Article 3.0 Application and Review Procedures

The purpose of this Article is to provide the procedures and general standards for review of development, development activity and other applications that are submitted to administrators or bodies the City of Savannah and/or the Metropolitan Planning Commission for review under this Ordinance.

Sec. 3.1 Purpose

3.1.1 Application Requirements

The requirements of this Section shall apply to all development applications unless otherwise provided in this Ordinance.

3.1.2 Pre-application Conference

Before submitting an application for development approval, an applicant shall schedule a pre-application conference with the Planning Director to discuss procedures, standards and regulations required for approval in accordance with this Ordinance. The pre-application meeting may be in person or via conference call. A mandatory pre-application meeting conference is required for the following applications and where specified elsewhere in this Ordinance:

a. Rezoning (Map Amendment);

b. Rezoning, Planned Development District;

c. Zoning Text Amendment;

d. Planning Commission Development Plan Review (Variance requested);

e. Local Historic District Designation;

f. Local Historic Property Designation;

g. Amendment to Local Historic District Contributing Resources Map or Height Map; and

h. Certificate of Appropriateness for Local Historic District ~~**(Variance requested)**~~.

3.1.3 Forms and Fees

a. Applications required under this Ordinance shall be submitted on standardized forms approved by the Planning Director

b. All application**s** shall be filed as specified on the application.

c. All fees associated with a review must be paid in full before any application will be processed or reviewed**.**

i. Filing fees are established and reviewed periodically to defray the cost of processing the application. Fees shall be adopted by the Mayor and Aldermen.

ii. An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review will be entitled to a refund of

DRAFT 05.05.2020

the total amount paid, less 10% for administrative costs, upon written request to the appropriate department. Once review has begun, no refunds are available.

3.1.4 Determination of Completeness

a. Completeness Determination

Applications will be submitted to the City Manager or his or her designee and checked for completeness within three (3) working days of submittal. An application is determined to be complete if all required information and documents have been prepared in accordance with the specific application requirements outlined in this Article.

b. Complete Application

Once an application has been deemed to be complete, City Manager or his or her designee shall transmit the application to the appropriate reviewing authority for review and recommendation. The City Manager or his or her designee shall notify the applicant that the application is complete.

If an application requires a public hearing, the application shall be placed on the next available agenda of the appropriate reviewing body.

c. Effect of Incomplete Application

Incomplete applications will not be accepted for review. If an application is determined incomplete, the applicant shall be notified in writing of the additional information that is required to process and review the application.

3.1.5 Application Deadline

Applications shall be submitted in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public on or before December 15 of each calendar year.

3.1.6 Concurrent Applications

Related applications may be filed and reviewed simultaneously. Applications submitted simultaneously are subject to individual approval. Any application that is contingent upon the approval of another application shall not be eligible for final approval until the contingent application is approved.

3.1.7 Application Withdrawals, Deferrals and Continuances

Applications may be withdrawn, deferred or continued in accordance with the following procedures:

a. Withdrawals

i. The applicant may withdraw an application in writing at any time prior to the final decision by the appropriate reviewing authority on said application.

ii. Notwithstanding 3.1.8.a.i., if a request to withdraw an application is made in a public hearing, the applicant shall be responsible for submitting the request in writing to the appropriate reviewing authority not later than three (3) working days after a scheduled hearing. Failure

DRAFT 05.05.2020

to submit such written request shall authorize the reviewing authority to make a final decision on an application.

b. Deferrals at the Request of the Applicant

i. The applicant may request a deferral to a later hearing at any time prior to the close of business the day before the scheduled public hearing.

ii. The applicant must request a deferral to a date certain within 90 days of the originally scheduled public hearing.

iii. A second deferral after the original request by the applicant may be granted at the discretion of the reviewing authority for no more than an additional 60 days. If the item is not heard within 60 days of the second deferral, it shall be considered withdrawn. No more than two deferrals may be granted by the reviewing authority.

iv. Any request to defer the review of an application scheduled for consideration at a public hearing must be made in writing to the appropriate reviewing authority not later than the close of business the day before the scheduled public hearing.

c. Continuances by the Reviewing Authority

i. Review Authorities Not Including the Historic Preservation Commission

The Mayor and Aldermen, Planning Commission, Savannah Downtown Historic Board of Review and Zoning Board of Appeals shall have the authority to continue review of an application scheduled for public hearings to a date certain.

ii. Historic Preservation Commission Only

Pursuant to O.C.G.A, §44-10-21 (“Historic Preservation Act”), or as amended, the Historic Preservation Commission shall have the authority to defer review of an application at a public hearing provided the applicant requests a deferral or otherwise consents to such deferral. If a date certain has not been specified at the time a deferral is proposed, the deferred application shall be scheduled for the next regularly scheduled meeting or hearing.

DRAFT 05.05.2020

Sec. 3.2 Public Notice

3.2.1 Applicability

All hearings of the Mayor and Aldermen and the Planning Commission which involve rezonings, zoning map amendments, zoning text amendments and special use permits are public and are subject to notification requirements under the State Zoning Procedures Law, O.C.G.A Chapter §36-66-1, et seq., where applicable. All hearings of the Mayor and Aldermen, Historic Preservation Commission and the Savannah Downtown Historic District Board of Review which involve historic designations and certificates of appropriateness are public and subject to notification requirements of the State Historic Preservation Act.

3.2.2 Types of Public Notice

a. Forms of notice required for public hearings may include mailed notice, published notice provided via a newspaper of general circulation and posted notice by signs as required by Table 3.2-1 below.

b. Neighborhood meetings shall comply with the requirements as provided in Sec. 3.2.7.

c. For applications that require a public hearing followed by a Governing Body decision, any required mailed, published or posted notice must be repeated for the public hearing held by the Governing Body unless otherwise specified by this Ordinance.

Table 3.2-1: Types of Required Public Notice for Applications

Proposal	Mailed	Posted	Published	Neighborhood Meeting
			Public Hearing	
Development of Regional Impact (DRI)	n/a	n/a	n/a	n/a
Comprehensive Plan Text Amendment	n/a	n/a	✓	n/a
Comprehensive Plan Map Amendment	✓	✓	✓	n/a
Rezoning (Map Amendment)	✓	✓	✓	✓
Rezoning, Planned Development District	✓	✓	✓	✓
Zoning Text Amendment	n/a	n/a	✓	n/a
Planning Commission Development Plan Review (No Variance)	✓	n/a	n/a	n/a
Planning Commission Development Plan Review (Variance requested)[1]	✓	✓	✓	n/a
Traffic Impact Analysis	n/a	n/a	n/a	n/a
Special Use Permit	✓	✓	✓	n/a
Temporary Use Permit	n/a	n/a	n/a	n/a
Special Exceptions	✓	✓	✓	n/a
Home Occupation Permit	n/a	n/a	n/a	n/a
Wireless Communications Facility	See Sec. 8.9, Wireless Communications Facilities			
Sign Permit	n/a	n/a	n/a	n/a
Local Historic District Designation	✓	✓	✓	✓
Local Historic Property Designation	✓	n/a	✓	n/a

DRAFT 6.05.2020

Table 3.2-1: Types of Required Public Notice for Applications

Proposal	Mailed	Posted	Published	Neighborhood Meeting
Amendment to a Local Historic District Contributing Resources Map or Height Map	✓	n/a	✓	n/a
Certificate of Appropriateness for Local Historic Districts **(with or without a Special Exception)**	n/a	✓	n/a	n/a
~~**Certificate of Appropriateness for Local Historic Districts (Variance requested)**~~	~~✓~~	~~✓~~	~~✓~~	~~**n/a**~~
Proactive Preservation	✓	n/a	n/a	n/a
Administrative Adjustment	n/a	n/a	n/a	n/a
Variance (Zoning Board of Appeals)	✓	✓	✓	n/a
Appeals	See Sec. 3.26.6	✓	✓	n/a
Relief for Nonconforming Uses	✓	✓	✓	n/a
[1] Variances from the standards of the City of Savannah Subdivision Regulations, Savannah City Code, Part 8, Chapter 2 shall be reviewed by the Savannah Zoning Board of Appeals.				

3.2.3 Content of Mailed and Published Notices

All mailed and published notices shall include, at a minimum, the information listed below. For text amendments, Sec. 3.2.3 d. thru g. shall not be required as such amendments are not property specific. In the adoption of this Ordinance, any amendment to this Ordinance by the Mayor and Aldermen, and any amendments to any zoning map initiated by the Mayor and Aldermen shall not require mailed notice, notwithstanding any other provision of this Ordinance.

a. Statutory Requirements

Any information required by the Official Code of Georgia Annotated (O.C.G.A.) for published notice for the type of application which is the subject of the notice. Notwithstanding any other provision to the contrary in the Article, for applications initiated by the Mayor and Aldermen for the adoption of a zoning ordinance, amendment to the zoning ordinance, rezoning property from one zoning classification to another, or a special use permit, published notices shall be only those required by the Zoning Procedures Law, O.C.G.A. §36-66-1 et seq. and posting of signs shall not be required.

b. Nature of Application

The application number, application type, applicant's name, property owner's name and a description of the proposal or request shall be required for a completed application. If the applicant is the Mayor and Aldermen and the application is for a Comprehensive Plan map amendment, property owner names shall not be required.

c. Public Hearing Location, Time and Date

The location, time and date, and purpose of all scheduled public hearings for the application shall be required.

DRAFT 05.11.2020

d. Location of the Subject Property

i. The location of the property involved by street address, or if there is no street address, by description of the subject property. If the applicant is the Mayor and Aldermen and the application is for a Comprehensive Plan map amendment, street addresses shall not be required.

ii. For mailed notice only, a location map shall be included, indicating the location and general boundaries of the property, with reference to the closest intersection of public streets, when possible.

e. Property Identification Number

The Property Identification Number (PIN) for the subject property. If the applicant is the Mayor and Aldermen and the application is for a Comprehensive Plan map, property identification numbers shall not be required.

f. Size of Subject Property

The total size of the subject property, rounded to the nearest one-hundredth of an acre.

g. Zoning Designations

The information provided shall include the zoning district(s) of the property subject to the application. If the application is for a rezoning (map amendment), the proposed zoning district(s) shall also be provided.

h. Materials Available for Public Information

The name, address and telephone number of the Planning Commission where the application, staff report and related materials may be inspected by the public, and the fact that information is available for public inspection during normal business hours.

i. Submittal of Written Materials

The name, address and telephone number of the Planning Commission where the public may submit written comments or evidence prior to the public hearing.

j. Public Comment Allowed

A statement that affected parties may appear at the public hearing, be heard and submit evidence and written comments**.**

3.2.4 Mailed Notice

a. To Whom Provided

When required, as shown in Table 3.2-1, notice shall be mailed, as appropriate, to all property owners, organizations and associations indicated below.

DRAFT 05.05.2020

i. Property Owners of the Subject Property

1. All property owners of the property subject to the application shall be mailed notice of a public hearing unless otherwise provided below.

2. For applications to designate or amend a local historic district or a local historic property, mailed noticed shall be sent to all property owners as required by O.C.G.A. §44-10-28 ("Georgia Historic Preservation Act"), or as amended, for only the public hearing.

ii. Jurisdictions

Any municipality or county within 300 feet of the subject property shall be mailed a written notice of a public hearing when an application is for a rezoning (including Planned Developments and overlay districts), major site development plans and special use permits.

iii. Military Installations

In accordance with the O.C.G.A, §36-66-6 ("The Zoning Procedures Law"), or as amended, all military bases and installations, including Hunter Army Airfield, shall receive written notice of any application that requires a zoning decision by the Governing Body. This applies only to land within 3,000 feet of the base or installation, or within 3,000 feet of any Clear Zone or Accident Potential Zone that is affiliated with such base or installation. See Sec. 7.2, Airport, Airfield Overlay District.

Commentary: *As of this Ordinance, O.C.G.A. identifies a "zoning decision" as the following: 1) the adoption of new zoning ordinance; 2) a text amendment; 3) rezoning of property; 4) rezoning of property that is to be annexed; and, 5) a special use permit. A written recommendation from the commander of such base or installation must be requested at least 30 days prior to the hearing. If a response is not received by the date of the public hearing, it should be presumed that the proposed zoning decision has no adverse effect on the base or installation.*

iv. Nearby Property Owners and Associations

1. Nearby Property Owners

All property owners whose property boundary lies within 300 feet of the boundaries of the subject property by the most direct distance shall receive notice.

2. Neighborhood and Property Owner's Associations

When the subject property is within the boundary of a neighborhood or property owner's association registered with the City of Savannah in Sec. 3.2.7.b. notice shall be provided to such association. Mailed notice shall also be provided to other such neighborhood or property owner's association(s) within 300 feet of the subject property.

DRAFT 05.05.2020

b. Mailing and Postmarking

i. How Property Addresses are to be Obtained

1. Mailing addresses for property owners shall be obtained from the most recent tax digest available from the office of the Chatham County Board of Assessors.

2. For neighborhood and property owner associations, mailing addresses shall be obtained from the City of Savannah as provided in Sec. 3.2.7.

3. The appropriate reviewing authority shall prepare the content of the notice and be responsible for its mailing.

ii. Timing of Mailed Notice

1. For all applications that require mailed notice, except those provided in Sec. 3.2.4.b.i.(2) and Sec. 3.2.4.b.ii.(2), notice shall be mailed at least 15 but no more than 45 days prior to the public hearing.

2. For applications to designate a local historic district or to designate a local historic property (or to amend a historic district designation or historic property designation), mailed noticed shall be sent at least 10 but not more than 20 days prior to the public hearing as provided in O.C.G.A. §44-10-26 ("Georgia Historic Preservation Act").

iii. When Notice Deemed to be Mailed

Notice shall be deemed mailed by its deposit with the U.S. Postal Service.

3.2.5 Published Notice

a. Publishing of Public Notice

When required, as shown in Table 3.2-1, public notice shall be published in accordance with the standards established by the O.C.G.A. §36-66-1 et seq. and this Ordinance.

b. Preparation of Notice Content and Publishing Responsibility

The Planning Director or Governing Body, as applicable, shall prepare the content of the notice and be responsible for publishing the notice in a local newspaper of general circulation within the boundaries of Chatham County.

c. Timing of Published Notice

i. Public Hearings

1. For all applications that require mailed notice, except those provided in Sec. 3.2.4.b.i.(2) and Sec. 3.2.4.b.ii.(2), notice shall be mailed at least 15 but no more than 45 days prior to the public hearing.

2. For applications to designate a local historic district or to designate a local historic property (or to amend a historic district

DRAFT 05.05.2020

designation or historic property designation), mailed noticed shall be sent at least 10 but not more than 20 days prior to the public hearing as provided in O.C.G.A. §44-10-26 ("Georgia Historic Preservation Act").

3.2.6 Posted Notice

a. Content of Notice

When required, as provided in Table 3.2-1, posted notice shall include the following information listed below on the sign:

i. The type of application;

ii. Description of the proposal or request;

iii. The date, time and location of the scheduled public hearing;

iv. The application file number; and

v. A phone number to call for additional information.

b. Posting of Notice

Posting of property shall comply with the requirements listed below.

i. Responsibility for Posting

Signs shall be posted by the applicant, except applications initiated by the Mayor and Aldermen shall be exempt from this requirement.

ii. Form of Required Signs

Notice shall be posted on weather resistant signs in a form established by the City Manager or his or her designee.

iii. Preparation of Signs

Signs shall be prepared by the City Manager or his or her designee.

c. Timing of Published Notice

For any application requiring posted notice, signs shall be posted not less than 15, but no more than 45 days before the public hearing.

d. Location of Signs

i. Subject Property

Signs shall be placed in a conspicuous place on the subject property.

ii. Street Frontage

Signs shall be placed along each street that the property abuts so that the signs are visible from the street.

iii. Lack of Street Frontage

If the property does not have street frontage, at least one (1) sign shall be placed on the property at the access point and additional sign(s)

DRAFT 05.05.2020

shall be placed on the nearest public right-of-way so that the sign is visible to the public.

iv. Installation

Signs shall not be posted onto any tree.

e. Removal

The applicant shall remove the sign within 10 days after final action on the application.

3.2.7 Neighborhood Meetings

a. When Required

When required, as shown in Table 3.2-1, Types of Required Public Notice for Applications, or indicated elsewhere in this Ordinance

b. Registered Neighborhood Associations

Neighborhood meetings are required for neighborhood associations registered with the City of Savannah as posted on the Open Neighborhoods map located at https://public.sagis.org/OpenNeighborhoods/.

> ***Commentary:*** *The purpose of a neighborhood meeting is to ensure early citizen participation in an informal forum in conjunction with applications and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. A neighborhood meeting is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.*

c. General Requirements

Prior to the public hearing, the applicant shall offer to hold a neighborhood meeting consistent with the following:

i. Timing of Meeting

The neighborhood meeting shall occur at least seven (7) days prior to the public hearing.

ii. Neighborhood Notification

1. The applicant shall notify the neighborhood president by email or mail.
2. Within the notification, the address and/or property identification number of the subject property, contact information for the applicant of the subject property, zoning districts, nature of application, intended public hearing date, and an offer to meet with the applicant shall be included.
3. The notification shall be sent to the neighborhood president and a copy sent to the Planning Director at least fourteen (14) days before the scheduled public meeting.

DRAFT 05.2020

4. If a neighborhood meeting is scheduled, the applicant shall notify the Planning Director of the time and location of the meeting within two (2) working days prior.

d. Failure to Provide Neighborhood Notification

If an applicant fails to provide neighborhood notification consistent with the requirements of this Section, the public hearing shall be postponed until after such notification has been made.

DRAFT 05.05.2020

Sec. 3.3 Development of Regional Impact

3.3.1 Applicability

This Section shall apply to any proposed development that meets or exceeds the minimum threshold established for specified uses or activities as identified by the Rules of the Georgia Department of Community Affairs, §110-12-3 ("Developments of Regional Impact"), as amended. The Metropolitan Planning Commission shall serve as the submitting agency on behalf of the applicant.

3.3.2 Project Threshold

See the Rules of Georgia Department of Community Affairs, §110-12-3 ("Developments of Regional Impact") for DRI thresholds to determine applicability.

DRAFT 05.05.2020

Sec. 3.4 Comprehensive Plan Amendment

3.4.1 Purpose

An application for a Comprehensive Plan amendment, text or map, may be initiated by the Mayor and Aldermen or the Planning Commission. Any person owning property within the City, or agent for such property owner, may initiate an application for a Comprehensive map amendment to change the Future Land Use Map category for their own property only.

Updates to the text or Future Land Use Map of the Comprehensive Plan shall occur every five years based on O.C.G.A. §110-12-1.

DRAFT 05.05.2020

Sec. 3.5 Rezoning (Map Amendment)

3.5.1 Applicability

The provisions of this Section shall apply to amendments to the official Zoning Map of the City of Savannah. For requirements and procedures for rezoning to a Planned Development district, refer to Sec. 3.6 Rezoning (Map Amendment), Planned Development.

3.5.2 Initiation of Rezoning

An application for rezoning may be initiated by any of the following:

a. The Mayor and Aldermen, for any lands located within the city limits of Savannah.

b. The Planning Commission, for any lands located in the city limits of Savannah.

c. Any person, or agent for such person, who seeks to rezone his or her own property.

3.5.3 Application Procedures

a. Prior to the submittal of an application for a rezoning, the applicant shall participate in a pre-application conference with the Planning Director.

b. Applications shall be signed and shall state the name and address of the applicant, who must be the owner of the property or the authorized agent or attorney of the owner of the property. If the applicant is the agent of the owner, the agent shall file, simultaneously with the petition, a notarized letter signed by the owner, authorizing the agent to file on his behalf. No application shall be accepted which fails to meet these requirements.

c. Applications shall include the following information:

i. The reasons for requesting an amendment to the zoning map;

ii. A scaled dimensioned map, plat or sketch of the property referred to in the application, all adjoining lots or land which are in the same ownership and indicate nearby public roads in common use;

iii. The community or area in which is located the land proposed to be reclassified and the street number, if any, or if none, the location of nearby public roads in common use;

iv. A legal description of the land by lot, block, and subdivision designations, or if none, by metes and bounds;

DRAFT 05

v. The property identification number from the tax records of Chatham County;

vi. The present zoning classification and the classification proposed for such property;

vii. The name and address of the owners of the property;

viii. The area of the property proposed to be reclassified stated in square feet if less than one acre and in acres if one or more; and

ix. The present and proposed land uses of the property petitioned for rezoning and all adjoining properties if under the same ownership.

3.5.4 Neighborhood Meeting Required

The applicant shall hold a neighborhood meeting as provided in Sec. 3.2.7.

3.5.5 Required Public Notice

Public notice shall be provided in accordance with the procedures in Sec. 3.2, Public Notice.

3.5.6 Review by the Planning Commission

a. Consideration by Planning Commission

All rezoning applications shall be considered by the Planning Commission at a public hearing, prior to public hearing by the Mayor and Aldermen.

b. Standards and Criteria

The Planning Commission shall review and make a recommendation on the proposed rezoning based upon the standards in Sec. 3.5.11, Review Standards for Rezoning Applications.

c. Planning Commission Recommendation

A recommendation shall be prepared and forwarded to the Mayor and Aldermen. The recommendation shall indicate if the proposed rezoning should be:

i. Approved;

ii. Approved with conditions;

iii. Approved with an alternative zoning district;

iv. Continued to the next meeting or to a date certain; or

v. Denied.

3.5.7 Action by the Mayor and Aldermen

Upon receipt of the recommendations from the reviewing bodies, the Planning Director shall forward the recommendation(s) to the Mayor and Aldermen for final action.

DRAFT 05.05.2020

a. Public Hearing

The Mayor and Aldermen shall hold a minimum of one (1) public hearing to consider the proposed rezoning after receiving a recommendation from the applicable review body. Within seven (7) days of receiving the recommendation, the Mayor and Aldermen shall notify the applicant of the scheduled date for the public hearing.

b. Standards

The Mayor and Aldermen shall evaluate the proposed rezoning based upon the standards in Sec. ~~3.5.11~~ 3.5.8, Review Standards for Rezoning Applications.

c. Action by the Mayor and Aldermen

Following the public hearing, the Mayor and Aldermen shall take one of the following actions:

i. Approve;

ii. Approve with conditions;

iii. Approve an alternative zoning district;

iv. Continue to the next meeting or to a date certain;

v. Remand to the appropriate reviewing authority; or

vi. Deny.

3.5.8 Review Standards for Rezoning Applications

Following are the standards which govern the exercise of zoning power by the City.

a. Suitability and Community Need

i. Whether the range of uses permitted by the proposed zoning district is more suitable than the range of uses that is permitted by the current zoning district.

ii. Whether the proposed zoning district addresses a specific need in the county or city.

b. Compatibility

i. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

ii. Whether the zoning proposal is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

iii. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

DRAFT 05.05.2020

c. Consistency

Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and other adopted plans, such as a redevelopment plan or small area plan.

d. Reasonable Use

Whether the property to be affected by the zoning proposal has a reasonable use as currently zoned.

e. Adequate Public Services

Whether adequate school, public safety and emergency facilities, road, ingress and egress, parks, wastewater treatment, water supply and stormwater drainage facilities are available for the uses and densities that are permitted in the proposed zoning district.

f. Proximity to a Military Base, Installation or Airport

In accordance with the O.C.G.A. §36-66-6, when a rezoning is proposed for property located within 3,000 feet of a military base, installation or airport, or within the 3,000 foot Clear Zone and Accident Prevention Zones Numbers I and II as prescribed in the definition of an Air Installation Compatible Use Zone that is affiliated with such base, installation or airport the following shall occur:

i. The commander of such military base, installation or airport, including Hunter Army Airfield, shall be requested to provide a written recommendation and supporting facts at least 30 days prior to the public hearing.

ii. If there is no response from the commander, there shall be a presumption that the proposed rezoning will not have any adverse effect relative to the standards listed below and the Planning Director shall make such investigation and recommendation with respect to the standards listed below.

1. Whether the zoning proposal will permit a use that is suitable in view of the use of adjacent or nearby property within 3,000 feet of a military base, installation or airport;

2. Whether the zoning proposal will adversely affect the existing use or usability of nearby property within 3,000 feet of a military base, installation or airport;

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

4. Whether the zoning proposal will result in a use which will or could cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools due to the use of nearby property such as a military base, installation or airport;

5. Whether the zoning proposal is in conformity with the policy and intent of the adopted land use plan (i.e., the Comprehensive Plan); and,

DRAFT 05.05.2020

6. Whether there are existing or changing conditions affecting the use of the nearby property such as a military base, installation or airport, which give supporting grounds for either approval or disapproval of the zoning proposal.

3.5.9 Limitations on Rezoning Applications

If the Mayor and Aldermen deny an application for the rezoning of property, the applicant shall not resubmit an application to rezone to the same classification on any part or all of such property for a period of 12 months from the date of the written decision by the Mayor and Aldermen.

3.5.10 Rezoning Applications Initiated by the Mayor and Aldermen

a. One purpose of a rezoning initiated by the Mayor and Aldermen may be to rezone areas in conformance with the principles of comprehensive land use planning and staged development as reflected by established plans and policies, as well as planned public facilities.

b. Notwithstanding any other provision in this ordinance to the contrary, any rezoning initiated by the Mayor and Aldermen shall not be submitted to or considered by the Planning Commission unless specifically requested by the Mayor and Aldermen.

c. The same review criteria shall apply to rezonings initiated by the Mayor and Aldermen as to all other rezonings as set forth in Sec. 3.5.11 Review Standards for Rezoning Applications.

DRAFT 05.05.2020

Sec. 3.6 Rezoning (Map Amendment), Planned Development District

3.6.1 Applicability

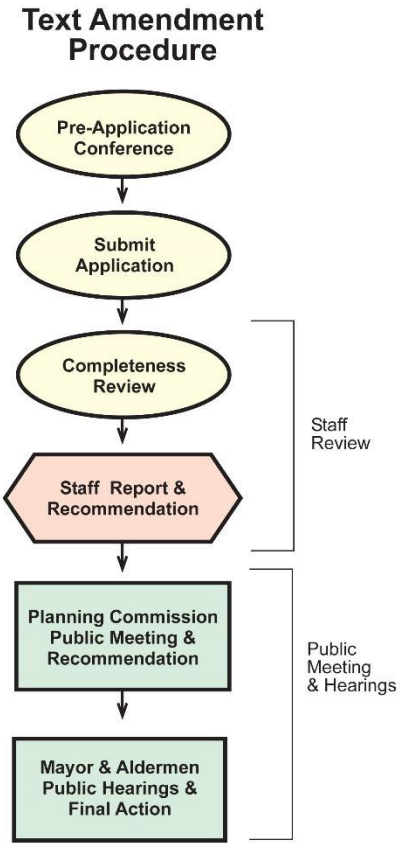
Refer to Section 6.1. for the standards and processes relating to Planned Development (P-D) districts.

DRAFT 05.05.2020

Sec. 3.7 Zoning Text Amendment

3.7.1 Applicability

The provisions of this Section shall apply to all amendments to the text of this Ordinance.



3.7.2 Initiation of Text Amendment

An application for a text amendment may be initiated by any of the following:

a. The Mayor and Aldermen;

b. The Planning Commission;

c. The Planning Director;

d. City Manager or his or her designee;

e. Any person owning property within Savannah or agent for such person.

3.7.3 Application Procedures

a. Prior to the submittal of an application for a text amendment, the applicant shall participate in a pre-application conference with the Planning Director.

b. Applications shall include the following information:

i. Section of code to amend;

ii. New text to be added, and if applicable, the existing text to be deleted; and

iii. Reasons for the text amendment.

c. Applications shall be signed and shall state the name and address of the applicant that is located in the city of Savannah. A text amendment would not apply to a specific property and thus ownership of specific property is not applicable.

3.7.4 Required Public Notice

Published notice shall be required before the first public hearing on any proposed text amendment in accordance with the procedures in Sec. 3.2, Public Notice.

3.7.5 Review by the Planning Commission

a. Consideration by Planning Commission

All text amendment applications shall be considered by the Planning Commission at a public hearing, prior to a public hearing by the Mayor and Aldermen.

b. Planning Commission Recommendation

After consideration of the review criteria in Sec. 3.7.10, the Planning

DRAFT 05.1

Commission shall provide a recommendation which shall indicate that the text amendment should be:

i. Approved as submitted by the applicant;

ii. Approved as recommended by the Planning Director;

iii. Approved with modifications;

iv. Continue to the next meeting or a date certain; or

v. Denied.

3.7.6 Action by the Mayor and Aldermen

Within seven (7) days of the recommendation of the review authority, the Planning Director shall forward the recommendation to the Mayor and Aldermen for final action.

a. Public Hearing

The Mayor and Aldermen shall hold a minimum of one (1) public hearing to consider the proposed text amendment after receiving a recommendation from the responsible review authority. Within seven (7) days of receiving the recommendation, the Mayor and Aldermen shall notify the applicant of the scheduled date for the public hearing. Notwithstanding any other provision in this ordinance to the contrary, any text amendment initiated by the Mayor and Aldermen shall not be submitted to or considered by the Planning Commission unless specifically requested by the Mayor and Aldermen.

b. Action by the Mayor and Aldermen

After consideration of the review standards set forth in Sec. 3.7.10, the Mayor and Aldermen shall:

i. Approve and adopt the proposed text amendment as submitted by the applicant;

ii. Approve and adopt the proposed text amendment as recommended by the applicable review authority;

iii. Approve and adopt the proposed text amendment with modifications;

iv. Continue to the next meeting or to a date certain;

iv. Return the proposed text amendment to the review authority for further study and recommendation; or

v. Deny the proposed text amendment.

DRAFT 05.05.2020

3.7.7 Review Criteria for Text Amendment Applications

When reviewing an application for a text amendment, all of the criteria listed below shall be considered.

a. Consistency

The extent to which the proposed text amendment is consistent with the remainder of the Zoning Ordinance, including any purpose and intent statements.

b. New or Changing Circumstances

The extent to which the proposed text amendment represents a new idea not considered in the existing Zoning Ordinance, or represents a revision necessitated by changing circumstances over time.

c. Error or Inappropriate Standard

Whether or not the proposed text amendment corrects an error in the Zoning Ordinance, or otherwise improves upon existing requirements or standards.

d. Compliance with Higher Law

Whether or not the proposed text amendment revises the Zoning Ordinance to comply with state or federal statutes.

3.7.8 Limitations on Zoning Text Amendment Applications

If the Mayor and Aldermen deny an application for a zoning text amendment, the applicant shall not resubmit a zoning text amendment application for the same zoning text amendment for a period of 12 months from the date of the written decision by the Mayor and Aldermen.

DRAFT 05.05.2020

Sec. 3.8 Development Plan Review

3.8.1 Applicability

a. Except where otherwise indicated in Articles 6 and 7, this Section shall apply to all proposed property development, except that it shall not apply to one-family and two-family dwellings on individual lots which shall be reviewed by the City Manager or his or her designee for compliance with the requirements of this Ordinance and of other applicable codes, ordinances and policies related to property development and building construction.

b. Any use requiring a special use permit may require Development Plan review (see Sec. 3.10, Special Use Permit).

c. Any use requiring a temporary use permit may require Development Plan review (see Sec. 3.11, Temporary Use Permit).

d. Any use that is an accessory to a principal use may require Development Plan review (see Sec. 8.7, Accessory Structures and Uses).

3.8.2 Development Review Process

The Development Plan Review process has been divided into two phases: Development Review and Construction Review. This Ordinance is primarily focused on Development Plans.

a. **Development Plans** consist of general development plans, specific development plans and group development plans. This phase of review focuses on aspects of development that does not require construction level design drawings. Development Plans are typically reviewed and approved before developers move on to the construction design phase. This ensures projects have the appropriate use for any given location before more detailed drawings are required.

> ***Commentary:*** *Elements that may be part of a Development Plan include but are not limited to land use information, spatial layouts, parking, density, landscaping, lighting, access management, and signage.*

b. **Construction Plans** are required to be reviewed and approved prior to the issuance of site development permits or building permits. Construction plans are reviewed by City staff under the coordination of the City Manager or his or her designee. The review process for Construction Plans is not covered in detail within this Ordinance.

> ***Commentary:*** *Permits that require Construction Plans are site development permits, building permits, sign permits, plumbing permits, electrical permits, and mechanical permits.*

3.8.3 Review Authority for Development Plans

There are two review authorities for Development Plans with varying review and approval procedures. The authorities are provided below:

a. City of Savannah Development Plans (Minor)

i. Final Authority:

Development Plans that are reviewed and approved by the City Manager or his or her designee include the following:

DRAFT 05.05.2020

1. Temporary use permits (see Sec. 3.11, Temporary Use Permits);

2. Accessory structures or uses as provided in Sec. 8.7 Accessory Structures and Uses as determined by the City Manager or his or her designee; or

3. Development Plans that do not require Planning Commission level review described below. The Planning Director may participate in the City of Savannah Development Plan Review for such plans.

b. Planning Commission Development Plan Review (Major)

Development Plans that are reviewed and approved by the Planning Commission.

i. Review Authority:

The Planning Commission shall review the following Development Plans and make recommendations to the Mayor and Aldermen:

1. Rezoning for a Planned Development District (see Sec. 3.6 Planned Developments); and

2. Special use permits (see Sec. 3.10, Special Use Permits).

ii. Final Authority

The Planning Commission shall review and have the final authority to approve or deny the following Development Plans:

1. Any special exception that requires a Development Plan (see Sec. 3.12, Special Exceptions);

2. Any use that requires a Development Plan as provided in Article 8.0, Use Standards;

3. Any variance requested for any Development Plan; or

4. Major subdivisions in accordance with the requirements of the Subdivision Regulation Ordinance, Savannah City Code, Part 8, Chapter 2.

c. Planning Director Administrative Review

The Planning Director shall review and provide comment on Development Plans that are not listed in 3.8.3 above.

3.8.4 Development Plan Review Procedures

a. General Development Plan

A general development plan shall identify the overall concept of a proposed development. Information required on such a plan is intended to convey the character and layout of the project and to identify issues that must be

DRAFT 05.05.2020

addressed on the specific development plan. At the discretion of the applicant, a Specific Development Plan may be submitted in place of a General Development Plan.

Development included in a general development plan may be constructed in phases. The general development plan shall include:

i. A site plan application form;

ii. Property identification numbers for subject property;

iii. Existing zoning on the subject property and on adjacent properties, including properties directly across a street or right-of-way;

iv. Existing and proposed street rights-of-way;

v. Intended use(s);

vi. Vicinity map and north arrow;

vii. Property lines;

viii. Surrounding land uses and buildings within 100 feet of the property lines;

ix. Stormwater detention areas and major drainage ways;

x. Utility and other easements;

xi. Existing and proposed buildings footprints and building heights;

xii. Approved master plan (if applicable);

xiii. Net residential density (if applicable);

xiv. Wetland areas (where applicable);

xv. Dumpster location (where applicable);

xvi. Mailbox kiosk location (if applicable);

xvii. Access management and connectivity, off-street parking and loading, screening and buffers, fences and walls, and principal use outdoor display areas requirements shall comply with standards as provided in Article 9.0, General Site Standards; and

xviii. Specific development plan elements which may be included at the option of applicant.

b. Specific Development Plan

A specific development plan shall identify the details of a proposed development. Information required on such plan is intended to convey details regarding location structures, dimensional data, and construction materials.

The specific development plan shall include:

DRAFT 05.05.2020

i. A site plan application form;

ii. Property identification numbers for subject property;

iii. Existing zoning on the subject property and on adjacent properties, including properties directly across a street or right-of-way;

iv. Existing and proposed street rights-of-way;

v. Intended use(s);

vi. Vicinity map and north arrow;

vii. Property lines;

viii. Surrounding land uses and buildings within 100 feet of the property lines;

ix. Stormwater detention areas and major drainage ways;

x. Utility and other easements;

xi. Existing and proposed building footprints and building heights;

xii. Approved master plan (if applicable);

xiii. Net residential density (if applicable);

xiv. Wetland areas (where applicable);

xv. Dumpster location (where applicable);

xvi. Mailbox kiosk location (if applicable);

xvii. A traffic impact analysis (if applicable as provided in Sec. 3.9)

xviii. Access management and connectivity, off-street parking and loading, screening and buffers, fences and walls, principal use outdoor display areas, lighting and signs requirements shall comply with standards as provided in Article 9.0, General Site Standards.

xix. Site improvements. Detailed landscape plans, tree protection measures, layout of underground utility systems, design (including height, materials, and colors) of the dumpster/compactor enclosure and fences, reasonable on-site and off-street traffic improvements as required by the Planning Commission in order to maintain a level of service acceptable to the City Manager or his or her designee.

Acceptance of the project by the City Manager or his or her designee and the water and sewer provider shall be required prior to issuance of a land disturbing permit.

xx. Other improvements. Building exterior elevations including height, materials and colors shall be provided to the extent necessary to show the proposed development is compatible with adjacent or surrounding development in terms of building orientation, scale and exterior construction materials.

c. Group Development Plan

DRAFT 6.05.2020

Projects consisting of two or more principal buildings devoted to a common or similar use and constructed on a single lot may be permitted in any of the various districts established by this chapter, provided that such project shall be approved by the Planning Commission.

Approval of a group development plan shall be required to follow the same requirements as provided in Sec. 3.8.4.b. General Development Plan.

3.8.5 City of Savannah Development Plan Review Process

a. Pre-application Conference

A petitioner may request a pre-application conference with the Planning Director prior to the submittal of a Development Plan.

b. Application Requirements

i. An application and a Development Plan shall be submitted to the City Manager or his or her designee.

c. Approving Authority

i. The City Manager or his or her designee, unless otherwise provided by this Ordinance, shall be the approving authority for Development Plans submitted to the City.

ii. The City Manager or his or her designee will provide written comments to the applicant within 10 working days of receipt of submittal. The City Manager shall approve the Development Plan upon a finding that the use is permitted and the Plan conforms to all development standards as provided in Sec. 3.8.4.

d. Approval Criteria

The City Manager or his or her designee shall consider compliance with this Ordinance and other applicable regulations and policies as identified in the application form to approve, approve with modifications or deny the application.

3.8.6 Planning Commission Development Plan Review Process

a. Pre-application Conference

Prior to the submittal of an application for a Development Plan submitted to the Planning Commission, the applicant shall participate in a pre-application conference with the Planning Director

b. Application Requirements

Once a Development Plan application is submitted, it shall be deemed complete as provided in Sec. 3.1.5.

DRAFT 05.05.2020

c. Public Notice

i. After the application has been deemed complete by the Planning Director, the Development Plan will be scheduled for a public hearing before the Planning Commission.

ii. Mailed notice shall be required before the public hearing in accordance with the procedures in Sec. 3.2, Public Notice.

d. The Planning Commission shall approve the Development Plan upon a finding that the use is permitted and the Plan conforms to all development standards as provided in Sec. 3.8.4.

3.8.7 Development Plan Revisions

Development Plans requiring revisions shall be returned to the approving authority within a time frame agreed upon by said authority. If the revisions are not submitted within the established time frame, the Development Plan shall be considered withdrawn unless a time extension is granted by the authority.

3.8.8 Approved Development/Concept Plans

An approved Development Plan shall be valid for 24 months from the date of Development Plan approval. Final Development Plans shall be in accordance with the codes and ordinances in place at the time of submission of the Development Plan.

DRAFT 05.05.2020

Sec. 3.9 Traffic Impact Analysis

3.9.1 Purpose

The purpose of a traffic impact analysis is to assess the effects of projected traffic generation for a proposed new development, redevelopment or use conversion on the surrounding transportation network and to identify if transportation improvements will be necessary. A traffic impact analysis will vary depending upon the type, size and location of the proposed new development, redevelopment or use conversion.

3.9.2 Applicability

a. Developments Requiring a Traffic Impact Analysis

i. Regulations concerning the requirements of a traffic impact analysis shall comply with the City of Savannah Traffic Engineering Site Plan Review Manual.

DRAFT 05.05.2020

Sec. 3.10 Special Use Permit

3.10.1 Applicability

All applications for a special use permit approval shall comply with the requirements of this Section.

3.10.2 General Provisions

a. Special uses within each zoning district are uses that would not be appropriate generally or without restriction but which, if controlled as to number, area, location or relation to other uses may be appropriate in a particular zoning district.

b. A special use permit shall be required for all special uses (identified with an "S" designation) as set forth in the permitted use table in Sec. 5.4, Principal Use Table or as part of a use condition in Article 8.0 Use Standards.

c. Specific use standards may be applicable to the approved special use.

d. Any use or activity on the property not specifically permitted by Article 5.0, Base Zoning Districts, or the special use permit as modified, shall be deemed unlawful and subject to Article 12.

3.10.3 Reserved

3.10.4 Reserved

3.10.5 Reserved

3.10.6 Review by the Planning Commission

a. Consideration by Planning Commission

An application for a special use permit shall be considered by the Planning Commission at a public hearing, prior to a public hearing by the Mayor and Aldermen.

b. Standards and Criteria

The Planning Commission shall evaluate the proposed special use permit based upon the standards in Sec. 3.10.8, Review Criteria for Special Use Permits.

c. Planning Commission Recommendation

A recommendation shall be prepared and forwarded to the Mayor and Aldermen after consideration of the review criteria required by Sec. 3.10.8. The recommendation which shall indicate if the Special Use Permit should

DRAFT 05.05

be:

i. Approved as submitted by the applicant;

ii. Approved as recommended by the Planning Director;

iii. Continued to the next meeting or to a date certain;

iv. Approved with modifications and/or conditions; or

v. Denied.

3.10.7 Action by the Mayor and Aldermen

Within seven (7) days of the Planning Commission's recommendation, the Planning Director shall forward the recommendation of the Planning Commission to the Mayor and Aldermen for final action.

c. Public Hearing

i. Within seven (7) days of receiving the Planning Commission recommendation, the Mayor and Aldermen shall notify the applicant of the scheduled date for the public hearing.

ii. The Mayor and Aldermen shall hold a minimum of one (1) hearing to consider the proposed special use permit after receiving the recommendation.

d. Standards and Criteria

The Mayor and Aldermen shall evaluate the proposed special use permit based upon the standards in Sec. 3.10.8, Review Criteria for Special Use Permits.

e. Action by the Mayor and Aldermen

After consideration of the review criteria required by Sec. 3.10.8, the Mayor and Aldermen shall make one of the following decisions:

i. Approve Special Use Permit as submitted by the applicant;

ii. Approve Special Use Permit as recommended by the Planning Commission;

iii. Continue to the next meeting or to a date certain;

iv. Approve Special Use Permit with modifications and/or conditions; or

v. Deny Special Use Permit.

3.10.8 Review Criteria for Special Use Permits

When reviewing a special use permit request, the review authority shall consider the following criteria:

DRAFT 05.05.2020

a. Whether the special use is consistent with the intent, goals, strategies, policies, guiding principles and programs of the Comprehensive Plan and other adopted plans;

b. Whether specific use standards for the special use, if any, as provided in Article 8.0, Use Standards, can be achieved;

c. Whether the special use is detrimental to the public interest, health, safety, welfare, function, and appearance of the adjacent uses or general vicinity by reason of any one or more of the following: the number, area, location, height, orientation, intensity (such as traffic, noise, odor, hours of operation), or relation to the neighborhood or other adjacent uses;

d. Whether the subject property is adequate in shape and size to accommodate the special use;

e. Whether adequate public facilities are available to serve the proposed use, including, but not limited to: water; sanitary sewer; stormwater drainage facilities; public safety and emergency facilities; roadway capacity; vehicular ingress and egress; or, that the applicant will provide adequately for such services and for placement in an appropriate location.

f. Whether the special use will result in the destruction, loss, or damage of any feature determined by the review authority to be of natural, cultural, scenic or historic importance.

3.10.9 Additional Conditions, Restrictions and Safeguards

Additional conditions, restrictions and safeguards may be imposed by the Mayor and Aldermen on the special use permit approval in order to protect public health, safety and welfare. If any amendment to a development plan will conflict with any condition of an approved special use permit, the amendment to the development plan shall not be permitted unless an amendment to the special use permit is first approved.

3.10.10 Limitations on Filing of Special Use Request

If the Mayor and Aldermen deny an application for a special use permit, the applicant shall not resubmit such application for the same property for a period of twelve (12) months from the date of the decision by the Mayor and Aldermen.

3.10.11 Violation of a Special Use Permit

Violations of a special use permit shall be subject to enforcement as outlined in Article 12.

DRAFT 05.2020

Sec. 3.11 Temporary Use Permit

3.11.1 Applicability

Temporary Uses are those that are short term uses or activities that due to their nature and short-term placement do not require intensive review. For any Temporary Uses allowed per this Ordinance, see Sec. 8.8, Temporary Uses, and the City of Savannah for the review process.

DRAFT 05.05.2020

Sec. 3.12 Special Exceptions

3.12.1 Purpose

This Section establishes procedures for providing relief from specified standards within this Ordinance. It is not the intent of the special exception to eliminate such standards, but rather to provide a process by which exceptions can be made for individual circumstances.

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.**

~~**viii.**~~ **ix.** To increase the maximum building footprint where the footprint is limited in Article 5 or Secs. 8.1 thru 8.8.

~~**ix. To increase the amount of outdoor storage area in the IL-R zoning district.**~~

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. 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

DRAFT 05.05

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 (See Sec. 3.10).

3.12.3 Required Public Notice

Public notice shall be provided in accordance with the procedures in Sec. 3.2, Public Notice.

3.12.4 Review by the Planning Commission

All special exceptions, except for special exceptions as identified in Sec. 3.12.2.a.ix. - xi., ~~an increase in building footprint where the building is located in a local historic district as described in Sec. 3.12.5,~~ shall be considered by the Planning Commission at a public hearing.

3.12.5 Review by Historic Preservation Commission

~~A special~~ Special exceptions, as identified in Sec. 3.12.2.a.ix. – xi., ~~to increase the maximum building footprint where the footprint is limited for a building within a local historic district,~~ not to include buildings within the Savannah Downtown Historic Overlay District, shall be considered by the Historic Preservation Commission ~~at a public hearing~~.

3.12.6 Review by Savannah Downtown Historic District Board of Review

~~A special~~ Special exceptions, as identified in Sec. 3.12.2.a.ix – xi, ~~to increase the maximum building footprint where the footprint in limited for a building within~~ for the Savannah Downtown Historic Overlay District shall be considered by the Savannah Downtown Historic Board of Review ~~at a public hearing~~.

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.

DRAFT 05.05.2020

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

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.

3.12.10 Appeals

Final action on the petition may be appealed in accordance with Sec. 3.23, Appeals.

DRAFT 05.05.2020

Sec. 3.13 Home Occupation Permit

3.13.1 Applicability

Home Occupation uses are certain uses specified in this Ordinance as an appropriate accessory use to a residential dwelling. Such uses shall not be conducted, established or operated in any manner without the approval and maintenance of a valid Home Occupation Permit. For any Home Occupation use allowed per this Ordinance, see the City of Savannah for the review process.

DRAFT 05.05.2020

Sec. 3.14 Wireless Communications Facilities

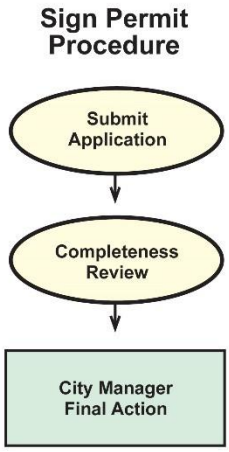
See Sec. 8.9, Wireless Communications Facilities, for review process and standards.

DRAFT 05.05.2020

Sec. 3.15 Sign Permit

3.15.1 Purpose

This Section establishes procedures for the permitting of signs.



3.15.2 Applicability

Except for signs listed in Sec. 9.9.10, Signs Allowed without a Permit, no sign shall be constructed, erected, relocated, expanded or altered in any manner until a Sign Permit has been issued by the City Manager or his or her designee. When a sign is proposed within a historic district or historic property, a Certificate of Appropriateness (Sec. 3.16 and 3.17) may be required before a sign permit can be issued.

The City Manager or his or her designee shall not be required to issue a Sign Permit unless such sign complies with the provisions of this Ordinance and all other applicable ordinances and regulations.

3.15.3 Application Requirements

Each application for a Sign Permit shall be accompanied by a Sign Plan showing the following elements:

a. The type of sign proposed;

b. The dimensions of the individual sign panel(s);

c. The overall dimensions, including height, width, and square footage of the sign;

d. The method of illumination, if any;

e. The materials and colors;

f. The exact location proposed for such sign;

g. The horizontal distance between any freestanding sign and any property line and driveways within 20 feet;

h. The location and square footage of any existing signage of the same type requested on the subject property.

Additional information and documentation may be required by the City Manager or his or her designee.

3.15.4 Review of Sign Permit Application

a. All signs except as otherwise provided in this Ordinance shall require review and approval by the City Manager or his or her designee in accordance with Sec. 9.9. Signs and with the below standards. The City Manager or his or her

DRAFT 05.05.2

designee may deny an application for a sign permit for any of the following reasons:

i. An incomplete application as required by this Ordinance.

ii. The sign applied for is not a type of sign permitted by this Ordinance or is a prohibited sign under the terms of this Ordinance.

iii. The sign applied for does not meet the restrictions for the type of sign permitted by this Ordinance.

iv. The sign applied for does not meet the dimensional, including size requirements, permitted by this Ordinance.

v. The sign applied for does not meet the sign display requirements in this Ordinance

vi. The sign applied for does not meet the sign display requirements of this Ordinance, including, but not limited to, lighting and sign face requirements.

vii. The sign applied for exceeds the maximum number of signs permitted by this Ordinance.

viii. The sign applied for does not meet the sign location or orientation requirements of this Ordinance.

ix. The sign applied for does not meet the placement requirements of this Ordinance.

x. The sign applied for does not meet with the design requirements of this Ordinance.

xi. The sign applied for does not meet other applicable ordinances and policies.

b. For proposed signs in a local historic district or on an historic property, except for the exemptions listed in Sec. 9.9, an approved Certificate of Appropriateness shall be provided with the application for a Sign Permit. A Sign Permit shall not be issued until such certificate has been provided.

No sign application shall be deemed a permit because of the content of the message conveyed by the sign.

c. The City Manager or his or her designee shall take final action on the application within 10 working days of deeming the application complete.

3.15.5 Temporary Sign Permit

A Temporary Sign Permit shall be required for any temporary sign as well as any sign permitted with a temporary use as set forth in Sec. 9.9, Signs, and 3.11, Temporary Use Permit.

A permitted temporary sign shall display a decal issued by the City Manager or his or her designee. The decal shall be affixed to the sign as directed by the City Manager or his or her designee so as to be visible to the public.

DRAFT 05.05.2020

3.15.6 Appeals

An aggrieved party may appeal the decision of the City Manager or his or her designee for a sign permit to the Zoning Board of Appeals.

DRAFT 05.05.2020

Sec. 3.16 Local Historic District Designation

3.16.1 Purpose

The purpose of a local historic district designation is to:

a. Provide a uniform procedure to protect, enhance, perpetuate and use buildings, structures, sites, objects, or a combination thereof that have pre-historic, historic, architectural or cultural significance;

b. Promote the identification, documentation and evaluation of the significance of individual historic resources and districts;

c. Implement the historic preservation goals, policies and programs of the Comprehensive Plan;

d. Fulfill the responsibility of the city of Savannah:

i. As a Certified Local Government under Federal preservation laws; and

ii. For Federal Section 106 reviews regarding historic resources;

e. Preserve and protect contributing resources from demolition and prevent demolition by neglect (see Sec. 3.20, Proactive Preservation);

f. Ensure compatibility of new construction and alterations within a local historic district;

g. Promote the educational and cultural welfare of the people of the city of Savannah;

h. Encourage and promote adaptive reuse of historic properties; and

i. Promote public awareness of the value of rehabilitation, restoration and maintenance of the existing building stock and of programs that offer financial incentives for historic preservation.

3.16.2 Applicability

a. The Mayor and Aldermen may designate, in their respective jurisdictions, an area as a local historic district.

b. A designated local historic district shall be adopted as an historic overlay district and identified on the official zoning map. Any use permitted in the base zoning district for each property within the historic overlay district is permitted.

c. A contributing resources map shall also be adopted at the time of adoption of a local historic district. Such map shall identify the buildings, structures, sites and objects within the district that meet the contributing resource criteria in Sec. 3.16.4.b.

3.16.3 Designation of a Local Historic District

a. Initiation of Application

An application for designating a local historic district must be initiated by the neighborhood association or associations representing a majority of the

DRAFT 05.05.2020

property owners within the boundaries of the proposed historic district or by the Governing Body.

b. Pre-application Conference

Prior to the submittal of an application for a local historic district, the applicant shall participate in a pre-application conference with the Planning Director.

c. Neighborhood Meeting

The Planning Director shall hold a neighborhood meeting in accordance with Sec. 3.2, Public Notice. The Planning Director shall send a notice of such meeting to all property owners within the proposed local historic district.

d. Interim Protection

i. Upon receipt of the completed application for designation of a local historic district, the Planning Director shall prepare a resolution for the Mayor and Aldermen to provide interim protection measures for the proposed local historic district during the preparation of the Historic Designation Report. The Mayor and Aldermen shall approve or deny the resolution for the proposed designation for one (1) year from the date of the receipt of the completed application or until final action has been taken on the property designation by the Mayor and Aldermen.

ii. Once a resolution has been approved by the Mayor and Aldermen for interim protection of the designation of a local historic district, any material change during the evaluation process shall be evaluated by the Planning Director according to the U.S. Secretary of the Interior Standards and Guidelines for Rehabilitation before a building permit is issued. If the proposed material change is not in compliance with the Standards and Guidelines for Rehabilitation, no building permit shall be issued.

iii. The interim protection shall be removed when the Historic Designation Report is complete and final action has been taken on the property designation by the Mayor and Aldermen (either to approve or reject the designation) or one (1) year from date of receipt of a completed application, whichever is sooner.

iv. In the event development has begun prior to a resolution being approved by the Mayor and Aldermen for the proposed designation, such development shall be governed by Sec. 1.4.4.f. and the Interim Protection measures of this subsection d. shall not apply. For purposes of this provision development will be considered to have begun if the developer has:

1. Applied for a building or land disturbance permit;

2. Filed any application required by this Ordinance; or

3. Held any Pre-application Conference required by Sec. 3.1.3.

DRAFT 05.05.2020

e. Preparation of a Historic Designation Report

i. Upon receipt of the application for designation of a local historic district, the Planning Director shall prepare a Historic Designation Report. The Historic Designation Report shall address the minimum requirements of O.C.G.A. §44-10-21, as amended, including:

1. A description of the proposed boundaries of the historic district;

2. A description of the historic buildings, structures, sites and objects within the proposed district, to include the identification of contributing or non-contributing status of each;

3. A contributing resource map;

4. The name(s) of the owner(s) of each property; and

5. Specific design standards that reflect the individual character of the historic district to evaluate a requested material change.

ii. Upon completion of the Historic Designation Report, the plan shall be forwarded to the Georgia Division of Historic Preservation of the Department of Natural Resources or its successor.

iii. Upon receipt of comments from the Division of Historic Preservation, the Planning Director shall amend the Historic Designation Report, if required, and prepare a recommendation to the Historic Preservation Commission.

f. Review by the Historic Preservation Commission

i. Public Hearing and Public Notice

The Planning Director shall schedule the public hearing and give public notice in accordance with Sec. 3.2., Public Notice, that the designation of a local historic district will be considered by the Historic Preservation Commission. Public notice shall be provided that is consistent with the Georgia Historic Preservation Act.

ii. Standards and Criteria

The Historic Preservation Commission shall evaluate the proposed local historic district based upon the criteria in Sec. 3.16.4.

iii. Action by the Historic Preservation Commission

After consideration of the review criteria required by Sec. 3.16.4, the Historic Preservation Commission shall provide its recommendation to the Mayor and Aldermen of one of the following:

1. Approval as recommended by the Planning Director;

2. Continue to the next meeting or to a date certain;

3. Approval with modifications; or

4. Denial.

g. Action by the Mayor and Aldermen

The Historic Preservation Commission shall forward its recommendation to the Mayor and Aldermen for final action.

i. Public Hearing and Public Notice

DRAFT 05.2020

The Mayor and Aldermen shall schedule the public hearing and give public notice in accordance with Sec. 3.2., Public Notice.

ii. Standards and Criteria

The Mayor and Aldermen shall evaluate the proposed local historic district based upon the criteria in Sec. 3.16.4.

iii. Action by the Mayor and Aldermen

After consideration of the review criteria required by Sec. 3.16.4, the Mayor and Aldermen shall make its decision of one of the following:

1. Approval as recommended by the Historic Preservation Commission;
2. Continue to the next meeting or to a date certain;
3. Approval with modifications; or
4. Denial.

iv. Notification of Property Owners and Occupants

If the Mayor and Aldermen approve the historic overlay district designation, the owner and occupants of the designated district shall receive written notification of the approval and that a Certificate of Appropriateness will be required prior to undertaking any material change in appearance.

3.16.4 Criteria for Designation

The criteria below shall be applied by the review authority to determine whether the proposed local historic district is eligible for designation. At the time a new district is proposed, or the boundaries of an existing district are proposed for expansion, the review authority shall also determine whether existing buildings, structures, sites or objects within the proposed district are contributing or non-contributing. Contributing resources shall be shown on a Contributing Resource Map for the district.

a. Criteria for Local Historic District Designation

The proposed local historic district possesses integrity of location, design, setting, materials, workmanship, feeling and association and at least one of the following:

i. Is associated with events that have made a significant contribution to the broad patterns of our history; or

ii. Is associated with the lives of persons significant in our past; or

iii. Embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that

DRAFT 05.2020

possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

iv. Has yielded or may be likely to yield, information important in pre-history or history.

b. Classification of Resources and Criteria for Resource Designation

All resources within the District shall be classified and designated on the District's "Historic District Contributing Resources Map." All resources shall be identified as contributing or non-contributing as follows:

i. Contributing. All resources identified on the "Historic District Contributing Resources Map" having historic significance shall be considered "contributing" and worthy of preservation and shall be classified as "historic" for purposes hereunder.

ii. Period of Significance. Contributing buildings include those within the current Period of Significance, possess integrity of location, design, setting, materials, workmanship, feeling, and association, and meet one or more of the following criteria:

1. Are associated with events that have made a significant contribution to the broad patterns of our history; or

2. Are associated with the lives of significant persons in our past; or

3. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. Have yielded, or may be likely to yield, information important in history or prehistory.

iii. Exceptional Importance. Contributing buildings include a select group of exceptional resources constructed outside the district's Period of Significance. These resources possess integrity of location, design, setting, materials, workmanship, feeling, and association, and meet one or more of the above criteria.

iv. Non-Contributing. New construction and all resources identified as non-contributing on the "Historic District Contributing Resources Map" are classified as "non-historic" for zoning purposes hereunder.

3.16.5 Certificate of Appropriateness Required

A Certificate of Appropriateness shall be required when a material change of appearance is proposed for any property within the designated historic district.

3.16.6 Removal of Designation of a Local Historic District

a. Initiation of Removal

Any neighborhood association who initiated an application for designation as

DRAFT 05.05.2020

a local historic district or the Governing Body may submit a petition requesting the removal of the designation of a local historic district.

b. Criteria for Removing Local Historic District Designation

The criteria below shall be applied by the review authority to determine whether an existing local historic district or any portion of such district shall have its local historic district designation removed. The applicant shall also detail the reasons for the proposed removal.

i. The district has, or portions of such district have ceased to meet the criteria for local historic district designation as provided in Sec. 3.16.6.a, because the qualities which caused it to be originally designated have been lost or destroyed; or

ii. Additional information proves that the district does, or portions of such district do not meet the criteria for local historic district designation.

c. Review by the Historic Preservation Commission

i. Public Hearing and Public Notice

The Planning Director shall schedule the public hearing and give public notice in accordance with Sec. 3.2, Public Notice, that the removal of the designation as a local historic district or portions of such district shall be considered by the Historic Preservation Commission.

ii. Standards and Criteria

The Historic Preservation Commission shall evaluate the petition based upon the criteria in Sec. 3.16.6.b.

iii. Action by the Historic Preservation Commission

After consideration of the review criteria required by Sec. 3.16.6.b, the Historic Preservation Commission shall provide a recommendation which shall indicate if the proposed local historic district designation should be:

1. Retained;
2. Continued to the next meeting or to a date certain;
3. Retained with modifications; or
4. Removed.

d. Action by the Mayor and Aldermen

The Historic Preservation Commission shall forward its recommendation to the Mayor and Aldermen for final action.

i. Public Hearing and Public Notice

The Mayor and Aldermen shall schedule the public hearing and give public notice in accordance with Sec. 3.2, Public Notice.

DRAFT 05.05.2020

ii. Standards and Criteria

The Mayor and Aldermen shall evaluate the petition based upon the criteria in Sec. 3.16.6.b.

iii. Action by the Mayor and Aldermen

After consideration of the review criteria required by Sec. 3.16.6.b, the Mayor and Aldermen shall determine if the proposed local historic district designation shall be:

1. Retained;
2. Continued to the next meeting or to a date certain;
3. Retained with modifications; or
4. Removed.

e. Notification of Property Owners

The owner of each designated building, structure, site or object within the district shall receive written notification of the removal of local historic district designation from the Mayor and Aldermen.

3.16.7 Amendments to a Contributing Resources Map

a. Initiation of Amendment

The Mayor and Aldermen, Planning Director, Historic Preservation Commission, Savannah Downtown Historic District Board of Review or the property owner of the subject property within a designated local historic district may initiate the process of amending the Contributing Resources Map for a local historic district.

b. Pre-application Conference

Prior to the request to amend a Contributing Resources Map, the applicant shall participate in a pre-application conference with the Planning Director. The Planning Director shall determine whether a complete survey of the local historic district is required. The property owner may be required to complete the survey and/or provide additional information verifying that the proposed contributing resource(s) meet the designation criteria provided in Sec. 3.16.4.b.

c. Amendment Request

An application to amend a Contributing Resources Map shall be submitted to the Planning Director including any supporting documentation requested.

d. Review by the Historic Preservation Commission (Sec. 2.5) or the Savannah Downtown Historic District Board of Review (Sec. 2.6)

DRAFT 05.05.2020

i. Public Hearing and Public Notice

The Planning Director shall schedule the public hearing and give public notice in accordance with Sec. 3.2, Public Notice, that the revision to the Contributing Resources Map shall be considered by the Historic Preservation Commission or Savannah Downtown Historic District Board of Review, as applicable.

ii. Standards and Criteria

The Historic Preservation Commission or the Savannah Downtown Historic District Board of Review shall evaluate the request based upon the criteria in Sec. 3.16.4.b.

iii. Action by the Savannah Downtown Historic District Board of Review or Historic Preservation Commission

A recommendation shall be prepared and forwarded to the Mayor and Aldermen which shall review the criteria required by Sec. 3.16.4.b., and shall make a recommendation of whether the Contributing Resources Map should be:

1. Approved as recommended by the Planning Director;
2. Continued to the next meeting or to a date certain;
3. Approved with modifications; or
4. Denied.

e. Action by the Mayor and Aldermen

Within seven (7) days of the recommendation of either the Historic Preservation Commission or Savannah Downtown Historic District Board of Review, the Planning Director shall forward such recommendation to the Mayor and Aldermen for final action.

i. Public Hearing and Public Notice

The Mayor and Aldermen shall schedule the public hearing and give public notice in accordance with Sec. 3.2, Public Notice.

ii. Standards and Criteria

The Mayor and Aldermen shall evaluate the request based upon the criteria in Sec. 3.16.4.b.

iii. Action by the Mayor and Aldermen

After consideration of the review criteria required by Sec. 3.16.4.b., the Mayor and Aldermen shall take one of the following actions:

1. Approve the Contributing Resources Map as recommended by the Historic Preservation Commission or Savannah Downtown Historic Board of Review;
2. Approve the Contributing Resources Map with modifications; or
3. Deny the Contributing Resources Map.

DRAFT 05.05.2020

Sec. 3.17 Local Historic Property Designation

3.17.1 Purpose

The purpose of a local historic property designation is to:

a. Provide a uniform procedure to protect, enhance, perpetuate and use buildings, structures, sites, objects or a combination thereof that have pre-historic, historic, architectural or cultural significance;

b. Promote the identification, documentation and evaluation of the significance of individual historic resources;

c. Implement the historic preservation goals, policies and programs of the Comprehensive Plan;

d. Fulfill the responsibility of the city of Savannah:

i. As a Certified Local Government under Federal preservation laws; and

ii. For Federal Section 106 reviews regarding historic resources.

e. Preserve and protect contributing resources from demolition and prevent demolition by neglect (see Sec. 3.20, Proactive Preservation);

f. Ensure compatibility of new construction and alterations within the local historic property;

g. Promote the educational and cultural welfare of the people of the city of Savannah;

h. Encourage and promote adaptive reuse of historic properties; and

i. Promote public awareness of the value of rehabilitation, restoration and maintenance of the existing building stock and of programs that offer financial incentives for historic preservation.

3.17.2 Applicability

a. The Mayor and Aldermen may designate a property as a local historic property. O.C.G.A. §44-10-21 (“Georgia Historic Preservation Act”), as amended, grants this power to local governing bodies and also sets forth the minimum criteria for such designation.

b. A designated local historic property shall be adopted as an historic property overlay district and identified with an “H-P-O” (Historic Property Overlay) designation on the official zoning map and designated local historic districts identified in Sec. 7.0. Any use permitted in the base zoning district for the local historic property is permitted.

3.17.3 Designation of a Local Historic Property

a. Initiation of Application

An application for designating a local historic property must be initiated by the property owner. The application must be accompanied by the signature of the

DRAFT 05.05.2020

property owner. If the property owner does not support the designation, the application cannot be processed.

b. Pre-application Conference

Prior to the submittal of an application for a local historic property designation, the applicant(s) shall participate in a pre-application conference with the Planning Director.

c. Required Public Notice

Public notice shall be provided in accordance with the procedures in Sec. 3.2, Public Notice.

d. Interim Protection

i. Upon receipt of the completed application for designation of a local historic property, interim protection measures shall be immediately in effect to preserve the historic integrity of the property during the evaluation process.

ii. Any material changes in appearance shall be evaluated by the Planning Director according to the U.S. Secretary of the Interior Standards and Guidelines for Rehabilitation before a building permit is issued. If the proposed material change is not in compliance with the Standards and Guidelines for Rehabilitation, no building permit shall be issued.

iii. The interim protection shall be removed when final action has been taken on the property designation by the Mayor and Aldermen (either to approve or reject the designation) or one (1) year from date of receipt of a completed application, whichever is sooner.

e. Preparation of a Historic Designation Report

i. Upon receipt of the application for designation of a local historic property, the Planning Director shall prepare a Historic Designation Report. The Historic Designation Report shall address the minimum requirements of O.C.G.A. §44-10-21, as amended, including:

1. A description of the proposed boundaries of the historic property or properties;

2. The name(s) of the owner(s) of the property;

3. A description of the historic buildings, structures, sites and objects within the proposed property, to include the identification of contributing or non-contributing status of each;

4. Specific design standards that reflect the individual character of the historic property to evaluate a requested material change.

ii. Upon completion of the Historic Designation Report, the plan shall be forwarded to the Georgia Division of Historic Preservation of the Department of Natural Resources or its successor.

DRAFT 05.05.2020

iii. Upon receipt of comments from the Division of Historic Preservation, the Planning Director shall amend the Historic Designation Report, if required, and prepare a recommendation to the Historic Preservation Commission.

f. Review by the Historic Preservation Commission

i. Public Hearing and Public Notice

The Planning Director shall schedule the public hearing and give public notice in accordance with Sec. 3.2, Public Notice, that the designation of a local historic property overlay district shall be considered by the Historic Preservation Commission.

ii. Standards and Criteria

The Historic Preservation Commission shall evaluate the proposed local historic property based upon the criteria in Sec. 3.17.4.

iii. Action by the Historic Preservation Commission

After consideration of the review criteria required by Sec. 3.17.4, the Historic Preservation Commission shall adopt a recommendation which shall indicate if the historic property designation should be:

1. Approved as recommended by the Planning Director;
2. Approved with modifications;
3. Continued to the next meeting or to a date certain; or
4. Denied.

g. Action by the Mayor and Aldermen

The Historic Preservation Commission shall forward its recommendation to the Mayor and Aldermen for final action.

i. Public Hearing and Public Notice

The Mayor and Aldermen shall schedule the public hearing and give public notice in accordance with Sec. 3.2, Public Notice.

ii. Standards and Criteria

The Mayor and Aldermen shall evaluate the proposed local historic property based upon the criteria in Sec. 3.17.4.

iii. Action by the Mayor and Aldermen

After consideration of the review criteria required by Sec. 3.17.4, the Mayor and Aldermen shall adopt a final decision of one of the following:

1. Approval as recommended by the Historic Preservation Commission;
2. Approval with modifications;
3. Continued to the next meeting or to a date certain; or
4. Denial.

DRAFT 05.05.2020

iv. Notification of Property Owners and Occupants

If the Mayor and Aldermen approve the historic property designation, the owner and occupants of the designated property shall receive written notification of the approval and that a Certificate of Appropriateness will be required prior to undertaking any material change in appearance, as provided by O.C.G.A. §44-10-20 et seq.

3.17.4 Criteria for Designation

Any property that meets the following criteria shall be considered eligible:

a. Whether the historic property possesses integrity of location, design, setting, materials, workmanship, feeling and association, and at least one (1) of the following:

i. Is associated with events that have made a significant contribution to the broad patterns of our history;

ii. Is associated with the lives of persons significant in our past;

iii. Embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

iv. Has yielded or may be likely to yield, information important in pre-history or history.

b. Whether buildings, structures, sites or objects within the boundaries of the property shall be classified as contributing or non-contributing based on the following criteria:

i. A contributing building, structure, site or object adds to the historic, architectural or archaeological value for which the property is significant because it was present during the period of significance for the property, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period; or

ii. A non-contributing building, structure, site or object does not add to the historic, architectural or archaeological value for which the property is significant because:

1. It was not present during the period of significance for the property or does not relate to the documented significance of the property; or

2. Due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity or is capable of yielding important information about the period.

3.17.5 Certificate of Appropriateness Required

A Certificate of Appropriateness shall be required when a material change in appearance is proposed for a designated historic property.

DRAFT 05.05.2020

3.17.6 Removal of a Local Historic Property Designation

a. Initiation of Removal

The property owner of the designated local historic property may submit a petition requesting the removal of the designation of a local historic property. The petition should detail the reasons for designation removal and address the specific criteria for designation removal (Sec. 3.17.6.b).

b. Criteria for Removing Local Historic Property Designation

i. The property has ceased to meet the criteria for local historic property designation because the qualities which caused it to be originally designated have been lost or destroyed; or

ii. Additional information proves that the property does not meet the criteria for local historic property designation.

c. Review by the Historic Preservation Commission

i. Public Hearing and Public Notice

The Planning Director shall schedule the public hearing and give public notice in accordance with Sec. 3.2, Public Notice, that the removal of the designation as a local historic property shall be considered by the Historic Preservation Commission.

ii. Standards and Criteria

The Historic Preservation Commission shall evaluate the petition based upon the criteria in Sec. 3.17.6.b.

iii. Action by the Historic Preservation Commission

Following the public hearing, the Historic Preservation Commission may take one of the following actions:

1. Recommend the removal of designation as a local historic property with findings; or

2. Recommend denial of the removal of designation with findings.

d. Action by the Mayor and Aldermen

The Historic Preservation Commission shall forward its recommendation to the Mayor and Aldermen for final action.

i. Public Hearing and Public Notice

The Mayor and Aldermen shall schedule the public hearing and give public notice in accordance with Sec., 3.2, Public Notice.

ii. Standards and Criteria

The Mayor and Aldermen shall evaluate the proposed removal of local historic property designation based upon the criteria in Sec. 3.17.6.b.

DRAFT 05.05.2020

iii. Action by the Mayor and Aldermen

Following the public hearing, the Mayor and Aldermen may take one of the following actions:

1. Remove the designation as a local historic property as recommended by the Historic Preservation Commission; or

2. Deny the removal of designation as recommended by the Historic Preservation Commission.

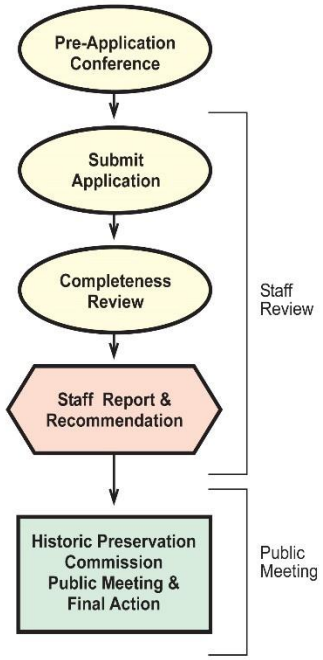
DRAFT 05.05.2020

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

3.18.1 Purpose

The purpose of this Section is to provide a process to review certain proposed activities that would result in a material change in appearance within local historic districts or local historic properties as specified in Sec. 3.18.2.b. Approval of such change shall result in a Certificate of Appropriateness.

Historic District / Property
Certificate of Appropriateness Procedure



3.18.2 Applicability

a. This Section shall only apply to local historic overlay districts and properties identified in Article 7.0, Overlay Districts, excluding the Savannah Downtown Historic Overlay District (Sec. 7.8).

b. Unless exempted by this Section or otherwise provided for in individual local historic districts or local historic properties, a Certificate of Appropriateness shall be required for the following activities:

i. New construction;

ii. A material change to the exterior appearance of any contributing or non-contributing building or structure, or contributing object, including any alteration or addition;

iii. A material change to any contributing resource which may have an adverse impact on its structural or historic integrity;

iv. A material change to, or new construction of walls, fences or paving;

v. Demolition of any contributing or non-contributing building or structure, or contributing object;

vi. Relocation of any contributing or non-contributing building or structure, or contributing object into, within or out of the local historic district or historic property;

vii. Erection, placement or alteration of any internally illuminated sign or of any sign that exceeds three (3) square feet in size;

DRAFT

viii. Erection, placement or alteration of any awning.

c. In addition to this Section, compliance with the minimum requirements of O.C.G.A. §44-10-21 ("Georgia Historic Preservation Act"), or as amended, shall be required.

Commentary: *Contributing buildings, structures, sites and objects are identified on the contributing resources map for a local historic district or property. At the time of adoption of a historic district or a historic property, a Historic Designation Report is adopted that includes the contributing resources map.*

3.18.3 Exemptions

a. A Certificate of Appropriateness is not required for:

i. General exterior maintenance or minor, in-kind repairs; however, consultation with the Planning Director is advised to discuss the extent of the work and the maintenance method or materials to be applied prior to beginning the work;

ii. Any activity in Sec. 3.18.2.b. that is not visible from a public right-of-way, with the exception of relocation or demolition;

iii. Paved pathways less than five (5) feet wide, and all sidewalks in the public right-of-way;

iv. Non-illuminated signs less than three (3) square feet in size;

v. Interior changes that do not affect the exterior of the resource provided however that interior walls and fixed furniture within three feet of an exterior void impact the exterior of the resource and is therefore subject to review;

vi. Color changes that do not involve a material change;

vii. The addition, modification or removal of any vegetation; and

viii. The temporary boarding of openings that will not exceed 30 days.

b. The Georgia Department of Transportation and any contractors, including cities and counties, performing work funded by the Georgia Department of Transportation are exempt from this Ordinance. Governing Bodies are exempt from the requirement of obtaining certificates of appropriateness; provided, however, that Governing Bodies shall notify the Historic Preservation Commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the Historic Preservation Commission an opportunity to comment based on O.C.G.A. §44-10-27.

3.18.4 Pre-application Conference

a. Required Conference

Prior to the submittal of an application for a Certificate of Appropriateness, the applicant shall participate in a pre-application conference with the

DRAFT 05.05.2020

Planning Director for major material changes in appearance alterations as identified on the application.

b. Recommended Conference

Prior to the submittal of an application for a Certificate of Appropriateness, it is recommended that the applicant participate in a pre-application conference with the Planning Director for minor alterations material changes in appearance as identified on the application.

3.18.5 Coordination with Development Plan Review

The Planning Director shall determine at the pre-application conference whether an application for a development plan is required in addition to the application for a Certificate of Appropriateness. If such plan is required, it shall be submitted in accordance with Sec. 3.8, Development Plan Review.

3.18.6 Required Public Hearing and Public Notice

Once the application has been deemed sufficient, the Planning Director shall schedule a public hearing and give public notice in accordance with Sec. 3.2, Public Notice.

3.18.7 Review by the Historic Preservation Commission

a. Review Responsibility

i. The Historic Preservation Commission shall review all material changes in appearance except those that are exempted in Sec. 3.18.3. An application for a Certificate of Appropriateness shall be submitted for such changes.

ii. Once the application has been deemed complete by the Planning Director, the application shall be scheduled for a public hearing before the Historic Preservation Commission as required by O.C.G.A. §44-10-21, or as amended.

iii. Based on the applicable review criteria in Sec. 3.18.7.b., the Planning Director shall present the application together with a recommendation for approval, continuance or denial to the Historic Preservation Commission. The recommendation may include modifications and/or conditions.

iv. Final action by the Historic Preservation Commission shall be made within 30 days of receipt of a complete application as required by O.C.G.A. §44-10-21, or as amended.

b. Review Standards and Criteria

The Historic Preservation Commission 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

DRAFT 05.05.2020

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 applicable local historic district or historic property as provided in Article 7.0, Overlay Districts;

ii. The Secretary of the Interior's Standards and Guidelines for Rehabilitation, where applicable;

iii. The sign criteria in Sec. 9.9, Signs; ~~and/or~~

iv. The relocation or demolition standards identified in Sec. 3.18.8~~.~~**;**

v. Development standards within the applicable zoning districts as identified in Article 5.0 Based Zoning Districts; and/or

vi. Accessory structure and accessory dwelling unit standards in Sec. 8.7.

~~**c. Variances**~~

~~**The Historic Preservation Commission shall be permitted to grant certain variances as specified in Sec. 3.21.9, Variances.**~~

c. Special Exceptions

The Historic Preservation Commission shall be permitted to grant certain adjustments as identified in Sec. 3.12.2.a.ix. – xi., Special Exceptions.

d. Action by the Historic Preservation Commission

After consideration of the applicable review criteria, the Historic Preservation Commission shall adopt one of the following actions:

i. Approval as recommended by the Planning Director;

ii. Approval with modifications and/or conditions;

iii. Denial; or

iv. Continued to the next meeting or to a date certain upon the request or agreement of the applicant.

3.18.8 Criteria for Relocation or Demolition

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. 3.18.8.b.) shall apply.

b. Criteria

The Historic Preservation Commission shall determine that at least one of the criteria below has been satisfied when a contributing resource is proposed for relocation or demolition.

i. The relocation or demolition is required to alleviate an immediate

DRAFT 05.05.2020

threat to public health or public safety;

ii. The relocation is required to avoid demolition;

iii. The relocation or demolition is necessary 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. The undue hardship is not of the property owner's own making.

c. Conditions

In granting a Certificate of Appropriateness for relocation or demolition, the Historic Preservation Commission may impose, in addition to those listed below, reasonable conditions as will mitigate the negative effects of the relocation or demolition.

i. Relocation

1. Contributing Resource

a. 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.

b. In addition to this sub-section, the resource proposed for relocation shall be reviewed as new construction (as provided in Article 7.0, Overlay Districts). The application for relocation and new construction shall be submitted concurrently.

c. In the case of the relocation of a contributing principal building, a Certificate of Appropriateness must first be issued for the new construction of the replacement building prior to approval of the relocation.

2. Non-Contributing Resource

a. If the resource is being relocated into or within a designated historic district or property, the relocation shall be considered new construction and the applicable historic district or property criteria for new construction (as provided in Article 7.0, Overlay Districts) shall apply. The application for relocation and new construction shall be submitted concurrently.

b. If the resource is being relocated out of a designated historic district or historic property, a Certificate of Appropriateness shall be issued.

ii. Demolition

DRAFT 03.05.2020

In the case of the demolition of a contributing principal building, a Certificate of Appropriateness must first be issued for the new construction of the replacement building prior to approval of the demolition.

d. Application Requirements

Except where a resource or portion of a resource poses an immediate threat to public safety, all applications for relocation or demolition of a contributing or non-contributing resource shall include the following information:

i. Contributing Resource

1. A detailed explanation for the relocation or demolition and why it cannot be avoided;

2. Information documenting the construction date, history and development of the property.

3. A report from a Georgia-licensed structural engineer with demonstrated experience in historic renovation, restoration or rehabilitation, as to the structural soundness of the contributing resource. The report shall also identify any dangerous structural conditions.

4. A fair market value appraisal of the property from a Georgia-licensed property appraiser. The appraisal shall include a full market sales report to include comparable sales;

5. The amount paid for the property; the remaining balance on any mortgage or other financing secured by the property; and, the annual debt service for the previous two (2) years;

6. If the property is income producing, the annual gross income from the property for the previous two (2) years; the itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service for the previous two (2) years. The Historic Preservation Commission may require details of past rental history;

7. The selling price asked and offers received within the previous two (2) years; the most recent assessed values of the property and real estate taxes (if applicable); and, evidence of listing for sale; and,

8. Any economic incentives and/or funding available to the applicant through federal, state, local or private programs.

9. In addition to the above, an application for relocation shall include:

a. A development plan of the proposed location in accordance with Sec. 3.8, Development Plan Review;

b. A report from a Georgia-licensed structural engineer with demonstrated experience in historic renovation, restoration or rehabilitation, as to the capacity for relocation of the

DRAFT 05.05.2020

resource without irreparable damage to the resource.

ii. Non-Contributing Resource

Information documenting the construction date, history and development of the property.

e. Demolition Due to Immediate Threat

Any order for demolition by the City Manager or his or her designee in whole or in part, of any contributing resource within a local historic district or local historic property due to a dangerous, hazardous or unsafe condition shall not be issued until the order has been reviewed and signed by a Georgia-licensed structural engineer, Planning Director and the City Manager.

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 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.

3.18.10 Maintenance of Resources

Resources shall be maintained in accordance with any property maintenance ordinances, nuisance abatement ordinances, this Ordinance (including Sec. 3.20, Proactive Preservation), and all other applicable ordinances and policies.

3.18.11 Appeal

Final action on a Certificate of Appropriateness may be appealed in accordance with Sec. 3.23, Appeals.

3.18.12 Enforcement

a. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. If work is not performed in accordance with the Certificate, the City Manager or his or her designee may issue a stop-work order and all work shall cease in accordance with Article 12.0, Violations, Penalties and Enforcement.

b. If work is performed without a Certificate of Appropriateness, the City Manager or his or her designee shall issue a stop-work order and all work shall cease in accordance with Article 12.0, Violations, Penalties and Enforcement.

c. For any work requiring a Certificate of Occupancy or Completion, the City Manager or his or her designee will not issue a Certificate of Occupancy or

DRAFT 05.05.2020

Completion until the Planning Director has verified the work was performed in compliance with a Certificate of Appropriateness.

3.18.13 Violation and Penalty

a. Where work is performed without issuance of a Certificate of Appropriateness, the owner shall apply for a Certificate of Appropriateness within five (5) working days of notification by the Planning Director or City Manager or his or her designee. If the application is denied, or portion of the application is denied, the owner shall be required to return the denied portion of the work to its state prior to the work within 30 days of the denial or as specified by the Historic Preservation Commission.

Violations of any provision of this Ordinance shall be punished in accordance with Article 12.0, Violations, Penalties and Enforcement.

DRAFT 05.05.2020

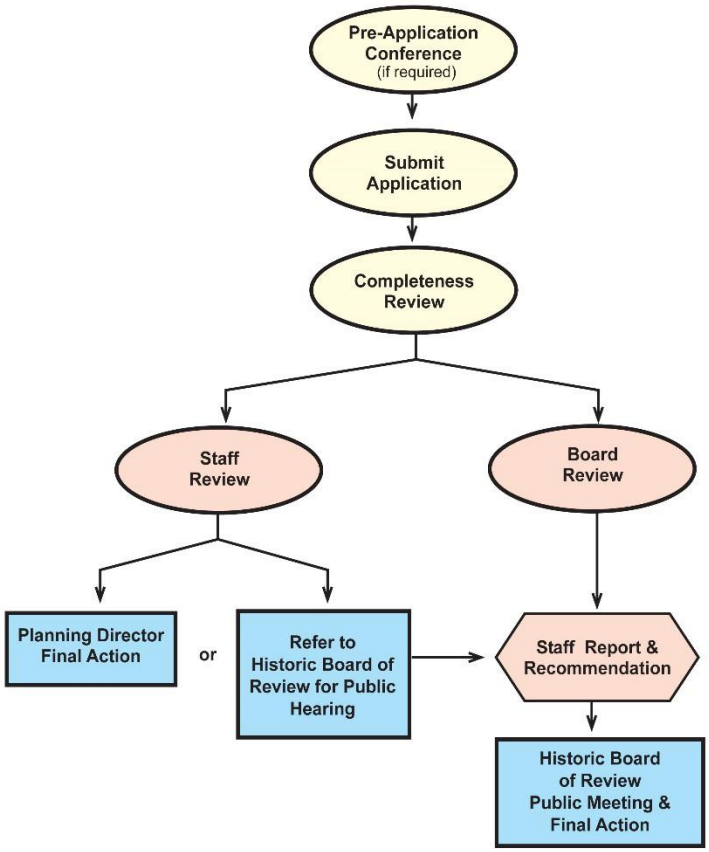
Sec. 3.19 Certificate of Appropriateness for the Savannah Downtown Historic District

3.19.1 Purpose

The purpose of this Section is to provide a process to review certain proposed activities that would result in a material change in appearance to resources within the Savannah Downtown Historic Overlay District as specified in Sec. 3.19.2.b. Approval of such change shall result in a Certificate of Appropriateness.

Commentary: *Contributing buildings, structures, sites and objects are identified on the contributing resources map for the Savannah Downtown Historic District.*

Savannah Downtown Historic District Certificate of Appropriateness Procedure



3.19.2 Applicability

a. This Section shall apply only to the Savannah Downtown Historic Overlay District, as established in Sec. 7.8.

b. Unless exempted by this Section, a Certificate of Appropriateness shall be required for the following activities:

i. New construction;

ii. A material change to the exterior appearance of any building or structure, including any alteration or addition;

iii. A material change to any contributing resource which may have an adverse impact on its structural or historic integrity;

iv. A material change to, or new construction of walls, fences, or paving;

v. Demolition of any building or structure;

vi. Relocation of any building or structure into, within, or out of the Savannah Downtown Historic District;

DRAFT

vii. Erection, placement, or alteration of any illuminated sign, any sign painted directly on a building, or of any sign that exceeds three (3) square feet in size;

viii. Erection, placement, or alteration of any awning; and

ix. A change of exterior color.

3.19.3 Exemptions

A Certificate of Appropriateness is not required for:

a. General exterior maintenance or minor, in-kind repairs; however, consultation with the Planning Director is advised to discuss the extent of the work and the maintenance method or materials to be applied prior to beginning the work;

b. Any activity in Sec. 3.19.2.b., that is not visible from a public right-of-way, with the exception of relocation or demolition;

c. Paved pathways less than five (5) feet wide and all sidewalks on the public right-of-way;

d. Non-illuminated signs less than three (3) square feet in size;

e. Interior changes that do not affect the exterior of the resource except any permanent interior features within three feet of an exterior opening (window, doors, etc.) such as interior walls, fixed furniture, fixed signage. ;

f. The addition, modification or removal of any vegetation; and

g. The temporary boarding of openings that will not exceed 30 days.

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 Historic Board of Review, it is recommended that the applicant request and participate in a pre-application conference with the Planning Director.

3.19.5 Coordination with Development Plan Review

The Planning Director shall determine at the pre-application conference whether an application for a development plan is required in addition to the application for a Certificate of Appropriateness.

3.19.6 Required Public Hearing and Public Notice

a. Once the application has been deemed sufficient, the Planning Director shall determine whether the application requires review by the Historic Board of Review or by the Planning Director based on the criteria established in Sec. 3.19.8.

b. For any application requiring review by the Historic Board of Review, the

DRAFT 05.05.2020

Planning Director shall schedule a public hearing and give public notice. For any application being reviewed by the Planning Director, public notice shall not be required.

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 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.

b. Review Criteria

The Planning Director 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; ~~and/or~~

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 Planning Director shall be permitted to grant certain adjustments as identified in Sec. 3.12.2.a.ix. – xi., Special Exceptions.

~~c.~~ d. Action by the Planning Director

Based on the applicable review criteria, findings shall be provided with the following action which shall indicate if the application should be:

i. Approved as proposed by the applicant within 45 days of receipt of a complete application;

DRAFT 05.05.2020

ii. Approved with modifications or conditions within 45 days of receipt of a complete application;

iii. Denied; or

iv. Referred to the Historic Board of Review at the discretion of the Planning Director. Public notice shall be consistent with Sec. 3.2, Public Notice.

3.19.8 Review by the Historic Board of Review

a. Review Responsibility

i. The Historic 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 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 Board of Review. The recommendation may include modifications and/or conditions.

iv. Final action by the Historic Board of Review shall be made within 30 days of receipt of a complete application.

b. Review Criteria

The Historic 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; ~~**and/or**~~

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. ~~Variances~~

~~**The Historic Board of Review may grant certain variances as specified in Sec. 3.21.9, Variances.**~~

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.

DRAFT 05.2020

d. Action by the Historic Board of Review

After consideration of the applicable review criteria, the Historic 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 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 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 Board of Review has determined that the resource is non-contributing, and the resource is being relocated into or within the Savannah Downtown Historic 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.

DRAFT 05.05.2020

2. If the Historic Board of Review has determined that the resource is non-contributing, and the resource is being relocated out of the Savannah Downtown Historic 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 sub-section, 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.

d. Application Requirements

Except where a resource or portion of a resource poses an immediate threat to public safety, all applications for relocation or demolition of a contributing resource shall include the following information:

i. A detailed explanation for the relocation or demolition and why it cannot be avoided;

ii. Information documenting the construction date, history and development of the property.

iii. A report from a Georgia-licensed structural engineer with demonstrated experience in historic renovation, restoration or rehabilitation, as to the structural soundness of the contributing resource. The report shall also identify any dangerous structural conditions.

iv. A fair market value appraisal of the property from a Georgia-licensed property appraiser. The appraisal shall include a full market sales report to include comparable sales;

v. The amount paid for the property; the remaining balance on any mortgage or other financing secured by the property; and, the annual debt service for the previous two (2) years;

vi. If the property is income producing, the annual gross income from the property for the previous two (2) years; the itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service for the previous two (2) years. The Historic Board of Review may require details of past rental history;

DRAFT 05.05.2020

vii. The selling price asked and offers received within the previous two (2) years. Most recent assessed values of the property and real estate taxes (if applicable). Include evidence of listing for sale; and,

viii. Any economic incentives and/or funding available to the applicant through federal, state, local or private programs.

ix. Relocation only:

1. A development plan of the proposed location in accordance with Sec. 3.8, Development Plan Review;

2. A report from a Georgia-licensed structural engineer with demonstrated experience in historic renovation, restoration or rehabilitation, as to its capacity for relocation without irreparable damage to the resource.

e. Demolition Due to Immediate Threat

Any order for demolition by the City Manager or his or her designee in whole or in part, of any contributing resource within the Savannah Downtown Historic District due to a dangerous, hazardous or unsafe condition shall not be issued until the order has been reviewed and signed by a Georgia-licensed structural engineer and the City Manager.

3.19.10 Time Limitation on Certificate of Appropriateness

a. An approved Certificate of Appropriateness shall be valid for 24 months from the date of approval. 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.

3.19.11 Maintenance of Resources

Resources shall be maintained in accordance with any property maintenance ordinances, nuisance abatement ordinances, this Ordinance (including Sec. 3.20, Proactive Preservation), and any other applicable ordinances and policies.

3.19.12 Appeals

Final action on a Certificate of Appropriateness, including variances, may be appealed in accordance with Sec. 3.23, Appeals.

3.19.13 Enforcement

a. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. If work is not performed in accordance with the certificate, the City Manager or his or her designee shall issue a stop-work order and all work shall cease in accordance with Article 12.0, Violations, Penalties and Enforcement.

DRAFT 05.05.20

b. If work is performed without a Certificate of Appropriateness, the City Manager or his or her designee shall issue a stop-work order and all work shall cease in accordance with Article 12.0, Violations, Penalties and Enforcement.

c. The City Manager or his or her designee will not issue a Certificate of Occupancy or Completion until the Planning Director has verified the work was performed in compliance with Certificate of Appropriateness.

3.19.14 Violation and Penalty

a. Where work is performed without issuance of a Certificate of Appropriateness, the owner shall apply for a Certificate of Appropriateness within five (5) working days of receiving notification by the Planning Director or City Manager or his or her designee. If the application is denied, or portion of the application is denied, the owner shall be required to return the denied portion of the work to its state prior to the work within 30 days of the denial or as specified by the Historic Board of Review or the Planning Director.

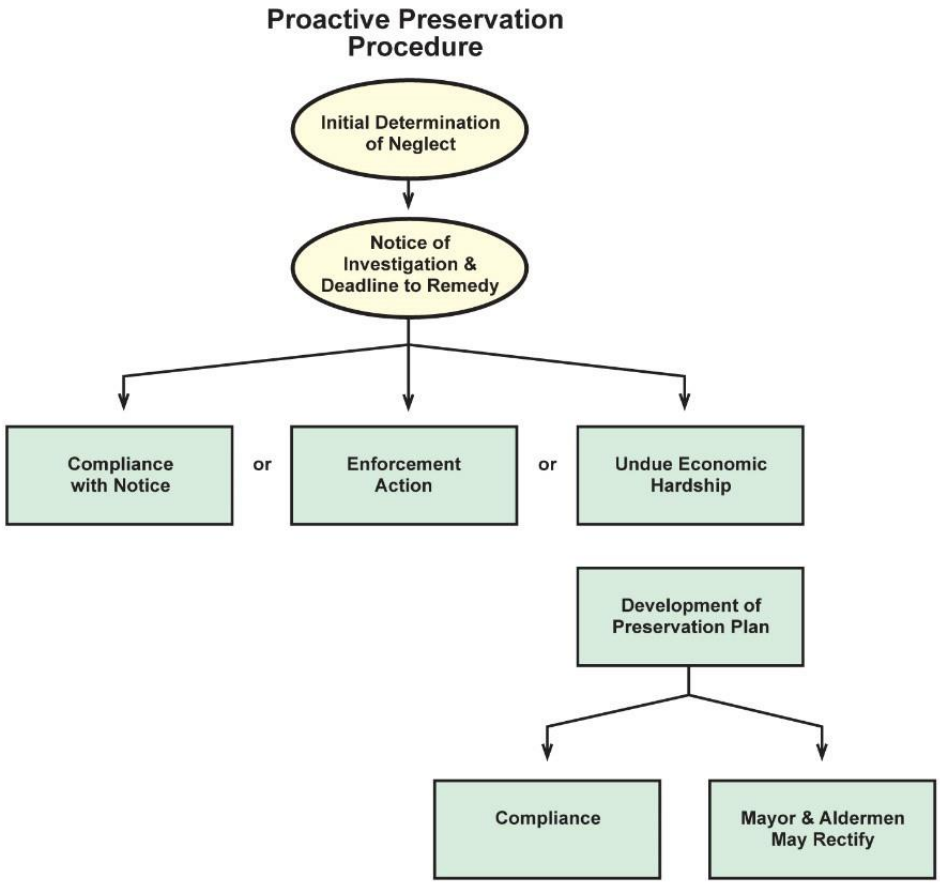
b. Violations of any provision of this Ordinance shall be punished in accordance with Article 12.0, Violations, Penalties and Enforcement.

DRAFT 05.05.2020

Sec. 3.20 Proactive Preservation

3.20.1 Purpose

The purpose of this Section is to provide a process for early detection of the deterioration of contributing buildings and structures within local historic districts and properties due to neglect, and to encourage proactive preservation before demolition due to neglect occurs. Neglectshall be considered work performed without a Certificate of Appropriateness.



3.20.2 Applicability

This Section shall apply to all local historic overlay districts and local historic properties as identified in Article 7.0, Overlay Districts.

3.20.3 Property Owner Responsibility

Property owners shall maintain or cause to be maintained the exterior and structural features of their properties in accordance with the applicable property maintenance and nuisance abatement ordinances and shall not allow conditions of neglect to occur on such properties.

3.20.4 Conditions Considered Neglect

Conditions considered neglect are defined in the International Property Maintenance Code (IPMC) and other Property Maintenance Ordinances adopted by the Mayor and Aldermen.

DRAFT

3.20.5 Process for a Determination of Neglect

a. Initial Determination of Neglect

The City Manager or his or her designee shall investigate reports of neglect and make an initial determination of neglect based on criteria in Sec. 3.20.4 above.

b. Notice of Investigation

If the City Manager or his or her designee determines that any of the conditions in Sec. 3.20.4 above exists, the City Manager or his or her designee shall notify the owner in writing of the determination of neglect and provide a deadline for rectification.

c. Enforcement

Should the property owner(s) fail to respond within the given time frame, the neglect shall be considered work performed without a Certificate of Appropriateness. The City Manager or his or her designee shall take appropriate action, as set forth in Sec. 3.18.12 and Sec. 3.18.13.

3.20.6 Undue Economic Hardship

a. Application Requirements

Should the property owner(s) claim undue economic hardship, the owner shall provide the following information, where possible:

- **i.** Nature of ownership (individual, business or nonprofit) or legal possession, custody and control;
- **ii.** Financial resources of the owner and parties of interest;
- **iii.** Estimated cost of repairs;
- **iv.** Assessed value of land and improvements;
- **v.** Real estate taxes for the previous two (2) years;
- **vi.** Amount paid for the property and date of purchase;
- **vii.** Annual debt service, if any, for previous two (2) years;
- **viii.** Any listing of property for sale or rent, price asked and offers received;
- **ix.** If income producing:
  1. Annual gross income from property for the previous two (2) years;
  2. Itemized operating and maintenance expenses for the previous two (2) years;
  3. Annual cash flow, if any, for the previous two (2) years.

b. Review Process

The Planning Director shall review the application and decide as to whether undue economic hardship exists.

3.20.7 Development of a Preservation Plan

- **a.** If it is determined that an undue economic hardship exists, the Planning Director will develop a Preservation Plan for the property which may include, but will not be limited to, the following:

DRAFT 05.05.2020

i. A detailed list of work to be completed to alleviate the determination of demolition by neglect;

ii. Any loans or grants available;

iii. Acquisition by purchase options;

iv. Time frame for rectification.

b. Should the Planning Director find that undue economic hardship does not exist, the City Manager or his or her designee shall notify the property owner and provide a time frame for rectification.

c. Should the property owner(s) fail to respond within the given time frame, regardless of the determination of economic hardship, the Mayor and Aldermen may cause such property to be repaired and rely on other legal remedies to recover the cost of repair.

3.20.8 Appeals

A determination of demolition by neglect and/or undue economic hardship may be appealed only by the property owner(s) in accordance with Sec. 3.23, Appeals.

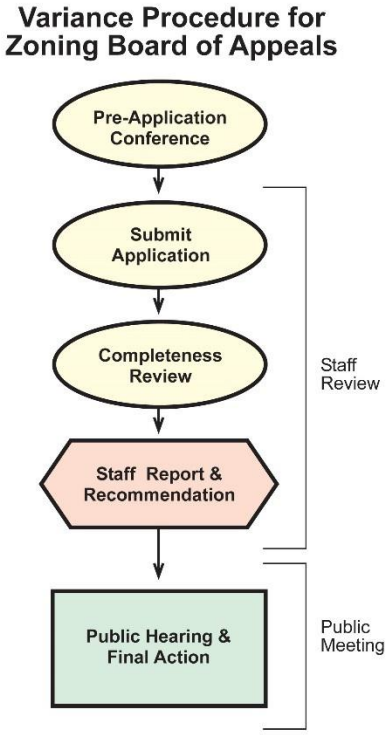
DRAFT 05.05.2020

Sec. 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, 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 ~~or Certificate of Appropriateness except in the case of appeals~~; and

ii. The Planning Commission for variances associated with a development plan~~;~~.

~~**iii.** The Historic Preservation Commission for certain standards related to Certificates of Appropriateness and identified in Sec. 3.21.9 for all local historic districts and historic properties with the exception of the Downtown Historic District; and,~~

~~**iv.** The Savannah Downtown Historic Board of Review for certain standards related to Certificates of Appropriateness and identified in Sec. 3.21.9 for only the Savannah Downtown Historic District.~~

3.21.3 Application Process

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

DRAFT 05.05

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

~~d. 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.~~

3.21.4 Reserved

3.21.5 Required Public Hearing/Public Hearing and Public Notice

Once the application has been determined complete, the Planning Director shall schedule a public hearing, as applicable, and give public notice in accordance with Sec. 3.2, Public Notice.

3.21.6 Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the applicable review authority to reach conclusions set forth below as well as have the burden of persuasion on those issues.

3.21.7 Action by the Review Authority

a. The applicable review authority shall hold a public hearing on the proposed variance and has the authority to approve, approve with conditions or deny the variance.

b. In granting any variance, the review authority may prescribe reasonable and appropriate conditions and safeguards, including but not limited to reasonable time limits within which the action for which variance is required shall be begin or be completed, or both.

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

DRAFT 05.05.2021

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

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.

Commentary: *A reduction of the minimum lot area to such a size that the density exceeds the maximum permitted by the zoning district is not permitted. An increase in density can only be approved in accordance with Sec. 3.7, Zoning Text Amendment, or by rezoning to a district that allows the increased density.*

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~~, Historic Preservation Commission and the Savannah Downtown Historic Board of Review~~.
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.

DRAFT 05.05.20

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. Historic Preservation Commission~~

~~i. Variance Authority~~

~~The Historic Preservation Commission may grant variances from the measurable design standards as provided for each local historic overlay district in Article 7.0, Overlay Districts; the building setback, and coverage and height standards in Article 5.0, Base Zoning Districts; and, from the sign standards for special districts that are designated local historic districts or historic properties in Sec. 9.9, Signs. The variance shall be reviewed concurrently with the submittal for a Certificate of Appropriateness. The Commission 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.~~

DRAFT 05.13.2020

~~d. 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 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.

DRAFT 05.05.2020

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) months from the date of approval if no building permit is issued. If a building permit 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

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 Historic Preservation Commission and Savannah Downtown Historic District Board of Review~~

~~Approval of a variance pursuant to the provisions of this Ordinance shall be valid for the same time period as provided in Sec. 3.18., Certificate of Appropriateness for Local Historic Districts and Local Historic Properties, or Sec. 3.19, Certificate of Appropriateness for Savannah Downtown Historic District, as applicable. Upon the expiration of an approved Certificate of Appropriateness or the subsequent approved building permit that are consistent with the approved Certificate of Appropriateness, the variance shall become null and void.~~

3.21.12 Circumstances which May Cause a Variance to be Revoked

A variance may be revoked if at least one of the circumstances described in Sec.

DRAFT 05.05.2020

12.8.d. is found to exist by the City Manager or his or her designee.

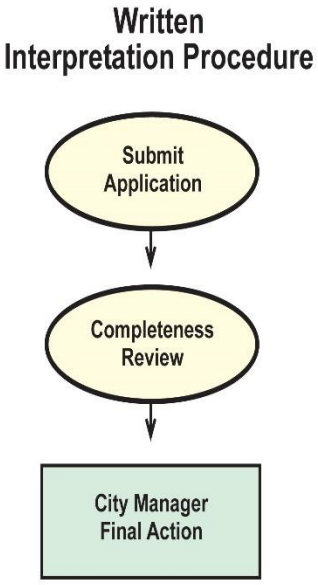
3.21.13 Appeals

Final action on a variance may be appealed in accordance with Sec. 3.23, Appeals.

DRAFT 05.05.2020

Sec. 3.22 Written Interpretations

3.22.1 Applicability



The City Manager or his or her designee shall be authorized to make all interpretations concerning the provisions of this Ordinance. As needed, the City Manager may confer with the Planning Director when rendering an interpretation. Interpretations include, but are not limited to:

a. The text of this Ordinance;

b. Zoning district boundaries; and,

c. A use not listed in this Ordinance.

3.22.2 Zoning Confirmation Letter an Interpretation

A zoning confirmation letter that verifies factual information relative to a specific property shall be considered an interpretation of this Ordinance. The City Manager or his or her designee shall be responsible for zoning confirmation letters.

3.22.3 Rendering of an Interpretation

a. The City Manager or his or her designee shall render a written interpretation within 30 business days of the request for interpretation.

b. The written interpretation shall be mailed or emailed to the applicant. If the interpretation relates to a specific property or properties and the applicant is not the owner of such property, the written interpretation shall also be mailed or emailed to the property owner(s).

c. The City Attorney and Planning Director shall also receive a copy of the written interpretation.

3.22.4 Official Record

The City of Savannah shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

3.22.5 Appeals

Final action on a written interpretation may be appealed in accordance with Sec. 3.23, Appeals.

DRAFT05.5

Sec. 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 or 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

DRAFT 05.2020

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.

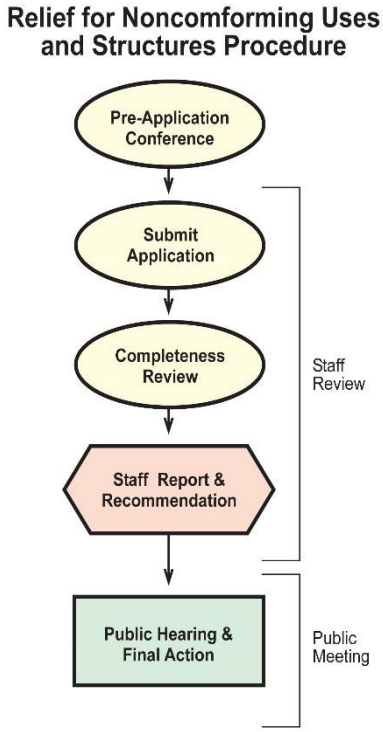
e. The appellant shall have the burden of proof.

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 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.

DRAFT 06.05.2020

Sec. 3.24 Relief for Nonconforming Uses and Structures



3.24.1 Purpose

This Section establishes procedures for the change, re-establishment or expansion of a nonconforming use of land or buildings, as well as the reconstruction of certain nonconforming structures.

3.24.2 Applicability

a. Any use of a building or land that lawfully existed prior to the adoption of this Ordinance but which fails to comply with one or more of the applicable regulations or standards of this Ordinance; and

b. The reconstruction of a nonconforming structure that has been damaged beyond 75% of its replacement cost at the time of the damage.

3.24.3 Types of Reviews

a. Change of a Nonconforming Use

b. Re-establishment of a Nonconforming Use

c. Expansion of a Nonconforming Use

d. Reconstruction of a Nonconforming Structure

3.24.4 Reserved

3.24.5 Burden of Proof

The applicant shall have the burden of presenting evidence sufficient to allow the Zoning Board of Appeals to render a decision.

3.24.6 Change of a Nonconforming Use

A change from one nonconforming use to a use permitted in the base district shall be permitted.

3.24.7 Re-establishment of a Nonconforming Use

The re-establishment of a nonconforming use shall be permitted only with the approval of the Zoning Board of Appeals in accordance with the following:

DRAFT 05.05

a. Criteria for the Re-establishment of a Nonconforming Use

The Zoning Board of Appeals shall make a finding that the request does comply or does not comply with each individual criterion provided below. If there is non-compliance with at least one of the criteria below, the request shall not be approved.

i. The design of the building cannot readily accommodate a permitted use of the zoning district in which it is located;

ii. The building has not been subsequently redesigned to house other uses;

iii. The proposed re-established use is not detrimental to the public interest, health, safety, welfare, function, and to the adjacent uses or general vicinity by reason of any one or more of the following: the number, area, location, height, orientation, intensity (such as traffic, noise, odor, hours of operation), or relation to the neighborhood or other adjacent uses;

iv. The proposed use is the same as the most recent nonconforming use; and

v. The General Site Standards comply with this Ordinance to the extent reasonably possible.

b. Criteria for the Re-establishment of a Nonconforming Use Due to Damage

The Zoning Board of Appeals shall make a finding that the request does comply or does not comply with each individual criterion provided below. If there is non-compliance with at least one of the criteria below, the request shall not be approved.

i. The proposed use is not detrimental to the public interest, health, safety, welfare, function, and the adjacent uses or general vicinity by reason of any one or more of the following: the number, area, location, height, orientation, intensity (such as traffic, noise, odor, hours of operation), or relation to the neighborhood or other adjacent uses;

ii. The use is the same as the most recent nonconforming use; and

iii. The General Site Standards comply with this Ordinance to the extent reasonably possible.

3.24.8 Expansion of a Nonconforming Use

The expansion of a nonconforming use shall be permitted only with the approval of the Zoning Board of Appeals in accordance with the following:

a. Criteria for the Expansion of a Nonconforming Use

The Zoning Board of Appeals shall make a finding that the request does comply or does not comply with each individual criterion provided below. If

DRAFT 05.05.2020

there is non-compliance with at least one of the criteria below, the request shall not be approved.

i. Criteria for the Expansion of a Nonconforming Use of Land

1. The proposed expansion is not detrimental to the public interest, health, safety, welfare, function, and the adjacent uses or general vicinity by reason of any one or more of the following: the number, area, location, height, orientation, intensity (such as traffic, noise, odor, hours of operation), or relation to the neighborhood or other adjacent uses;
2. The use of the expanded area has the same operational characteristics as the existing nonconforming use; and
3. **The General Site Standards of this Ordinance relating to the original use are complied with to the extent reasonably possible.**

ii. Criteria for Expansion of a Nonconforming Use of a Building

1. The proposed nonconforming use of a building is not detrimental to the public interest, health, safety, welfare, function, and the adjacent uses or general vicinity by reason of any one or more of the following: the number, area, location, height, orientation, intensity (such as traffic, noise, odor, hours of operation), or relation to the neighborhood or other adjacent uses;
2. The use of the expanded area has the same operational characteristics as the existing nonconforming use;
3. The General Site Standards of this Ordinance relating to the original use are complied with to the extent possible;
4. The design of the building cannot readily accommodate a permitted use of the zoning district in which it is located; and
5. The building has not been subsequently redesigned to house other uses.

3.24.9 Reconstruction of a Nonconforming Structure

The reconstruction of a nonconforming structure due to damage or destruction beyond 75% of its replacement value at the time of such damage or destruction shall be permitted only with the approval of the Zoning Board of Appeals.

a. Criteria

The Zoning Board of Appeals shall make a finding that the request does comply or does not comply with each individual criterion provided below. If

DRAFT 03.05.2020

there is non-compliance with at least one of the criteria, the request shall not be approved.

i. The reconstructed structure will not be detrimental to the public interest, health, safety, welfare, function, adjacent uses or general vicinity by reason of one or more of the following: the size, location, height, orientation or relation to the neighborhood or adjacent uses;

ii. The General Site Standards of this Ordinance are complied with to the extent reasonably possible.

3.24.10 Public Notice Requirements

a. After the application has been deemed complete by the Planning Director, the petition will be scheduled for a public hearing before the Zoning Board of Appeals.

b. Notice shall be required in accordance with the procedures in Sec. 3.2, Public Notice.

3.24.11 Action by the Zoning Board of Appeals

a. The Zoning Board of Appeals shall hold a public hearing on the petition and has the authority to approve, approve with conditions or deny the application.

b. In granting an approval, the Zoning Board of Appeals may prescribe reasonable and appropriate conditions and safeguards, including but not limited to reasonable time limits within which the action for the approval shall begin or be completed, or both.

3.24.12 Appeals

Final action by the Zoning Board of Appeals may be appealed in accordance with Sec. 3.23, Appeals.

DRAFT 05.05.2020