF RECOMMENDATION:**

**Approval** of the request to amend Section 8-3134(g)(1) (Changes in Nonconforming Uses) to permit the sale of beer in addition to wine in a restaurant use within the RIP-A1 district.

**MEMBERS PRESENT:** 13 + Chairman

Joseph Ervin, Chairman	Linder Suthers
Thomas Branch	Joseph Welch
Travis Coles	Tom Woiwode
Ellis Cook	
Karen Jarrett	
Roberto Hernandez	
Lacy Manigault	
Tanya Milton	
Wayne Noha	
Eula Parker	
Lee Smith	

**PLANNING COMMISSION VOTE:** Approve Staff Recommendation (12-2)

<b>APPROVAL</b> Votes: 12	<b>DENIAL</b> Votes: 2	<b>ABSENT</b>
Ervin Branch Coles Jarrett Hernandez Manigault Milton Noha Parker Smith Suthers Woiwode	Cook Welch	

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





## Chatham County - Savannah Metropolitan Planning Commission

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### March 12, 2019 Regular MPC Meeting

#### **Title**

REZONING TEXT AMENDMENT | Robert McCorkle | 8-3134(g)(1) | 19-000812-ZA

#### **Description**

A petition to permit the sale of beer in addition to wine in a restaurant use within the RIP-A1 district and permit earlier sale of alcoholic beverages.

#### **Recommendation**

**Approval** of the request to amend Section 8-3134(g)(1) (Changes in Nonconforming Uses) to permit the sale of beer in addition to wine in a restaurant use within the RIP-A1 district and permit earlier sale of alcoholic beverages.

#### **Contact**

#### **Financial Impact**

#### **Review Comments**

#### **Attachments**

📎 [Staff Report-19-000812-ZA\\_.pdf](#)



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## METROPOLITAN PLANNING COMMISSION

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M E M O R A N D U M

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**TO:** The Mayor and Aldermen of the City of Savannah

**FROM:** The Planning Commission

**DATE:** March 12, 2019

**SUBJECT:** Text Amendment to the City of Savannah Zoning Ordinance  
**Re: Amendments to Section 8-3134(g)(1) (Changes in Nonconforming Uses) to permit the sale of beer in addition to wine in a restaurant use within the RIP-A1 district.**

**Applicant: Robert McCorkle**  
**File No. 19-000812-ZA**

**ISSUE:**

A petition to permit the sale of beer in addition to wine in a restaurant use within the RIP-A-1 district and permit earlier sale of alcoholic beverages.

**BACKGROUND:**

The Fox and Fig Café on Troup Square is a legally nonconforming use within the RIP-A-1 zoning district. It is subject to specific use conditions outlined in Article F of the Savannah Zoning Ordinance, including a prohibition on the sale of beer. The sale of wine is permitted, however, provided it accompanies a "full service meal." The petitioner wishes to amend these use conditions to permit the sale of beer as well, subject to the same provisions as wine. In addition, they are seeking an adjustment to conditions governing hours of operation to permit wine and beer sales for brunch beginning at 10:00 a.m. every day except Sunday.

**FINDINGS:**

1. The language of the amendment as proposed is as follows, with changes indicated in **bold**:

**Section 8-3134(g)(1) (Changes in Nonconforming Uses)**

- (g) Nothing in this section shall prevent the addition of an incidental nonconforming use to an existing nonconforming principal use when approved by the Mayor and Aldermen.

- (1) The sale or serving of **beer and** wine from a sit-down restaurant, by the drink, for consumption on the premises, shall be allowed within the RIP-A1 district subject to:
  - i. The restaurant shall front onto a street classified as an arterial or collector on the city street classification map.
  - ii. **Beer and w**Wine shall be served and consumed only as part of a full-service meal. ~~Alcoholic beverages and malt beer~~ **Spiritous liquors** shall be prohibited.
  - iii. **Beer and w**Wine sales shall be limited to the hours between ~~10~~1:00 a.m. and 10:00 p.m. except on Sundays when the beginning service time shall comply with Sec. 6-1212(b) (Sale of Alcoholic Beverages on Sunday), as amended, of the City Code.
  - iv. **Beer and w**Wine shall not be sold for take-out consumption.
  - v. No display or advertisement for the sale of **beer or** wine shall be visible from the exterior of the structure.
2. The proposed changes will not permit take-out drinks and will continue the prohibition on the sale of hard liquor. Other than an adjustment to operating hours to permit earlier alcohol sales, all other use conditions remain unchanged.
3. Due to its nonconforming status, The Fox and Fig Café is uniquely subject to this set of use conditions. Other restaurants downtown do not face prohibitions specifically on the sale of beer.

### **POLICY ANALYSIS:**

There is only a single instance of the RIP-A-1 zoning district, which encompasses most of Troup Ward within the Downtown Historic Landmark District. Restaurants are not permitted within this district, but since the Fox and Fig Café (or its predecessor) was in operation before the district was adopted, it is a legally nonconforming use. Article F of the Savannah Zoning Ordinance establishes conditions for such uses, including a section—8-3134(g)—that concerns restaurant uses within the RIP-A-1 district. Since there are no other restaurants within the district, these conditions can be understood to apply only to this café.

Fox and Fig is currently permitted only to sell wine, not beer or other liquors, and only accompanying a “full-service meal,” which staff understands to prohibit “to-go” beverages. They are seeking permission to add beer to their offerings, subject to the same “full-service meal” requirement. Since beer and wine are typically regulated under the same classification for obtaining a liquor license, there does not appear to be any compelling reason to uphold the existing prohibition on beer sales. No changes are proposed to existing restrictions on take-out drinks, the sale of hard liquor, or the advertising of alcoholic beverages.

The petitioner is also seeking to adjust their permitted hours of operation to permit the sale of beer

and wine beginning at 10:00 a.m., an hour earlier than the existing requirement. Sunday sales will remain governed by the City Code. Since the request is for earlier sales consistent with what is otherwise permitted for restaurants throughout the Downtown Historic District, this appears to be a reasonable request.

**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:**

The Planning Commission recommends **approval** of the request to amend 8-3134(g)(1) (Changes in Nonconforming Uses) to permit the sale of beer in addition to wine in a restaurant use within the RIP-A1 district and permit earlier sale of alcoholic beverages.

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

**ENACT**

**Section 8-3134(g)(1) (Changes in Nonconforming Uses)**

- (g) Nothing in this section shall prevent the addition of an incidental nonconforming use to an existing nonconforming principal use when approved by the Mayor and Aldermen.
- (2) The sale or serving of **beer and** wine from a sit-down restaurant, by the drink, for consumption on the premises, shall be allowed within the RIP-A-1 district subject to:
- vi. The restaurant shall front onto a street classified as an arterial or collector on the city street classification map.
  - vii. **Beer and w**Wine shall be served and consumed only as part of a full-service meal. ~~Alcoholic beverages and malt beer~~ **Spiritous liquors** shall be prohibited.
  - viii. **Beer and w**Wine sales shall be limited to the hours between ~~10~~**10**:00 a.m. and 10:00 p.m. except on Sundays when the beginning service time shall comply with Sec. 6-1212(b) (Sale of Alcoholic Beverages on Sunday), as amended, of the City Code.
  - ix. **Beer and w**Wine shall not be sold for take-out consumption.
  - x. No display or advertisement for the sale of **beer or** wine shall be visible from the exterior of the structure.

- xi. Deliveries and pick-ups shall be accomplished in a manner so as not to block access to adjacent residential properties.
- xii. Pool tables, amusement games and videos, live music that is not acoustical and karaoke shall not be permitted. Loudspeakers and music shall not be permitted on any public property adjacent to the restaurant use.
- xiii. Trash and waste generated from the restaurant shall utilize only household trash receptacles. No dumpsters shall be permitted.
- xiv. An area dedicated as a bar area or serving as a bar shall not be permitted.
- xv. This section shall only apply to existing restaurants that are nonconforming due to zoning map amendment or text amendments. The restaurant building shall not be greater than 2500 square feet and shall not have more than 50 chairs.