

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO AMEND ARTICLE 2.0 REVIEW BODIES AND ADMINISTRATORS AND ARTICLE 3.0 APPLICATION AND REVIEW PROCEDURES OF CHAPTER 3, ZONING, OF PART 8, PLANNING AND REGULATION OF DEVELOPMENT, OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA; TO PROVIDE FOR EFFECTIVE DATES; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That Division II, Part 8, Planning and Regulation of Development, Chapter 3, Zoning (Effective September 1, 2019) of the Code of the City of Savannah, Georgia hereinafter be referenced as “Code”, be amended to read as follows:

*Note: Revisions shown in red.
Text to be enacted shown in bold and underlined.
Text to be repealed shown in bold and strikethrough.*

ARTICLE 2.0 REVIEW BODIES AND ADMINISTRATORS

Sec. 2.5 Historic Preservation Commission

2.5.2 Powers and Duties

The Mayor and Council shall create the Historic Preservation Commission with the following powers and duties:

- a. **General Authority**
 - i. The Historic Preservation Commission shall perform related duties as directed by the Mayor and Aldermen.
 - ii. The Historic Preservation Commission may exercise additional powers as may be described elsewhere in this Ordinance and as permitted by the City Code of Ordinances, as applicable.
 - iii. The Historic Preservation Commission is responsible for preparing and maintaining an inventory of all properties within its jurisdiction having the potential for designation as a historic district or historic property.
 - iv. The Historic Preservation Commission may seek out local, state, federal or private funds for historic preservation, and make recommendations to the Mayor and Aldermen concerning the most appropriate uses of funds acquired.
 - v. The Historic Preservation Commission shall submit to the Historic Preservation Division of the Georgia Department of Natural Resources information on pending designations of historic districts and historic properties.

b. **Review Authority**

With respect to this Ordinance, the Historic Preservation Commission may review and make recommendations to the Mayor and Aldermen regarding:

- i. Any application for a text amendment to the following articles or sections of this Ordinance:
 - (1) Sec. 2.5, Historic Preservation Commission;
 - ~~(2)~~ **Sec. 3.12 a. ix - xi. Special Exceptions;**
 - ~~(2)~~ **(3)** Sec. 3.16, Local Historic District Designation;
 - ~~(3)~~ **(4)** Sec. 3.17, Local Historic Property Designation;
 - ~~(4)~~ **(5)** Sec. 3.18, Certificate of Appropriateness for Local Historic Properties and Local Historic Districts;
 - ~~(5)~~ **(6)** Sec. 3.20, Proactive Preservation;
 - ~~(6)~~ **(7)** Sec. 7.7, Historic Property Overlay District; and,
 - ~~(7)~~ **(8)** Any historic overlay district identified in [Article 7.0](#), Overlay Districts, with the exception of Sec. 7.8, Savannah Downtown Historic Overlay District.
- ii. Any application to designate a local historic district or to amend the boundaries of an existing local historic district, with the exception of the Savannah Downtown Historic Overlay District (see. Sec. 2.6, Savannah Downtown Historic Board of Review); and
- iii. Creation of and amendments to local historic district contributing resource maps in all local historic districts and boundary adjustments to the districts, with the exception of the Savannah Downtown Historic Overlay District.

c. **Final Authority**

With respect to this Ordinance, the Historic Preservation Commission shall be responsible for final action regarding:

- i. Certificates of Appropriateness for local historic districts and properties [with the exception of the Savannah Downtown Historic Overlay District](#); and
- ii. Special exceptions as identified in Sec. 3.12.2.a.ix - xi.

Sec. 2.6 Savannah Downtown Historic District Board of Review

2.6.2 Powers and Duties

As described below, the [Savannah Downtown](#) Historic [District](#) Board of Review has certain authority only within the Savannah Downtown Historic Overlay District.

a. **General Authority**

- i. The Historic Board of Review shall perform related duties as directed by the Mayor and Aldermen of the City of Savannah.
- ii. The Historic Board of Review may exercise additional powers as may be described elsewhere in this Ordinance and as permitted by the City Code of Ordinances.

b. Review Authority

With respect to this Ordinance, the Savannah Downtown Historic District Board of Review may review and make recommendations to the Mayor and Aldermen regarding:

- i. Amendments to Sec. 2.6, Savannah Downtown Historic Board of Review;
- ii. Amendments to Sec. 7.8, Savannah Downtown Historic Overlay District, including text amendments, amendments to the contributing resources and height maps, and boundary adjustments to the district;
- iii. Sec. 3.19, Certificate of Appropriateness for the Savannah Downtown Historic Overlay District; and
- iv. Sec. 3.20, Proactive Preservation.

c. Final Authority

With respect to this Ordinance, the Historic Board of Review shall be responsible for final action regarding:

- i. Certificates of Appropriateness for the Savannah Downtown Historic District and properties; **and**
- ii. Special exceptions as identified in Sec. 3.12.2.a.ix - xi; **and**
- iii. **Variations as defined in Sec. 3.21.**

2.6.3 Composition and Terms of Office

a. Composition

The Savannah Downtown Historic District Board of Review shall be composed of nine (9) members, who are selected by the Mayor and Aldermen; provided, however, that since the previous ordinance provided for 11 members, members serving on the Effective Date of this Ordinance shall continue in office for the remainder of their appointed terms, after the expiration of which, the number of board members will be reduced to nine (9).

b. Terms of Office

Each member shall serve a term of three (3) years, and terms shall be staggered. Members shall not serve more than two (2) consecutive terms.

2.6.4 Residence of Members

Members of the Savannah Downtown Historic District Board of Review shall reside within the city limits of Savannah.

ARTICLE 3.0 APPLICATION AND REVIEW PROCEDURES

3.12 Special Exceptions

3.12.2 Applicability

- a. Special exceptions to specific provisions of this Ordinance may be considered only for the following:

- i. To extend the hours of operation required for certain uses where hours are limited.
 - ii. To reduce the minimum distance between certain uses when a separation is required by Secs. 8.1 thru 8.8.
 - iii. To provide alternate buffering and/or screening for certain uses when either is required by Secs. 8.1 thru 8.8.
 - iv. To decrease the distance from a property line required for certain uses and activities as required by Sec. 8.1 thru 8.8.
 - v. To increase the maximum number of fuel pump stations within a TC- or D- zoning district.
 - vi. To increase the height of items being stored for certain uses when height is limited by Secs. 8.1 thru 8.8.
 - vii. To increase the percentage of building permitted to be used for a specific use or activity where the percentage is limited.
 - viii. To increase the amount of outdoor storage area in the IL-R zoning district.
 - ix. To increase the maximum building footprint where the footprint is limited in ARTICLE 5 or Secs. 8.1 thru 8.8.
 - x. To adjust **Preservation and Design Standards for local historic districts as follows:**
 - ~~1. Secs. 7.8.8, 7.9.8, 7.10.8, and 7.11.8 Secretary of the Interior's Standards and Guidelines for Rehabilitation.~~
 - 2. non-measurable standards of** Secs. 7.8.10, 7.9.10, 7.10.10, and 7.11.10 Design Standards.
 - xi. To adjust side, front, and rear yard setback requirements where limited in Article 5.0 Base Zoning Districts as follows:
 - 1. Up to a one (1) foot adjustment may be approved by the Planning Director in all local historic districts.
 - 2. More than one (1) foot up to a two (2) foot adjustment may be approved by the Historic Preservation Commission or Historic District Board of Review.
- b. When a special use includes any of the above use standards, any proposed change to the standard shall be reviewed under the special use permit process

Special Exceptions Procedure



(See Sec. 3.10).

3.12.7 Review Criteria for Special Exceptions

When reviewing a special exception request, a finding shall be made by the Planning Commission, the Historic Preservation Commission, or the Savannah Downtown Historic District Board of Review for each of the criteria listed below.

- a. Whether the use for which the special exception is being considered would be located, operated and maintained in a manner in conformance with the goals, policies, and objectives of the Comprehensive Plan and the provisions of this Ordinance;
- b. Whether the special exception would not be detrimental to the public interest, health, safety, welfare, function, and appearance of the adjacent uses or general vicinity.
- c. For Special Exceptions identified in Sec. 3.12.2.xii, the Planning Commission may consider, but is not required to make a finding for, the following criteria in addition to Parts a. and b. above:
 - i. Public benefit
Whether the development provides greater public benefit than it would if the special exception(s) were not granted.
 - ii. Compatibility
 1. Whether the development will adversely affect the existing use or usability of adjacent or nearby property.
 2. Whether the development is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.
 - iii. Reasonable Use
Whether the property has a reasonable use as currently zoned.
 - iv. Adequate Public Services
 1. Whether adequate public safety and emergency facilities, transportation, parks, wastewater treatment, water supply and stormwater drainage facilities are available for the proposed development.
 2. Whether the project site is located within one-half mile of public transportation.

d. For Special Exceptions identified in Sec. 3.12.2.a.ix-xi, the Savannah Downtown Historic District Board of Review and the Historic Preservation Commission shall consider the criteria listed below.

- i. Whether the special exception being considered would be located, operated and maintained in a manner in conformance with the goals, policies, and objectives of the Comprehensive Plan, historic character of the district, and the provisions of this Ordinance;**
- ii. Whether the special exception would not be detrimental to the public interest, health, safety, welfare, function, and appearance of the adjacent uses or general vicinity.**

3.12.8 Additional Conditions, Restrictions and Safeguards

The Planning Commission, ~~or~~ the Historic Preservation Commission, or the Savannah Downtown Historic District Board of Review may include conditions, restrictions or limitations as part of the approval in order to protect public health, safety and welfare. When a special exception is approved with conditions, those conditions shall run with the land and shall be

binding on the original applicant as well as any successor.

3.12.9 Time Limitations for Approved Special Exceptions

A special exception shall expire twenty-four (24) months from the date of approval if no development activity in furtherance of the special exception has occurred. If a building permit for the subject property, which relies on the special exception, is issued and expires under the terms of this Ordinance the special exception shall also become null and void at the same time the building permit expires. ~~Approval of a special exception pursuant to the provisions of this Ordinance shall become null and void unless the following is completed in the time period specified:~~

- ~~a. For any special exception that would not require a building permit, the special exception shall be acted upon within one (1) year from the special exception was granted; or~~
- ~~b. For any special exception that would require a building permit, the related building permit shall have been issued and have remained continuously valid thereafter within two (2) years from the date the special exception was granted.~~

3.18 Certificate of Appropriateness for Local Historic Districts and Local Historic Properties

3.18.9 Time Limitation on Approved Certificates of Appropriateness

- a. An approved Certificate of Appropriateness shall be valid for 24 months from the date of approval. If a building permit for the subject property, which relies on the Certificate of Appropriateness, is issued and expires under the terms of this Ordinance the Certificate of Appropriateness shall also become null and void at the same time the building permit expires. ~~If the activity that was the reason for such application has not commenced within 24 months from such date, the Certificate of Appropriateness shall be deemed void.~~
- b. The validity period for a Certificate of Appropriateness shall be extended only once by the issuer for an additional six (6) months provided that there are no proposed changes to the proposal, site conditions, or to any standards of this Ordinance that would affect the approval. In such cases, the applicant shall be required to submit a new application for a Certificate of Appropriateness. An extension request shall be made in writing prior to the expiration of the original approval.

3.19 Certificate of Appropriateness for the Savannah Downtown Historic District

3.19.4 Pre-application Conference

- a. **Required Conference**
Prior to the submittal of an application for a Certificate of Appropriateness that will require review by the Savannah Downtown Historic District Board of Review (hereafter Historic Board of Review), the applicant shall participate in a pre-application conference with the Planning Director.

b. **Recommended Conference**

Prior to the submittal of an application for a Certificate of Appropriateness that does not require review by the **Savannah Downtown** Historic Board of Review, it is recommended that the applicant request and participate in a pre-application conference with the Planning Director.

3.19.7 Review by the Planning Director

a. **Review Responsibility**

The following shall be reviewed by the Planning Director:

- i. Minor changes to contributing **and noncontributing** resources including color changes, window and door replacement (provided the opening size remains the same), roof replacement and shutter installations;
- ii. A material change to, or the new construction of walls, fences, screens or paving;
- iii. The erection, placement or alteration of any non-illuminated sign exceeding three (3) square feet except for those identified in Sec. 3.19.8.a.ii.; and
- iv. The erection, placement or alteration of awnings.

3.19.8 Review by the Historic **District Board of Review**

a. **Review Responsibility**

- i. The Historic **District** Board of Review shall review all material changes in appearance except those that are exempted by this Section or described in Sec. 3.19.7.
- ii. The Historic **District** Board of Review shall review all illuminated signs as well as signs painted on a building and marquee signs.
- iii. Based on the review criteria in Sec. 3.19.8.b., the Planning Director shall present the application together with a recommendation for approval, continuance or denial to the Historic **District** Board of Review. The recommendation may include modifications and/or conditions.
- iv. Final action by the Historic **District** Board of Review shall be made within 30 days of receipt of a complete application.

b. **Review Criteria**

The Historic **District** Board of Review shall review and take final action on the proposed Certificate of Appropriateness by applying the applicable standards and criteria below. Depending on the specific nature of the proposed material change, one or more of the standards and criteria below may apply (see application for more information on which standards and criteria to apply).

- i. The design standards and visual compatibility criteria established for the district as provided in Sec. 7.8, Savannah Downtown Historic Overlay District;
- ii. The Secretary of the Interior's Standards and Guidelines for Rehabilitation, where applicable;

- iii. The sign criteria in Sec. 9.9, Signs;
- iv. The relocation or demolition standards identified in Sec. 3.19.9.
- v. Development standards within applicable zoning districts as identified in Article 5.0 Base Zoning Districts; and/or
- vi. Accessory structure and accessory dwelling unit standards in Sec. 8.7.

c. **Special Exceptions**

The Historic District Board of Review shall be permitted to grant certain adjustments as identified in Sec. 3.12.2.a.ix-xi., Special Exceptions.

d. **Action by the Historic District Board of Review**

After consideration of the applicable review criteria, the Historic District Board of Review shall make the final decision that the application should be:

- i. Approved as recommended by the Planning Director;
- ii. Approved with modifications and/or conditions;
- iii. Denied; or
- iv. Continued to the next meeting or to date certain upon the request or agreement of the applicant.

3.19.9 Criteria for Relocation or Demolition of a Resource

a. **Evaluation Required**

Any non-contributing resource must first be evaluated and considered for contributing status prior to issuance of a Certificate of Appropriateness for relocation or demolition (See Sec. 3.16.4 b.). Should the resource meet the criteria for contributing status, the criteria for relocating or demolishing a contributing resource (Sec. 3.19.9.c) shall apply.

b. **Existing Condition(s)**

The Historic District Board of Review shall determine that at least one of the below conditions exists when a contributing resource is proposed for relocation or demolition.

- i. The relocation or demolition is required to alleviate an immediate threat to public health or public safety;
- ii. The relocation is required to avoid demolition;
- iii. The relocation or demolition is required for the public good; or,
- iv. The relocation or demolition is required to avoid exceptional practical difficulty or undue hardship upon the owner of the property if all of the following conditions are also satisfied:
 - 1. The applicant has provided evidence sufficient to demonstrate that the application of the standards of this Section deprives the applicant of reasonable economic return on the subject property; and
 - 2. Undue hardship is not of a person's own making.

c. **Conditions**

In granting a Certificate of Appropriateness for relocation or demolition, the Historic District Board of Review may impose such reasonable and additional conditions as

will mitigate the negative effects of the demolition.

i. Relocation

1. If the Historic **District** Board of Review has determined that the resource is non-contributing, and the resource is being relocated into or within the Savannah Downtown Historic **Overlay** District, the relocation shall be considered new construction and the new construction criteria (as provided in **Sec. 7.8 Savannah Downtown Historic Overlay District**) shall apply. The application for relocation and new construction shall be submitted concurrently.
2. If the Historic **District** Board of Review has determined that the resource is non-contributing, and the resource is being relocated out of the Savannah Downtown Historic **Overlay** District, the relocation shall be issued a Certificate of Appropriateness.
3. In the case of the relocation of a contributing principal building, a Certificate of Appropriateness for new construction has been issued for the replacement building.
4. The relocation shall be considered new construction. In addition to this subsection, the resource proposed for relocation shall be reviewed in accordance with Sec. 3.19.8.
5. A contributing resource shall be moved only to a site designated as historic property (Sec. 3.17, Local Historic Property Designation) or to a site within a designated local historic district (Sec. 3.16, Local Historic District Designation). The new location shall be in as close proximity as possible to the original location and should approximate the historic character and development of the original site.

ii. Demolition

In the case of the demolition of a contributing principal building, a Certificate of Appropriateness for new construction has been issued for the replacement building.

3.19.10 Time Limitation on Certificate of Appropriateness

- a. An approved Certificate of Appropriateness shall be valid for **twenty-four (24)** months from the date of approval. **If a building permit for the subject property, which relies on the Certificate of Appropriateness, is issued and expires under the terms of this Ordinance the Certificate of Appropriateness shall also become null and void at the same time the building permit expires. If the project has not commenced within 24 months from such date, the Certificate of Appropriateness shall be deemed void.**
- b. The validity period for a Certificate of Appropriateness shall be extended only once by the issuer for an additional six (6) months provided that there are no proposed changes to the proposal, site conditions, or to any standards of this Ordinance that would affect the approval. In such cases, the applicant shall be required to submit a new application for a Certificate of Appropriateness. An extension request shall be made in writing prior to the expiration of the original approval.

3.21 Variances

3.21.1 Purpose

Certain requirements of this Ordinance that will not be contrary to the public interest may be varied by the applicable review authority, where, owing to special conditions, a literal enforcement of such requirements, will, in an individual case, result in practical difficulty or unnecessary hardship.

Commentary: For the purposes of this Section, “review authority” shall mean the Zoning Board of Appeals, ~~the~~ Planning Commission, ~~Historic Preservation Commission~~ or the Savannah Downtown Historic Board of Review.

3.21.2 Applicability

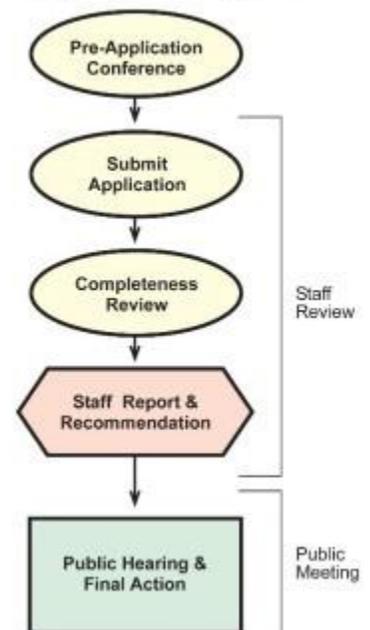
- a. Certain requirements may be achieved through alternative compliance. Where alternative compliance is possible, it is specified elsewhere in this Ordinance.
- b. Certain requirements shall not be variable. Such requirements are specified in this Section and may be specified elsewhere in this Ordinance. Any application for a variance that is not permitted by this Ordinance shall not be processed.
- c. The following review authorities shall have the ability to grant variances as specified below.
 - i. The Zoning Board of Appeals for variances not associated with a major development plan and in the case of appeals **as provided for in Sec. 3.23; and**
 - ii. The Planning Commission for variances associated with a **major** development plan; **and**
 - iii. The Savannah Downtown Historic District Board of Review for variances listed in Sec. 3.21.**

3.21.3 Application Process

As described below, an application for a variance shall be submitted to the applicable review authority.

- a. **Zoning Board of Appeals**
Prior to the submittal of an application for a variance, the applicant shall participate in a pre-application conference with the Planning Director.
- b. **Planning Commission**
Prior to the submittal of an application for a variance, the applicant shall participate in a pre-application conference with the Planning Director.
- c. ~~Historic Preservation Commission~~
~~Prior to the submittal of an application for a variance, the applicant shall participate in a pre-application conference in accordance with the process for a Certificate of Appropriateness for local historic districts and local historic~~

Variance Procedure for Zoning Board of Appeals



~~properties, as specified in Sec. 3.18.4, Pre-application Conference.~~

d. c. Savannah Downtown Historic Board of Review

Prior to the submittal of an application for a variance, the applicant shall participate in a pre-application conference in accordance with the process for a Certificate of Appropriateness for the Savannah Downtown Historic District, as specified in Sec. 3.19.4, Pre-application Conference.

3.21.8 Limitations on Power to Grant Variances

As specified below, the granting of a variance shall have limitations.

a. Use and Use Condition(s) Variance Prohibited

- i. A variance shall not be granted which would permit a use that is not permitted by this Ordinance or that is not permitted in the zoning district in which the property affected by the variance is located.

Commentary: If a desired use is not permitted in a particular zoning district, an application for a text amendment can be submitted to petition for such use in the district. Alternatively, a rezoning application can be submitted to petition for a zoning district that would permit the desired use.

- ii. A variance shall not be granted which would vary any use condition except for a variance for dimensional or measurable developmental requirements and to time limitations applicable to the use.

b. Variance Prohibited

- i. A variance shall not be granted to permit a lot area per unit that is less than the minimum lot area per unit permitted by the zoning district in which the property affected by the variance is located.
- ii. A special exception may be granted to permit a lot area per unit that is less than the minimum lot area per unit permitted by the zoning district when identified in Sec. 7.6 Affordable Housing Overlay District.

*Commentary: A reduction of the minimum lot area to such a size that the density exceeds the maximum permitted by the zoning district is generally not permitted, **provided, however, that this prohibition does not apply to single family detached lots.** An increase in density can be approved in accordance with Sec. 3.5 Rezoning, 3.7, Zoning Text Amendment, or Sec. 3.12, Special Exceptions.*

c. Height Map Variance Prohibited for Savannah Downtown Historic District

A variance shall not be granted to permit height greater than the maximum height established on the Savannah Downtown Historic District Height Map.

d. Variances to Conditions of Development Approvals

The review authorities authorized to grant variances, as specified in Sec. 3.21.2, shall not grant a variance to any condition of approval that has been granted by another review authority. An amendment to a condition of approval by any review authority shall be approved only by the granting review authority.

3.21.9 Authority to Grant Variances

Each review authority shall have the authority to grant variances as specified below.

a. Zoning Board of Appeals

i. Variance Authority

1. The Zoning Board of Appeals may grant variances only to those standards that are not within the purview of the Planning Commission.
2. The Zoning Board of Appeals may grant variances only from the building standards for permitted uses in the base zoning districts (not to include density or vehicular access) in Article 5.0, Base Zoning Districts; variable standards in Article 9.0, General Site Standards; variable standards in Article 10.0, Natural Resource Standards.

ii. Variance Criteria

The criteria in Sec. 3.21.10 shall be the basis of granting a variance request.

b. Planning Commission

i. Variance Authority

The Planning Commission may grant variances only from the building standards for permitted uses in the base zoning districts (not to include density or vehicular access) in Article 5.0, Base Zoning Districts; variable standards in Article 9.0, General Site Standards; any variable standards in Article 10.0, Natural Resource Standards. Variances shall be reviewed concurrently with the submittal for a development plan.

ii. Variance Criteria

The criteria in Sec. 3.21.10 shall be the basis of granting a variance request.

c. Savannah Downtown Historic District Board of Review

i. Variance Authority

The Savannah Downtown Historic Board of Review may grant variances from the measurable design standards as provided in Sec. 7.8, Savannah Downtown Historic Overlay District; the building setback, and coverage in Article 5.0, Base Zoning Districts; and, from the sign standards in Sec. 9.9, Signs. The variance shall be reviewed concurrently with the submittal for a Certificate of Appropriateness. The Board may impose such reasonable and additional stipulations and conditions as

will, in its judgment, best fulfill the purpose of the design standards.

ii. **Variance Criteria**

The below criteria shall be the basis of granting a variance request in addition to the criteria in Sec. 3.21.10. ~~If there is non-compliance with at least one of the criteria below or within Sec. 3.21.10, the variance shall not be approved.~~

1. By reason of unusual circumstances, the strict application of the design standards would result in exceptional practical difficulty or undue hardship upon any owner of any specific property.
2. The variance shall remain in harmony with the general purpose and intent of the design standards so that the architectural or historic integrity or character of the property shall be conserved, and substantial justice done.

3.21.10 Criteria for Approval

The responsible review authority shall make a finding that the variance request does comply or does not comply with each individual criterion provided below. The Zoning Board of Appeals, ~~and the Planning Commission, and the Savannah Downtown Historic District Board of Review~~ shall consider the criteria below when determining whether a variance shall be approved.

a. **General Consistency**

The variance shall be consistent with the intent of this Ordinance and the Comprehensive Plan, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare.

b. **Special Conditions**

- i. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.
- ii. The special conditions and/or circumstances do not result from the actions of the applicant.
- iii. The special conditions and/or circumstances are not purely financial in nature so as to allow the applicant to use the land, buildings or structures involved more profitably or to save money.

c. **Literal Interpretation**

Literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would result in unnecessary and undue hardship on the applicant.

d. **Minimum Variance**

The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings or structures.

e. **Special Privilege Not Granted**

The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings or structures in the same zoning district.

3.21.11 Time Limits for Variances

a. Variances Approved by the Zoning Board of Appeals

Approval of a variance pursuant to the provisions of this Ordinance shall become null and void unless the following is completed in the time period specified:

- i. A variance ~~requires a building permit~~ shall expire after ~~twelve (12)~~ **twenty-four (24)** months from the date of approval if no ~~building permit is issued~~ **development activity in furtherance of the variance has occurred**. If a building permit, **which relies on the variance**, is issued and expires under the terms of this Ordinance, the variance requiring the building permit shall also become null and void at the same time the building permit expires.

b. Variances Approved by the Planning Commission

A variance shall expire twenty-four (24) months from the date of approval if no development activity in furtherance of the variance has occurred. If a building permit, which relies on the variance, is issued and expires under the terms of this Ordinance, the variance requiring the building permit shall also become null and void at the same time the building permit expires. Approval of a variance pursuant to the provisions of this Ordinance shall be valid for the same time period as the associated approved development plan or building permit. Upon the expiration of an approved development plan or the subsequent approved building permit that are consistent with the approved development plan, the variance shall become null and void.

c. **Variances Approved by the Savannah Downtown Historic District Board of Review**

A variance shall expire twenty-four (24) months from the date of approval if no development activity in furtherance of the variance has occurred. If a building permit, which relies on the variance, is issued and expires under the terms of this Ordinance, the variance requiring the building permit shall also become null and void at the same time the building permit expires. Approval of a variance pursuant to the provisions of this Ordinance shall be valid for the same time period as provided in Sec. 3.19. Upon the expiration of an approved Certificate of Appropriateness or the subsequent approved development plan or building permit that are consistent with the approved Certificate of Appropriateness, the variance shall become null and void.

Commentary: Development activity can refer to applied for or issued demolition permits, applied for or issued building permits, and other site work permits that may be required for a project.

3.21.14 Limitations on Variance Applications

If the Zoning Board of Appeals, ~~or the~~ Planning Commission, or the Savannah Downtown Historic District Board of Review deny denies 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, the Planning Commission, or the Savannah Downtown Historic District Board of Review.

3.23 Appeals

3.23.1 Applicability

- a. When it is alleged that there is an error in a final written decision of any administrator, commission or board authorized to make a final written decision with regards to the provisions of this Ordinance, an appeal by any aggrieved party may be taken to the Zoning Board of Appeals (ZBA), except as otherwise provided in this Ordinance.
- b. An appeal of a final written decision of the Zoning Board of Appeals, the Planning Commission, the Savannah Downtown Historic District Board of Review, or the Mayor and Aldermen shall be as provided in Sec. 3.23.7 below.

3.23.2 Application Requirements

- a. A notice of appeal shall be filed within thirty (30) working days of a final written decision.
- b. An appeal shall be made by filing a written notice of appeal specifying the grounds for the appeal with the Zoning Board of Appeals and the administrator, commission or board whose decision is being appealed.
- c. A notice of appeal shall be considered filed when a complete notice of appeal is delivered to the City Manager or his or her designee.

3.23.3 Effect of an Appeal

- a. The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed unless the City Attorney orders that the proceedings shall not be stayed.
- b. Proceedings shall not be stayed if it is determined by the City Attorney that a stay would cause imminent peril to life or property, or that the violation is transitory in nature, or that a stay would interfere with the enforcement of this Ordinance or other related ordinances.
- c. An appeal shall stay only those proceedings that involve the subject of the appeal.
- d. The filing on an appeal does not stop the accruing of assessed civil penalties, if any.

3.23.4 Record of Decision

Upon receipt of a notice of appeal, the administrative official, commission or board whose final written decision is being appealed shall transmit to the Zoning Board of Appeals all records, including all documents and electronic data, constituting the entire record of the proceedings from which the appeal is taken.

3.23.5 Public Notice Requirements

- a. After the application has been deemed complete by the City Manager or his or her designee, the appeal will be scheduled for a public hearing before the Zoning Board of Appeals.
- b. Mailed, published and posted notice shall be required in accordance with the procedures in [Sec. 3.2, Public Notice](#). Mailed notice sent to the appellant and the owner of the affected site (if different) shall be via certified mail, return receipt requested.

3.23.6 Action by the Zoning Board of Appeals

- a. The Zoning Board of Appeals shall determine whether the first decision-maker erred in the application or interpretation of this Ordinance.
- b. The Zoning Board of Appeals may reverse or affirm (wholly or in part) or may modify the final written decision appealed and shall make a final written decision that in its opinion ought to be made in the case before it unless otherwise specified by this Ordinance. To this end, the Zoning Board of Appeals shall have all of the powers of the administrative official, commission or board from whom the appeal is taken.
- c. A motion to reverse, affirm or modify the final written decision appealed shall include a statement of the specific reasons including the proposed findings of fact that support the decision. The findings of fact shall be based on the same evidence received by the first decision maker.
- d. If a motion to reverse or modify is not made, or such motion fails to receive the affirmative vote of a majority of the members present, then the appeal shall be denied.
- e. The appellant shall have the burden of proof.

3.23.7 Appeal of Final Action ~~by the Zoning Board of Appeals or the Mayor and Aldermen~~

An appeal of the final written decision of the Zoning Board of Appeals, [the Planning Commission, the Savannah Downtown Historic District Board of Review](#), or the Mayor and Aldermen under this Section may be taken by filing a petition for certiorari with the Chatham County Superior Court within 30 days of the final action.

3.23.8 Limitations on Appeals Applications

If the Zoning Board of Appeals, [the Planning Commission, the Savannah Downtown Historic District Board of Review, or the Mayor and Aldermen denies](#) ~~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 decisions [for a period of 12 months from the date of the written decision by the Zoning Board of Appeals.](#)

SECTION 2: That the requirements of Section 3.2 of the Zoning Ordinance effective the 1st of September 2019 and the law in such cases made and provided has been satisfied. An opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 10th day of November 2025, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

EFFECTIVE DATE: This ordinance shall be effective as of the date hereof.

ADOPTED AND APPROVED: ___ day of _____ 2026.

Van R. Johnson, II
Mayor

ATTEST:

Mark Massey
Clerk of Council

USA TODAY CO.



PO Box 631697 Cincinnati, OH 45263-1697

AFFIDAVIT OF PUBLICATION

Zarina Davis
ATTN: BIANCA BISSETTE
City Of Savannah
Po Box 1027

Savannah GA 31402-1027

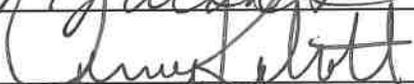
STATE OF GEORGIA, COUNTY OF CHATHAM

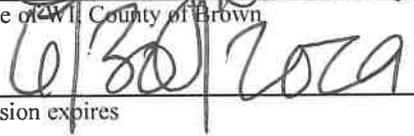
The Savannah Morning News, a daily newspaper published and of general circulation in Chatham County; and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated or by publication on the newspaper's website, if authorized, on:

SAV Savannah Morning News 02/25/2026
SAV savannahnow.com 02/25/2026

and that the fees charged are legal.
Sworn to and subscribed before on 02/25/2026



Legal Clerk


Notary, State of WI, County of Brown


My commission expires

Publication Cost: \$80.00
Tax Amount: \$0.00
Payment Cost: \$80.00
Order No: 12107351 # of Copies:
Customer No: 758801 1
PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

AMY KOKOTT
Notary Public
State of Wisconsin

PUBLIC NOTICE

Notice is hereby given that The Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council, will convene a public/zoning hearing regarding text amendments to the Zoning Ordinance, Zoning Map (rezoning or zoning), and Future Land Use Map or Special Use Permits of property described below on Thursday, March 12, 2026, at 2:00 p.m. in Council Chambers on the 2nd Floor of City Hall, 2 East Bay Street, Savannah, GA.

Petition of Michael C. Johnson on behalf of Restauracion Por El Alfareno Inc. for Pedro Castro Lopez for a Special Use Permit to Establish a Place of Worship with Conditions in the RSF-6 (Residential Single Family-6) Zoning District on 0.85 acres at 104, 108, and 114 Albion Street (20717 06002, 20717 06003, and 20717 06004) in Aldermanic District 1 (25-002664-ZA).

Petition of Bridget Lidy on behalf of The Mayor and Aldermen of the City of Savannah, Georgia for a Text Amendment to Article 2.0 Review Bodies and Administrators, Sections 2.5 Historic Preservation Commission and 2.6 Savannah Downtown Historic District Board of Review and Article 3.0 Application and Review Procedures, Sections 3.12 Special Exceptions, 3.18 Certificate of Appropriateness for Local Historic Districts and Local Historic Properties, 3.19 Certificate of Appropriateness for the Savannah Downtown Historic District, 3.21 Variances, and 3.23 Appeals (26-000035-ZA).

Public Comment Allowed: Anyone whose interest of property rights may be affected by the proposed changes may appear at that time, may be heard, and may submit evidence, including written comments.

Meeting Confirmation: The petitioner may withdraw or request a continuation of the petition after this notice has been mailed. It is suggested that you confirm whether the petition will be on the agenda before departing for the scheduled City Council meeting. The scheduled meeting date and time are provided in the first paragraph of this notice.

If You Cannot Attend the City Council Meeting: Anyone who cannot attend the meeting and whose interest of property rights may be affected by the proposed changes may submit evidence including written comments to planning@savannahga.gov or by calling 912-651-3108. Please reference the file number located on this notice. Written comments become public record and are shared with the Mayor and Aldermen prior to the Council meeting.

Materials Available for Public Information: Information about these items and related materials may be reviewed on the City's website at <http://ga-savannah2.civicplus.com/457/Agendas-Minutes> prior to the meeting. If you have any questions, please contact 912-525-3097 or planning@savannahga.gov.

Envíe un correo electrónico a planning@savannahga.gov para solicitar esta notificación en Español.

SAVANNAH MORNING NEWS - SPECIAL NOTICE COLUMN
Please insert the above notice in the Special Notice Column of the Savannah Morning News: Wednesday, February 25, 2026.