

# **Article 1.0 General Provisions**

## **Sec. 1.1 Generally**

### **1.1.1 Short Title**

This Ordinance shall be known as the "City of Savannah Zoning Ordinance" and may be referred to herein as "this Zoning Ordinance" or "this Ordinance."

### **1.1.2 Components of this Zoning Ordinance**

This Ordinance contains the following parts:

- a.** The text to this Zoning Ordinance;
- b.** The Official Zoning Map; and
- c.** Any map amendment or special use permit conditions adopted in accordance with this Ordinance.

### **1.1.3 Authority**

This Ordinance is enacted based on the authority vested in the City by the State of Georgia, including but not limited to the GA CONST Art. IX, Sec. 2, Para IV, the Zoning Procedures Law, O.C.G.A. Chapter 36-66-1 et seq., and the charter of the City of Savannah, Georgia.

### **1.1.4 Purpose of this Ordinance**

This Ordinance is adopted for the purpose of promoting the public health, safety and general welfare of the residents and property owners of and visitors to the city of Savannah, and to encourage the orderly, harmonious, and judicious use of land, consistent with the goals, policies, and strategies of the Chatham County-Savannah Comprehensive Plan. More specifically, this Ordinance is adopted to accomplish the following purposes:

- a.** provide standards for the orderly development of the City of Savannah and continue a stable pattern of land uses;
- b.** protect and conserve property values and property rights, consistent with Georgia law and the constitutions of the State of Georgia and the United States;
- c.** provide for adequate light, air and privacy;
- d.** secure safety from fire, flood and other dangers and from human-made hazards;
- e.** encourage the most appropriate use of land and buildings, and ensure compatibility between land uses in order to prevent or minimize conflicts;
- f.** promote the economic stability of existing land uses and protect them from intrusive land uses;
- g.** regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population;

- h.** promote land development that maximizes the use of public investments in facilities and services, ensures a proper level of public services for all new development and preserves existing amenities;
- i.** facilitate the adequate provision of transportation, water supplies, sewer service, schools, parks, police and fire protection and other public requirements;
- j.** maintain the integrity and individual character of established neighborhoods, and promote desired character in new developments;
- k.** protect and enhance the aesthetics and character of all parts of the City;
- l.** minimize or eliminate visual clutter and traffic hazards resulting from excess advertising and other signs, while retaining forms of protected speech;
- m.** conserve and protect the historical integrity and character of neighborhoods;
- n.** regulate the height and bulk of buildings, and the area of yards and open space for buildings;
- o.** protect and preserve sensitive natural areas and vital natural resources and avoid environmental degradation and other undesirable consequences to the environment;
- p.** protect existing residential neighborhoods by preventing the encroachment of incompatible land uses; protecting against blight, preserving property values, and promoting desirable living conditions and residential stability;
- q.** encourage a pedestrian-friendly community by promoting a mix of land uses and pedestrian-oriented development in commercial areas; and, to
- r.** provide for “smart growth” principles and practices.

### **1.1.5 Jurisdiction**

The provisions of this Ordinance shall apply to all properties within the jurisdiction of the City of Savannah and shall govern the use and development of land. No land or building shall be used or reused, no building shall be erected, and no existing building shall be moved, added to, enlarged or altered except in conformity with this Ordinance.

### **1.1.6 Relationship to the Comprehensive Plan and Other Adopted Plans**

The Comprehensive Plan, and all other adopted plans, where applicable, should be used as a guide for the application and implementation of this Ordinance, as well as for the provision of public services. In the event of any conflict between the provision of this Ordinance and the Comprehensive Plan, or any other adopted plans, the provisions of this Ordinance shall control.

### **1.1.7 Minimum Requirements**

The provisions of this Ordinance are intended to be minimum requirements unless otherwise specified. Where the provisions of this Ordinance impose greater restrictions than other ordinances, the provisions of this Ordinance shall prevail.

Where the provisions of another ordinance impose greater restrictions, the other ordinance shall prevail.

### **1.1.8 Conflicting Provisions**

- a.** These regulations are not intended to abrogate, annul, repeal, or in any way impair or interfere with the existing provisions of other public laws, ordinances, or regulations, unless otherwise specified. Where these regulations conflict with other provisions of public law, ordinances and regulations, the more restrictive requirements shall apply.
- b.** The enforcement and interpretation of this Ordinance shall not be affected by deed restrictions, covenants, or easements, other than those made as a condition of approval of development plans under this Ordinance, special use permits, other ordinances, or any predecessor ordinances.
- c.** The issuance of any approval, certificate or permit in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of such approval, certificate or permit from the responsibility of complying with all other applicable requirements from any other city, county, state or federal agency having jurisdiction over structures or land for which the approval, certificate or permit was issued.

### **1.1.9 Delegation of Authority**

The head of an agency or department or other officer referenced in this Ordinance may authorize subordinates to perform any action or duty which such officer is authorized to perform under this Ordinance unless the terms of the provision or section specify otherwise.

### **1.1.10 Effect of Conditions**

- a.** Where zoning conditions have been applied to a property or use through the map amendment or special use permit process, all development shall be subject to such conditions.
- b.** All conditions shall be met prior to issuance of certificates of occupancy or certificates of appropriateness for any development within the area subject to the map amendment or special use permit, unless expressly stated in the condition itself.
- c.** All conditions approved through the map amendment or special use permit process shall be included with the application for a site development plan, building permit or other subsequent approval of development subject to the conditions.

### **1.1.11 Effective Date**

The Effective Date of this Ordinance is September 1, 2019.

However, between September 1, 2019 and February 28, 2020, a developer shall have the option to elect that their development be governed by this Ordinance or the previous ordinances in effect immediately before the Effective Date of this Ordinance. [The zoning district of the developer's property shall](#)

be the district of the Comprehensive Zoning Ordinance for the City of Savannah as it existed at midnight between August 31 and September 1, 2019. For purposes of this option provision, the Comprehensive Zoning Ordinance for the City of Savannah is hereby adopted and made part of this Ordinance. To qualify for this election, a developer shall submit a complete application as provided in Section 3.1.5 for their development at the time of election and no later than February 28, 2020. The second paragraph of Section 1.4.4.f. shall be applicable.

### **1.1.12 Severability**

#### **a. Invalidation**

Should a court of competent jurisdiction of the State of Georgia or the United States hold any article, section, sentence, clause, phrase or word of this Ordinance invalid or unconstitutional, such decision shall not affect, impair or invalidate the remaining parts of this Ordinance, which can be given effect without the invalid provision.

#### **b. Prejudicial Application**

Should any Article, Section, sentence, clause phrase or word of this Ordinance be held invalid or unconstitutional in its application in a particular case, such decision shall not affect or prejudice its application to other cases.

## **Sec. 1.2 Rules for Construction of Language**

### **1.2.1 Generally**

Abbreviations of words and definitions of words and phrases are provided in Article 13.0, Abbreviations and Definitions. All provisions, terms, phrases and expressions contained in this Ordinance shall be construed in order that the true intent and meaning of the Mayor and Aldermen may be fully carried out.

### **1.2.2 Computation of Time**

The time within which an action is to be accomplished shall be computed by excluding the first and including the last day. The following time-related words shall have the meanings ascribed below.

- a.** "Day" means a calendar day unless working or business day is specified.
- b.** "Week" means seven calendar days.
- c.** "Month" means calendar month.
- d.** "Year" means a calendar year, unless otherwise indicated.

### **1.2.3 Conjunctions**

Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

- a.** "And" indicates that all connected items, conditions, provisions or events shall apply;
- b.** "Or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

### **1.2.4 Nontechnical and Technical Words**

Words and phrases, except as specifically defined in this Ordinance, shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### **1.2.5 Numbers**

A word indicating the singular number may be extended and applied to include the plural. The use of the plural number shall be deemed to include the singular unless the context clearly indicates the contrary.

### **1.2.6 Public Officials, Bodies and Agencies**

All public officials, bodies and agencies to which reference is made are those of the City of Savannah unless otherwise indicated.

### **1.2.7 Shall and May**

The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

### **1.2.8 Tense**

Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates the contrary.

### **1.2.9 Text**

In case of any difference of meaning or implication between the text of this Ordinance and any figure, the text shall control.

### **1.2.10 Word Usage**

- a.** “Building” includes the word “structure” except where otherwise specified by this Ordinance.
- b.** “City” means the City of Savannah, Georgia.
- c.** “County” means unincorporated Chatham County, Georgia, except where otherwise specified.
- d.** “Lot” includes the words “plot,” “parcel,” “tract,” or “property”.
- e.** “Used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- f.** “Written” means any representation of words, letters or figures whether by printing or other form or method of writing.
- g.** “Person” includes the words “entity”, “partnership”, “corporation” or “firm.”
- h.** “District” means any base, overlay or special purpose zoning district.
- i.** Where this Ordinance specifies a defined term that includes the phrase, “any similar use,” such interpretation shall be made by the City Manager or his or her designee.
- j.** “Time certain” means a definite time for a certain activity, for example, a public hearing.

## **Sec. 1.3 Zoning Map and Zoning Districts**

### **1.3.1 Official Zoning Map**

- a.** The boundaries of the zoning districts are established and shown on the “Official Zoning District Map of the City of Savannah” and may be cited and referred to as the “Zoning Map.”
- b.** All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this Ordinance.
- c.** The Official Zoning Map may be amended by adoption of resolutions that rezone property as provided in Sec. 3.5, Rezoning or Sec. 3.6, Planned Development Rezoning.
- d.** The Zoning Map for the City of Savannah shall be incorporated into and made a part of this Ordinance, shall be signed by the Mayor and properly attested by the City Clerk, shall be kept on file at the offices of the City Clerk, as applicable, and shall be maintained in a published version and format as determined by the Mayor and Aldermen.

### **1.3.2 Omitted Land**

It is the intent of this Ordinance that the entire area of the City of Savannah, including all waterways, roadways, railroads and other public rights-of-way, be included in the districts established by this Ordinance. Any area not shown on the Official Zoning Map as being included in any such district shall be classified in the Conservation district.

### **1.3.3 Historic Overlay Districts, Other Overlay Districts and Local Historic District Height Maps**

The boundaries of the Historic Overlay Districts, other Overlay Districts, and Local Historic District Height Maps referenced and identified in Article 7.0 are incorporated and made a part of the Official Zoning Map of the City of Savannah.

### **1.3.4 Rules of Interpretation**

- a.** If any uncertainty exists with respect to the intended boundaries as shown on the Zoning Map, the City Manager or his or her designee is authorized to interpret the Zoning Map.
- b.** A written request for a Zoning Map interpretation shall be submitted to the City Manager or his or her designee. The application shall contain sufficient information to enable the City Manager or his or her designee to make the necessary interpretation.
- c.** Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following shall apply:
  - i.** Where designation of a boundary line of the Zoning Map coincides with the location of a roadway, lane/alley, waterway or right-of-way, the

center of the roadway, lane, waterway or right-of-way shall be construed to be the boundary of such district.

- ii. Where the boundaries do not coincide with the location of roadways, lanes, waterways and rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
  - iii. Where the boundaries do not coincide with the location of roadways, lanes, waterways and rights-of-way or lot lines, the boundary shall be determined by the use of the scale shown on the Zoning Map.
- d. When it is alleged that there is an error of interpretation by the City Manager or his or her designee, the applicant may appeal the decision to the Zoning Board of Appeals as set forth in Sec. 3.23, Appeals.

### **1.3.5 Conversion of Planned Unit Developments and Properties Approved to be Rezoned with Specific Conditions of Approval**

- a. Planned Unit Development districts in existence as of the effective date of this ordinance shall hereafter be identified as Planned Development districts. Each such Planned Development district shall be identified by number, e.g., PD-1, to permit identification of the Planned Development district on the official zoning map. The aforesaid Planned Development districts are listed in Appendix A-2.
- b. Certain parcels rezoned under prior zoning ordinances, including Planned Unit Development districts, were approved with conditions of zoning to restrict the use and development of those parcels. In some cases those conditions were imposed by action of the Mayor and Aldermen to apply specifically to an approved rezoning and in some cases those conditions reference the text of a prior zoning ordinance which specifically applies as a condition of rezoning and incorporated into the text of the rezoning condition. It is the intent under this ordinance to incorporate and maintain those same conditions of rezoning as they apply to those certain parcels although conditions of rezoning may reference by citation to a prior city zoning ordinance. By incorporating those parcels with conditions into this zoning ordinance and referencing them on the official zoning map adopted by the Mayor and Aldermen, enforcement of those conditions shall remain in full force and effect under this ordinance as it was under the zoning ordinance in effect at the time the zoning districts and conditions were adopted. In no event shall these zoning districts or conditions imposed thereon be considered nonconforming as that term is defined and used in this ordinance. However, any amendments to the aforesaid zoning districts or to the conditions applicable thereto applied for after the adoption of this ordinance shall be subject to and governed by the procedures, requirements, and restrictions of this zoning ordinance. Those formerly approved zoning districts approved with conditions shall be identified on the official zoning map with the suffix “S” and are listed in Appendix A-3.



## **Sec. 1.4 Transitional Provisions**

### **1.4.1 Purpose**

The purpose of this Section shall be to establish the procedures for handling violations, nonconformities and previously approved items that existed as of the Effective Date of this Ordinance.

### **1.4.2 Violations Continue**

Any violation of previous zoning ordinances will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance unless the use, development, or activity complies, in its entirety, with the provisions of this Ordinance. The prosecution of violations which occurred under previous ordinances shall continue until resolved.

### **1.4.3 Prior Nonconformities and Nonconforming Uses**

Any use, plan, structure or property that was nonconforming under prior ordinances shall be considered a nonconformity under this Ordinance except as may be otherwise provided under Article 11.0, Nonconformities. The provisions of Article 11.0 shall be applicable to all nonconformities. Any use, plan, structure or property that was previously nonconforming that becomes conforming because of adoption of this Ordinance shall no longer be considered a nonconformity provided that all applicable provisions of this Ordinance are complied with.

### **1.4.4 Effect of this Ordinance on Applications Submitted and Prior Approvals**

#### **a. Applications Submitted**

Applications for plan approval, permits, and other authorizations that are administratively determined to be complete as of the Effective Date of this Ordinance may be approved if in compliance with the ordinance in effect at the time of submission. Complete shall mean that all information required by the particular application has been provided and that all applicable fees have been submitted.

#### **b. Approved Plans, Permits, and other Authorizations**

Approved plans, permits, authorizations and similar development approvals shall be governed by the ordinance under which the approval was given for the portion of the project so approved. The continued validity of such plans, permits, and authorizations shall be determined pursuant to this subsection. Except as otherwise provided, all conditions of zoning approved as part of a zoning map amendment prior to the Effective Date of this Ordinance shall continue to apply as previously approved and shall remain in full force and effect under this Ordinance.

#### **c. Timely Submission of Information**

Applicants who have completed applications as provided above shall comply with all requests for further information and submit all necessary revisions of

submitted plans in a timely manner. A delay of more than 90 days in submission of information or revisions requested shall constitute effective withdrawal of the application, with loss of all fees paid. Any new application shall then conform with the provisions of this Ordinance.

**d. Text Amendments**

Any application for a text amendment that has not been approved as of the Effective Date of this Ordinance shall be considered not approved as of the Effective Date of this Ordinance.

**e. Effect upon Development Plans and Building Permits**

All development plans must comply with the zoning ordinance applied in review of such plans as follows:

**i. When a Building Permit Has Not Been Issued**

When a building permit has not been obtained as of the Effective Date of this Ordinance, but an application for a building permit has been submitted, such plans shall be allowed to follow the requirements of the zoning ordinance in effect at the time of submission provided that a valid building permit is obtained within 365 days of the Effective Date of this Ordinance.

**ii. When a Building Permit Has Been Issued**

- (1)** No provision in this Ordinance shall require any change in plans, construction, size, or designated use of any building, or part thereof for which a valid building permit has been granted by the City Manager or his or her designee prior to the Effective Date of this Ordinance.
- (2)** When construction has not begun under an outstanding and valid building permit within a period of 365 days from the Effective Date of this Ordinance, but the applicant intends to follow through on construction, development plans must be resubmitted unless the validity period is extended by the City Manager or his or her designee in accordance with the International Building Code, as amended. The validity period shall not extend beyond one (1) year from the Effective Date of this Ordinance.
- (3)** If the building permit expires or the validity period for the building permit has not been extended by the City Manager or his or her designee, any future development plans that are resubmitted for a building permit shall comply with this Ordinance.

**f. Effect of this Ordinance on Pending Land Use Development and Permit Applications**

Any land use development, license, or permit application listed in Sec. 3.1.3 which is complete as determined under Sec. 3.1.5 at the time of adoption of this Ordinance shall be reviewed under the ordinances in force and effect at

the time the application is completed and shall be approved if in compliance with said ordinances.

If a development requires a series of applications (i.e., development plan approval, application for a variance, building permit, business license, etc.), if one application is filed prior to the Effective Date of this Ordinance, all applications shall be reviewed under the ordinance in force and effect at the time the first application is completed and shall be approved if in compliance with said ordinances.

**g. Written Interpretations**

Any person who requested and received authorized written interpretation under the Ordinance in effect prior to the Effective Date of this Ordinance may rely on such written interpretation to the extent that it does not conflict with this Ordinance, and the City Manager or his or her designee shall apply such written interpretation when considering any application for a land development permit, license or authorization filed by such person within six (6) months after the Effective Date of this Ordinance.

**h. Any Use Previously Allowed as a Matter-of-Right Use, a Limited Use, or a Special Use that Becomes a Prohibited Use under This Ordinance**

Any conforming use in operation as of the Effective Date of this Ordinance that was previously permitted as a matter-of-right use, a limited use, or a special use and that is now a prohibited use under this Ordinance shall be considered a nonconforming use. Any person who files any application for a permit, license or other authorization with respect to the property upon which such nonconforming use is operated within one (1) year of the Effective Date of this Ordinance may rely on the provisions of the prior ordinance in filing such application, and the City Manager or his or her designee shall review such application relying on such prior ordinance, if the application complies in all other respects with the requirements of this Ordinance.

**i. Effect of Prohibition on Existing Uses.**

Establishments or uses with lawfully issued business tax certificates, alcoholic beverages licenses, certificates of completion or occupancy, or etc. prior to the Effective Date of this Ordinance:

- (1)** Lawfully existing business tax certificates and alcoholic beverage licenses will not be terminated, and;
- (2)** 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 zoning district.

**ii. Time Period for Re-establishing a Prohibited Use.**

- (1)** As of Effective Date of this Ordinance, 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.

- (2) Where a terminated tax certificate or alcohol license for a business prohibited under this Ordinance is not renewed within 12 months or such business use ceases to exist for 12 months, such business may not be re-established regardless of whether the business use is intended to be abandoned.

**i. Any Use Previously Allowed as a Matter-of-Right Use or a Limited Use that Becomes a Special Use under This Ordinance**

Any conforming use in operation as of the Effective Date of this Ordinance that was previously permitted as a matter-of-right use or a limited use and that is now a special use under this Ordinance shall be considered a nonconforming special use.

**i. Effect of Special Use on Existing Uses.**

Establishments or uses with lawfully issued business tax certificates, alcoholic beverages licenses, certificates of completion or occupancy, or etc. prior to the Effective Date of this Ordinance: 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 special use in the zoning district.

**ii. Time Period for Re-establishing a Special Use.**

- (1) As of Effective Date of this Ordinance, if a special 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.
- (2) As of the Effective Date of this Ordinance, where a terminated tax certificate or alcohol license for a special use prohibited under this Ordinance is not renewed within 12 months or such special use ceases to exist for 12 months, such special use may not be re-established regardless of whether the special use is intended to be abandoned.

## **Sec. 1.5 Commentary**

Commentary has been included in the Zoning Ordinance as a means of clarifying certain provisions or to provide supplemental information. Text shown as “Commentary” has no regulatory effect; it is intended solely as a guide. Commentary may be added to, revised or removed from the Zoning Ordinance without a formal text amendment.

## **Sec. 1.6 Zoning of Property Relating to New Service Delivery**

All property annexed into the City boundaries may by adoption by the Mayor and Aldermen retain and be incorporated into the City's zoning ordinance and official zoning map under the County's zoning district applicable to the property at the time of annexation. The "Zoning Ordinance of Chatham County, Georgia," is hereby adopted and made a part of this ordinance for this purpose. The County's zoning restrictions applicable to the said zoning district shall be incorporated into this ordinance and applied to the annexed property. In such case the suffix "CO" (for County) shall be added to the zoning district to show that the County's zoning district shall apply to the annexed property. All other provisions of this ordinance shall apply to the annexed property. Such use of the annexed property under the County's zoning district shall not be deemed nonconforming as that term is used in this ordinance but may be considered after annexation for an amendment to rezone the subject property to a zoning district in conformity with this zoning ordinance.