



Planning Commission: Draft 2 Review

Questions, Comments and Responses

As of August 9, 2012

This document includes all questions asked and comments made during the Planning Commission's review of Draft 2 of the Unified Zoning Ordinance process. Included with each question/comment is staff's response. This document will be updated after each Planning Commission meeting. Where a question number is highlighted in yellow, staff is working on a response.

Table of Contents (Staff Presentation July 10, 2012)

Question/Comment	Response
Farmer and Marshall requested an 8.5 x 11 copy of the Table of Contents comparison (UZO, existing city and county zoning ordinances) that was provided as a handout (legal size). 7/10	Provided copy after meeting to Farmer. Emailed PDF to Marshall.

Article 1.0 General Provisions (Staff Presentation July 10 & 31, 2012)

	Question/Comment	Response
1.	What is the effective date if the Governing Bodies adopt the ordinance on different dates? 7/10	Will be addressed with city and county attorneys. Possible for each governing body to adopt ordinance on different dates with a "takes effect" date to be at a later date but on the same day.
2.	Note: Staff presented Sec. 1.1 and meeting ended afterwards. Will begin with Sec. 1.2 on July 31. 7/10	n/a
3.	Sec. 1.2.2 (Computation of Time) Why are the calculations of time different in the first and second sentences? Should be consistent. Unless there is reason to do it differently. 7/31	<p>The first two sentences presently reads: "The time within which an action is to be done shall be computed by excluding the first and including the last day. In the computation of time for a public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded." It is proposed to be rewritten as follows:</p> <p>"The time within which an action is to be done shall be computed by excluding the first and including the last day. In the computation of time for a public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded."</p>



Article 1.0 General Provisions (Staff Presentation July 10 & 31, 2012)

Question/Comment		Response
4.	Sec. 1.1.6 (Relationship to the Comprehensive Plan and Other Adopted Plans) Explain why “where applicable” was added. 7/31	Known plans adopted City Council and County Commission with a land use component were used for guidance in developing the UZO. Zoning can help to implement adopted policies and achieve goals. Not all adopted plans will have a relationship to zoning.
5.	Sec. 1.2.10.d (Word Usage, Lot) Why is “land” not included? The word appears in “1.2.10.e.” 7/31	Land has been added.
6.	Sec. 1.3.1 (Official Zoning Map) The official zoning map location will be changed to the city and county clerk’s office. 7/31	We have confirmed that both the City and County Clerks keep an updated paper copy of the zoning map at their offices (supplied by the MPC). Therefore, the text has been revised as follows: “The Zoning Map for Chatham County and the city of Savannah shall be properly attested for each jurisdiction, kept on file at the office of the County Clerk or City Clerk, as applicable, and maintained in a published version and format as determined by the Governing Bodies.
7.	Sec. 1.3.4 (Zoning of Vacated Rights-of-Way) Why was this deleted? 7/31	The provision was unnecessary. All land is zoned, including rights-of-way. This will not be an issue.
8.	Where is the Governing Body Building Official defined? 7/31	This administrator is not defined; however, duties with regard to the UZO are provided in Sec. 2.8, Governing Body Building Official. [Note: Staff will define who each administrator is in the definition section.]
9.	Sec. 1.4 (Transitional Provisions) Are there sunset provisions now? What is the difference between expiration dates for an approved plan versus a plan going through process when the UZO is adopted? 7/31	A sunset provision sets a certain date by which the applicant must act upon an approval. Sunset provisions currently exist for certain types of approvals. Approvals granted by the Zoning Board of Appeals and Certificates of Appropriateness granted by staff or the Historic Review Board typically expire after one year if the project referenced in such approvals has not commenced. Outside of zoning, building permits and site plan approvals both have expiration (sunset) dates. Should such approvals/permits expire, a new application must be submitted and such application must adhere to any new rules/standards adopted since the previous approval.
10.	Is there anything the UZO can do about people who start a project and never finish it? 7/31	No. Various permits, such as a building permit, have expiration dates. However, there may be nothing to compel a person to finish a project unless it becomes, for example, a property maintenance issue or a building code violation. There are certain expiration dates for UZO-related reviews, such as a Certificate of Appropriateness; but an approved COA would not compel the applicant to move forward with project completion.

Article 4.0: Measurements and Exceptions (Reviewed July 10, 2012)		
	Question/Comment	Response
1.	Density Measurement (Sec. 4.1.4): Does the land area in a marsh count towards density? Discussion was that this only applied to properties that had a King's Grant. Will need to research. Clarify in the density section whether or not wetlands can be counted towards density. 7/10	Marsh land is claimed by the State of Georgia and is therefore not included in the land area of property. As such, it cannot be used in calculating density. The following clarification has been added to the measurement of density: "Any portion of a property that is marsh as defined by the Georgia Department of Natural Resources shall not be included in the calculation of density."
2.	Front Yard Setback (Sec. 4.1.6.b): How is the front yard determined for a corner lot? Who determines to which lot line the front of the building must be oriented? 7/10	With the exception of most historic districts, neither the current zoning ordinances nor the proposed UZO contain standards regarding how the front yard is determined for a corner lot. As long as the required front, rear and side yard setbacks are met, it does not matter which street the structure faces. Most historic districts do have standards that require setbacks of buildings to be visually compatible with the setbacks of the contributing buildings to which they are visually related. There are also standards in most historic districts that require entrances on corner lots to be oriented in the same direction as entrances of adjacent buildings or based on historic precedent.
3.	Parking Area Setback (Sec. 4.1.6.h): A graphic should be included to explain the text. 7/10	A graphic will be developed for this standard.
4.	Building Footprint (Sec. 4.1.7.a): The text should be clearer about the area under the roof. The phrase "within the exterior walls" in the last line doesn't apply in this sentence. 7/10	The last sentence for 4.1.7.a. was revised to read: "In the absence of surrounding exterior walls, the building footprint shall be the area of a building that is under a roof."
5.	Front Setback Averaging (Sec. 4.1.6.g): Use of an entire block may be too great as there are some very long blocks. Suggest keeping a distance in either direction of the property in question. Also, for those houses to be included in the average, what happens if a house is set back more than the minimum? 7/10	The standard has been revised as follows: "The required front yard setback may be established as the average of the existing front yard setbacks of the lots <u>within 200 feet</u> that are on the same block face." The following sentence has been added to this section: "Where a building is set back more than the minimum front yard setback for the zoning district, the minimum front yard setback may be used for such lot in calculating the average front yard setback."
6.	How Height is Measured (Sec. 4.1.8.a.i. and 4.1.8.b.i.): Highest point of finished grade seems to be preferred. Keeping the measurement as proposed may prevent	It has been the long-standing approach to measure building height from the average finished grade. The standard has been revised to include the word "average":

Article 4.0: Measurements and Exceptions (Reviewed July 10, 2012)	
Question/Comment	Response
someone from achieving the max. building height permitted on the highest point of a sloped lot. 7/10	"Building height shall be measured as the vertical distance from the <u>average</u> finished grade to the highest point of the roof..."
7. Building Height (Sec. 4.1.8.a): In the City of Savannah's new stormwater rules, one (1) foot of freeboard is required above the minimum flood elevation. Does this count towards the height of the building? 7/10	The City flood plain administrator recommended a revision. However, staff is waiting for a response from the county floodplain administrator before finalizing the suggested change.
8. Building Frontage (Sec. 4.1.10.c): Delete "public or private" since it applies to all streets. 7/10	This phrase has been deleted.
9. Measuring Distance from Transit Stop (4.1.11.c): Because this is transit related, the CAT Director should be included. Draft 2 Provision: "When measuring the distance to a transit stop, the distance shall be measured from the shortest route of pedestrian access from the nearest point of the transit stop, such as bus stop sign, to the nearest entry point of the building or development it is required to serve. For the purposes of this Article, "pedestrian access" shall mean access available along a public sidewalk or path or private sidewalk or path unless otherwise approved by the Planning Director and Governing Body Engineer." 7/10	The intent was for the MPC and City/County engineering to work together to determine an alternate way if a sidewalk/path is not available. Because the proposed standard is a zoning standard, the CAT Director was not included. The responsibility has been modified to be the Governing Body Building official for both 4.1.11.b. and 4.1.11.c.
10. Visibility Triangle (Sec. 4.2): If this Section simply included references to other ordinances, should it be included in the UZO?	The visibility triangle provision presently exists in both the city and county zoning ordinances (8-3013, Visibility Clearance at intersections in the city; and Section 3-7, Vision Clearance at Intersections in the county). Since this section is covered in both City and County Engineering Policy Manuals, we have removed it from the zoning ordinance. Any reference to this Section elsewhere in the document will be revised to reference those policies.
11. Exceptions, Height (Sec. 4.3.2.b) The following sentence is awkward: "The maximum height limits of a zoning district or officially adopted height map shall not apply to following unless the structure is located within the Airport Overlay District prohibited elsewhere in this Ordinance." 7/10	The sentence has been rewritten as follows: "The structures and features listed below are exempt from the height limits of any zoning district or height map except where otherwise provided by this Ordinance. However, no structure or feature shall exceed the height limits imposed by Sec. 7.2, Airport, Airfield Overlay District."

Article 4.0: Measurements and Exceptions (Reviewed July 10, 2012)		
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12	Would be helpful to know if standards are more restrictive or less. 7/10	Staff will provide this information as the draft is reviewed.
13.	Mackey: The term Zoning Administrator should be used throughout the document. 7/10	This will be addressed in Article 2, Review Bodies and Administrators. Also, as indicated in Sec. 1.1.9, "The head of an agency or department or other officer referenced in this Ordinance may authorize subordinates to perform the required actions or duties of this Ordinance unless the terms of the provision or section specify otherwise."

Article 5.0: Base Zoning Districts

Sections 5.1 – 5.3 (Reviewed July 31, 2012)		
	Question/Comment	Response
1.	Include the full name of the districts in Sec. 5.1., Zoning District Categories. 7/31	This change has been made.
2.	Sec. 5.1 (Zoning District Categories) Explain the zoning categories. 7/31	Each base zoning district is listed under one of the following broad zoning district categories: Conservation, Residential, Non-residential and Mixed-use. The purpose for the categorizing districts is because some uses have use conditions that might, for example, require separation from Residential districts by a certain distance. Instead of naming each district, the category is named for improved efficiency.
3.	Regarding the reduction of zoning districts from approximately 125 to 41: There are a multitude of uses and a broad range of uses in the Chatham Parkway area. If we reduce the number of districts, are we really capturing the character of an area? 7/31	Most of the zoning districts were created on a case-by-case basis for a specific development because there has never been a land use plan for the Chatham Parkway/Hwy.17 area to provide guidance. Based upon field work and the use of GIS, base zoning districts that capture the varying uses (from residential to industrial) and development character of the area have been applied to the zoning map to more appropriately "capture" the area's character.
4.	Referring to need to reduce zoning districts as progress...how many zoning districts were in place when city and county adopted zoning? Are we building a reduction that will only last a few years? In practical applications, will it really work? 7/31	<p>The City had 19 zoning districts when the zoning ordinance was adopted in 1960. The County had 18 districts when zoning was adopted in 1962. Today there are approximately 120 base zoning districts between the two jurisdictions.</p> <p>The 41 base districts identified as needed in the UZO address an array of land use characteristics within Savannah and the unincorporated county, from conservation to</p>

Sections 5.1 – 5.3 (Reviewed July 31, 2012)

	Question/Comment	Response
		<p>residential, from mixed use to business and industrial. Within those categories, there are varying residential densities and use intensities which cause the need for several categories of mixed-use and business districts, for example. While there may be additional base districts needed over time, the 41 proposed effectively address most land use and zoning issues.</p> <p>The prevailing reason for so many existing base districts is likely because of: 1) the zoning map was not based on a comprehensive plan (i.e., there was no blueprint to guide zoning); and, 2) numerous districts were created to address a parcel-specific issue (which base districts are not intended to do). Planned Districts (master planned developments that need more flexibility than a base district allows) and overlay districts will likely help reduce the number of base districts needed.</p>
5.	<p>If someone wants to put a restaurant in historic district, how would it happen now? The special use provision worries me. Would it make it difficult to apply the standards consistently? 7/31</p>	<p>Restaurants are permitted only where allowed by the base zoning district (shown as an “X” in the existing use table) or as a use that is approved by the Zoning Board of Appeals for the city (shown with a “B” in the existing use table). Some zoning districts include use conditions while others may not. The ZBA has the authority to add conditions to any use approval to address any concerns.</p> <p>Any use identified as a special use in the proposed UZO will be shown with an “S”. The “S” (for special use) identifies the use as being one that <i>may</i> be appropriate for a particular district given some land use controls. Those controls may vary by location depending on the individual circumstances of the property (e.g., proximity to residential, parking, etc.). Because of the variables, there may be a need for standards that are not consistent. This is inherent in the special use permit process and is similar to the existing process.</p>
6.	<p>Will people have to jump through hoops to keep their business if it becomes a special use under UZO? 7/31</p>	<p>No. If an existing, conforming use is considered a Special Use under the UZO, that use will be viewed as having received a Special Use Permit. In other words, that existing use will not have to seek Special Use approval.</p> <p>After adoption of the UZO, once a Special Use Permit is approved by the governing body (either City Council or County Commission) the business can operate provided that it is in compliance with any conditions placed upon the permit. Not all uses are special uses, which are identified in Sec. 5.4, Principal Use Table with the letter “S”.</p>
7.	<p>What board is approving special uses currently? 7/31</p>	<p>The existing ordinances treat special uses differently. Some districts require Zoning Board of Appeals approval for special uses; others require governing body approval after a recommendation by the Planning Commission (e.g., PUD-IS-B). Current state law requires the latter method. UZO has been drafted to comply with state law.</p>

Sections 5.1 – 5.3 (Reviewed July 31, 2012)

Question/Comment		Response
8.	1) When ZBA rules on special uses, is it final?; 2) In the UZO, special uses go to elected officials, correct?; 3) If the County Commission and City Council wish to rule on special uses, why bring it back to Planning Commission?; 4) What is the role for the zoning administrator in making calls on special uses?; 5) Attempt is to outline areas that the ZA is currently playing a role and where UZO is taking away any authority. 7/31	1) Yes, for the existing ordinances; an appeal would be a civil matter; 2) Yes; 3) As proposed by the UZO, and in accordance with state law, the governing body with jurisdiction would have the final say. A special use request would not return to the MPC; 4) Presently, and as proposed in the UZO, the Zoning Administrator cannot approve a special use. 5) MPC staff has identified every reference—44—to the Zoning Administrator in the city ordinance to see what the differences are. Though not completed, there are duties mentioned that the ZA does not perform (but may have at one time), duties that aren't identified but are performed and duties that are not zoning related and should not be in the zoning ordinance. This will be addressed further when Article 2.0, Development Review Bodies and Administrators is reviewed.
9.	Suggestion: Consider the pros and cons of more zoning districts w/ less special uses and less zoning districts w/ more special uses. And particularly how that applies in our community. Ex: Process for existing special uses and with the UZO. 7/31	This comment will be addressed when we begin to discuss uses in Sec. 5.4 and Secs. 8.1-8.6. Background information should help to clarify the purpose of having special uses.

Article 13.0: Word Usage, Abbreviations and Definitions

Question/Comment		Response
1.	What is a dry cleaning plant? Shouldn't a dry-cleaning plant have the ability to have drop-off? 7/10	Plants are intended for principal use high volume cleaning (i.e., items brought from elsewhere). The proposed definition of "laundry, dry-cleaning plant" includes drop-off service. The definition is: "A facility 5,000 square feet or greater engaged in high volume laundering and/or dry cleaning primarily for commercial and institutional customers. This use includes industrial laundries, carpet and upholstery cleaners, linen supply and diaper service. On-site drop off service may be provided. This term does not include Neighborhood Laundry/Dry Cleaner."
2.	Attempt to keep all dry cleaning and laundry related uses together in the definitions section. 7/10	The terms "Laundry/dry-cleaning drop-off facility" and "Laundry/Dry-cleaning Plant" have been edited to list "dry cleaning" first in order for all dry-cleaning uses to be listed together.



General Questions and Comments		
Question/Comment		Response
1.	Resend today's agenda to Commissioner Myers 7/31	Sent 8/2.