



Arthur A. Mendonsa Hearing Room
July 10, 2012 1:30 P.M.
MINUTES

July 10, 2012 MPC Planning Meeting

TR>

Members Present: J. Adam Ragsdale, Chairman
Jon Pannell, Vice-Chairman
Ellis Cook, Secretary
Tanya Milton, Treasurer
Shedrick Coleman
Ben Farmer
Timothy Mackey
Lacy Manigault
Murray Marshall

Members Not Present: Russ Abolt
Stephen Lufburrow
Susan Myers
Rochelle Small-Toney
Joseph Welch

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
Melony West, CPA, Director, Finance & Systems
Charlotte Moore, AICP, Director, Special Projects
Amanda Bunce, Development Services Planner
Geoff Goins, Development Services Planner
Bri Finau, Administrative Assistant

Advisory Staff Present: Tiras Petrea, City Zoning Administrator

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

Notice(s)

1. [July 17, 2012 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing](#)

[Room, 112 E. State Street.](#)

2. [July 31, 2012 MPC Planning Meeting at 1:30 P.M. in the Arthur A. Mendonsa Hearing Room, 112 E. State Street.](#)

III. Consent Agenda

IV. Regular Business

3. [June 12, 2012 MPC Regular Meeting and Planning Meeting Minutes](#)

Attachment: [06.12.12. MINUTES.pdf](#)

Attachment: [06.12.12 MPC BRIEFING MINUTES.pdf](#)

Board Action:

Recommend **APPROVAL** of the MPC Regular Meeting and Planning Meeting Minutes as submitted. - PASS

Vote Results

Motion: Ben Farmer

Second: Shedrick Coleman

Russ Abolt - Not Present

Shedrick Coleman - Aye

Ellis Cook - Aye

Ben Farmer - Aye

Stephen Lufburrow - Not Present

Timothy Mackey - Not Present

Lacy Manigault - Aye

Murray Marshall - Aye

Tanya Milton - Aye

Susan Myers - Not Present

Jon Pannell - Aye

Adam Ragsdale - Aye

Rochelle Small-Toney - Not Present

Joseph Welch - Not Present

4. [Unified Zoning Ordinance \(UZO\) Draft 2 Review](#)

Attachment: [PlanningCommission Thomson UZODraft2Review_120703.pdf](#)

Attachment: [Table of Contents.pdf](#)

Attachment: [Article 1.0 General Provisions.pdf](#)

Attachment: [Article 4.0 Measurements and Exceptions.pdf](#)

Attachment: [Article 13.0 Abbreviations and Definitions.pdf](#)

Mr. Thomson stated the articles discussed at this meeting are foundation articles for the rest of Draft 2. He stated discussion would follow the chairman's lead and resolutions can be noted, along with issues of concern. This is to help keep the process moving.

Ms. Charlotte Moore stated that Draft 2 of the UZO has been provided to all MPC Commissioners. It is intended to be inserted into the notebook issued previously for Draft 1.

Ms. Moore introduced the Table of Contents, including the various articles or chapters. The proposed UZO has 13 chapters. Compared to the table of contents for the city and county zoning ordinances, the UZO table of contents is more intuitive. For example, to see how a site plan would be reviewed, the reader could readily identify that it was in the *Article 3, Application Review Procedures*. As compared to the city and county zoning ordinances, this information is located in the Planned District sections. We believe the proposed UZO format will help the public find needed information quickly.

Ms. Milton stated she thinks this is easier to follow.

Mr. Thomson stated it takes about 10 minutes to remove Draft 1, which there is no need to keep, and replace with the Draft 2. *[Editor's Note: Mr. Thomson was out of the room while Ms. Moore was speaking.]*

Ms. Amanda Bunce introduced *Article 13, Abbreviations and Definitions*. The UZO identifies how certain words are used in the ordinance. Explanations of common abbreviations have also been provided. Many terms have been defined to help with interpretation. Some definitions have been added and updated. Definitions are consistent with federal, state and local laws. We have to be sure definitions are consistent and there is no conflict with the most recent version of those laws. There are some current definitions that include use or development standards; we've made sure those are in the most appropriate place and not in the definition section. All definitions are in one place. A separate section for definitions specific to signs and specific to wireless telecommunications facilities was created. Red writing indicates a change. Strikethrough would indicate deletion and any underlining indicates a revision from Draft 1.

Mr. Farmer asked about the definition of 'dry cleaner' versus 'laundry' versus 'dry cleaning plant'.

Ms. Bunce stated the dry cleaner/laundry is where we would take our clothes for self-service washing or for dry-cleaning drop-off. A plant is more industrial in nature, where pick-up and drop-off is typically at the site of the business requiring service as opposed to individual customers dropping off items. It is greater than 5,000 square feet and is located in an industrial district.

Mr. Farmer asked why does there need to be a distinction between the two.

Ms. Bunce replied it is the intensity between the two and how those uses are designed. It was carried over from the existing ordinance with a slight modification.

Mr. Farmer asked if it would affect a hotel or resort.

Ms. Bunce stated no. An on-site laundry room would be accessory to the hotel. Modifying the definitions by having them closer together to reduce confusion can be done.

Mr. Ragsdale asked if there was consensus that Article 13 is acceptable.

Ms. Bunce stated the Article 13 and other sections may have to be revisited during the review process, so it may not be necessary to approve sections at this time.

Mr. Marshall agreed with Ms. Bunce.

Mr. Coleman stated he didn't think that action was required today.

Mr. Ragsdale agreed with Ms. Bunce's suggestion. The meeting moved on to *Article 4, Measurements and Exceptions*.

Mr. Geoff Goins introduced Article 4 and began a page-by page review. Sec. 4.1 (*Measurement of Standards*) explains how the various standards of the ordinance are measured. Sec. 4.1.3.a states that area will be measured in square feet or acres. Sec. 4.1.3.b states that distances for setbacks will be measured as the shortest distance along a horizontal plane. Sec. 4.1.3.c states that fractions will always be rounded down; however, there are a few scenarios when it will round up and they have been identified in the ordinance. The net density calculation will change to gross density. Lot area is the area within the boundaries of a single lot. Lot width will be measured at the required setback line which will impact cul-de-sac lots. For lots less than 80 feet, instead of measuring along the arc, they will be measured at the chord to protect narrow lots on cul-de-sacs. Anything above 80 feet will be measured along the arc instead of the chord.

Mr. Marshall stated it does not appear easy to follow what's new or not. Regarding the density requirements, how do wetlands play into the calculations?

Mr. Goins replied that currently half of the area can be used for wetlands.

Mr. Marshall asked if it is changing from what the current ordinance is.

Mr. Goins replied he believes it has been restricted.

Mr. Ragsdale stated there used to be a King's Grant clause for marshlands and that such marshland could be included in upland density. He does not that believe that it can be included in the calculation currently.

Mr. Marshall stated he thinks the usable acreage calculation is what we are getting away from and going to a gross acreage. If one has 10 acres and three (3) of it is marsh, does one have seven (7) acres or 10? It needs to be clear. If it is upland acres and a two (2) acre pond . . . how is the calculation?

Mr. Goins replied it is not a net calculation, currently or proposed.

Mr. Goins continued that setbacks are straightforward, measured parallel to the corresponding property line whether it's the front, side or rear yard.

Ms. Bunce stated the proposed definition for front yard is "the area between the front property line and the front facade of the building and extending the entire width of the property." Yards adjacent to waterways are not considered front yards.

Mr. Marshall asked with two streets on a corner, who makes the decision as to where the front of the house is?

Ms. Bunce stated it is where the front door is. **Mr. Goins** stated we are aware of no restrictions as to where to place the front door.

Mr. Tiras Petrea stated with a standard-sized block at 60 feet by 100 feet, one can use the 100 foot side of the property to be the front yard, but there would not be much of a house once the front and rear yard setbacks were provided. For a 100 foot by 100 foot lot, yes, the developer can choose it.

Mr. Goins continued that the setback area is defined as the area between the minimum and the maximum setbacks. This standard has not been used anywhere in the ordinance, but is defined in case it was used in the future. There have been no changes in the measurement.

Mr. Goins continued with setback averaging. If the zoning district requires 25 feet on front yard setback but for some reason all the homes were built between 10 feet and 15 feet and the average is 12 feet, this allows you to build up to 12 feet on that block. The current language references all properties within 200' feet and we just changed that to the block face.

Mr. Ragsdale asked if it is incumbent on the developer to actually physically survey the front of all the houses to determine the setback average.

Mr. Goins replied he believed so.

Mr. Ragsdale asked how does he do that. Is there a stipulation in the law that allows him to go on someone else's property to do that.

Mr. Pannell asked what is the definition of a block face.

Mr. Goins stated there is a measurement of that.

Mr. Thomson stated he believed the idea to be whatever is built on (inaudible) to be representative of whatever else is to be built on the same block.

Mr. Goins continued with parking area setbacks, which are measured parallel to the right of way line. No parking can be within the setback. It does currently apply to the B & I zoning districts.

Mr. Farmer asked if parking in the front yard is addressed in the updated UZO draft.

Mr. Goins stated Article 5 (Base Zoning Districts) of the draft identifies where parking cannot be in terms of the setback. It has not been added to the 'R' (Residential) districts.

Mr. Farmer asked what was the issue with the parking.

Mr. Petrea stated it is currently being enforced by Property Maintenance [*Editor's Note: This is for the city of Savannah*]. It is in the Parking Maintenance Ordinance.

Mr. Ragsdale stated it is not in the zoning ordinance but in a separate ordinance maintained by the City.

Mr. Coleman stated he believed the parking area setback standard needs a graphic because it is hard to understand for a lay person.

Mr. Goins continued with *Building Measurements*. The measurement for building footprint is essentially the area at finished grade within the exterior faces of exterior walls. It is confusing language, but essentially it is the outside with a brick veneer to the outside of the brick, anything within that area is your building footprint. *Building coverage* is the percentage of a lot that can be covered by buildings. The *Gross Floor Area* is now going to be the area within the total area of the building including multiple floors - the interior faces of the exterior walls. The brick veneer is not included; from the drywall end is that area.

Mr. Farmer asked about the Enterprise Building, with a two-story atrium in the middle. Not all of the building area is rentable space. Will that be addressed? How this affect parking?

Mr. Goins replied that is in the parking section and will be addressed later. But that area would count as building footprint or coverage.

Mr. Marshall asked if the calculation is based on the exterior wall. Would that include porch space as well?

Mr. Coleman stated that for the definition of building footprint, the last sentence states 'in the absence of the surrounding exterior walls, the building footprint shall be the area within the exterior walls of a building as under roof' is incorrect. If you don't have exterior walls, you have no exterior walls. It should be revised to 'in the absence of exterior walls the building footprint shall be the area of the building that is under a roof'. That is usually how we calculate a building footprint from an architect's standpoint. Under the roof area would be the footprint, where you won't have walls all around it. That would take care of the covered porch issue Mr. Marshall asked about.

Mr. Ragsdale stated we will clarify that.

Mr. Mackey asked if the discussion is considered the zoning application part of the re-write or the land use portion.

Mr. Goins stated this would be more of the administration portion where we are saying how things are measured; not necessarily standards. It's helpful information for folks using the document to know how to measure so that the application of the ordinance is consistent.

Mr. Mackey stated in Mr. Goins previous discussion, on two occasions he used the word 'complicated'. He asked Mr. Goins if he was familiar with the current zoning ordinance and the proposed.

Mr. Goins replied yes.

Mr. Mackey asked with the use of the word 'complicated', is he to assume this is more

complicated than the first document in terms of understanding.

Mr. Goins stated he personally does not.

Mr. Mackey stated Mr. Goins said it was complicated twice.

Mr. Goins asked under what context.

Mr. Mackey asked that this is for a lay person to interpret and understand.

Mr. Goins stated it should help to understand the ordinance better.

Mr. Mackey stated back to Mr. Goins description, he agreed that it is complicated. He expressed concerned regarding the draft language. If you are a lay person, one may have to employ a professional to understand it.

Mr. Ragsdale stated with the discussion today, changes are being made to the language in the areas that are found to be complicated for a lay person to interpret.

Mr. Mackey stated he understands; therefore, this, as we are going over it, is complicated.

Mr. Ragsdale stated he has not found it complicated at all today; has found no problem with it.

Mr. Mackey stated we may have to get to an agreement as a board as to what probably is and isn't. This area was entitled to be a part of the written record. The language as it is, a lay person would not be able to understand it.

Mr. Ragsdale stated he does not agree.

Mr. Mackey stated Mr. Ragsdale has the right to disagree and he has the right to have in it in the written record.

Mr. Ragsdale stated it is in the record.

Mr. Farmer asked if that is the case, what also needs to be put in the record specific to the question about the draft being more complicated than the previous document, is Mr. Goins' reply that he personally did not believe it to be more complicated. In a matter of relativity, he asked Mr. Goins if he thinks it to be more complicated than the other one.

Mr. Goins stated it is different for him because he works with it every day.

Mr. Farmer asked him his personal opinion. It is a relativity issue. They all have some level of complication for the lay person. He restated that Mr. Goins did not personally think it to be more complicated, is that correct?

Mr. Goins replied that is correct.

Mr. Coleman stated it is really not possible to determine the complexity of the document without going through it and seeing how the parts relate to each other. As we go through

staff presenting it, it may appear complex to a degree but it is also incumbent upon us to do some reading on our own to get our own feel regarding complexity. Each person's level of understanding is so different that we cannot say what this lay person will do or think. We should look at what we see here from a new document standpoint. Relating it to the old book, they need help with that. We need to determine what parts are moving us forward and what is holding us back. We need to give staff an opportunity to present it and make an intelligent and objective decision as to what needs to be modified. If we don't do that, we will spend hours going through one paragraph and that is not giving a service to the community.

Mr. Farmer stated he agreed with Mr. Coleman. He acknowledged Ms. Bunce's diligence in notating all of the concerns and is confident that they will be addressed. We are making progress; we just need to stay on track.

Mr. Mackey agreed that we are making progress, he assumed. Regarding time, if his calculations are correct, 32 meetings have been added to the 2012 calendar, to get through this process. *[Editor's Note: 10 meetings have been added to the 2012 calendar.]* That is on top of the meetings we've already had in the past. In terms of time, everyone here is busy but he does not believe anyone has the travel schedule that he does. Time is of utmost importance to him. He stated he appreciates the way we are going through it but at the end of the day, it is going to be the public that will have to understand this thing. So, he does agree that they are doing a stupendous job of going through it. He reiterated his right to say on the portions of the document that he believes to be complex or may require a lay person to hire an outside professional consultant when they may not have the means to do that. That goes back to his original question: was it considered to be land use or zoning and the reply was administrative. That goes back to his original point that he stated he's been trying to make repeatedly: the zoning aspect of this document was originally written by attorneys and the current one needs to be written by attorneys again, not just reviewed by them. He wants his comments on the record because they will be heard again.

Mr. Coleman stated we represent the public and we are the public. We all will use this document. The fact that the first one was written by attorneys and it is the mess that it is does not give him the strength to say he wants them to re-write it. He believes we are on the right path and the attorneys are reviewing it and he respects all that Mr. Mackey has said. We all have equal opinion for the record and we all are exercising that right. Respect is given and the same is expected.

Mr. Goins continued that ground floor area is the same calculation as gross floor area, except it is the first floor only and not the whole building. Building height will be measured from the grade to the top of the building and where the property is within a flood-prone area, it will be measured from the finished floor.

There was discussion regarding grade, height, street level, and slope.

Mr. Goins continued with the fences and wall measurement. He stated it is basically proposed to be the same.

Mr. Ragsdale stated sections 4.1.8.a.i and 4.1.8.b.i. need to be clarified. *[Editor's Note: This is a reference to building and structure height.]*

Mr. Goins continued with *Sec. 4.1.9, Block Measurements*; the measurement for block perimeter has been reserved. Though not currently used, it may be in the future. *Block Frontage* is the distance as measured between two rights-of-way. *Lot Frontage* is the distance measured between two property lines that intersect a right-of-way.

Mr. Coleman stated that can allow the block face to be very excessive in length. He asked why was it changed from the distance of 200 foot and made a greater distance. To have it open-ended like this could create major financial burdens on persons that have to average these block faces. Some blocks are very long.

Mr. Ragsdale cited as an example, Wilmington Island Road; those waterfront properties are one massive block.

Mr. Coleman recommended a distance measurement on that again.

Mr. Marshall stated he believed that the measurement was to go to the house on either side, choosing whichever one is nearest to the street, and that is close as you can go. He believed a mistake is being made by doing anything different than that. There will be variations.

Ms. Bunce stated it is 200 feet currently.

Mr. Marshall stated he believes it should be as close as the guy on either side of the new structure.

Mr. Thomson stated a person can set it to the legal setback in a neighborhood.

Mr. Cook asked if the ordinance stated to average between the existing houses. He stated he agrees with Mr. Marshall.

Mr. Ragsdale stated current ordinance states . . .

Ms. Bunce stated the intent of the standard is for infill development in neighborhoods where all the houses were built at 15 feet or less, but the current setback standard is 25 feet. For infill the lot would not be deep enough to meet the setback or would be completely out of character. The intent of averaging—not just taking the setback that's closer—is to keep that character.

Mr. Goins continued with *Building Frontage*. It is the distance along the facade that faces the right-of-way. Because we have buildings with mitered corners, we've identified that 45 degrees or less is the measurement that counts as the facade.

Mr. Ragsdale asked if there is a linear angle associated with the measurement.

Mr. Farmer asked where does the measurement start? Coming closer to the street will yield a smaller 45 degree angle.

Mr. Coleman stated this standard does not define what the 45 degree distance is, just that if you chamfer the corner of the building at 45 degrees, at any point, that will be a part of the building frontage from each direction.

Mr. Farmer stated that the building frontage standards mentions 'on a public or private street'. He asked should the same consideration be given and what constitutes a private street. A lane next door could belong to a private property owner. He questioned if that mattered. Does a definition for a private street need to be defined?

Mr. Goins stated 'street' is defined. He is not certain about 'private street'.

Mr. Goins then continued with *Specific Situations for Distance Measurements (Sec. 4.1.11)*. A drive-thru would have vehicle stacking requirements. It would be measured from the center line of the lane. Sec. 4.1.11 b. and c. address the walking distance to remote parking or a transit stop, which are to be measured along the public or private sidewalk instead of a straight line. Sec. 4.1.11.d deals with separations between uses, which is measured as the shortest distance between property lines.

Mr. Marshall asked about parking.

Mr. Mackey asked why transit stops would be approved by Planning Director or Governing Body Engineer rather than CAT Director. *[Editor's Note: CAT stands for Chatham Area Transit.]*

Mr. Goins replied it may not be a public transit; it could be private.

Mr. Mackey asked what kind of transit stops are there that are not public.

Mr. Goins replied SCAD or perhaps a large employer. *[Editor's Note: SCAD stands for Savannah College of Art and Design.]*

Mr. Mackey asked if it could be added that public transit stops involve a CAT Director, not just the Planning Director and the Governing Body Engineer.

Mr. Thomson stated the Planning Director and the Planning Commission and the local Governing Body, not the CAT Board, administer the zoning ordinance. That is why it says what it says.

Mr. Mackey stated that he is not asking about the CAT Board. Are we not taking down positions to be talked about at a later date from the members? The notes that are being taken now...are there notes from the Board members on subject matters that we are going over that may or may not require questions either to be looked at or answered. He asked is that the purpose.

Mr. Ragsdale replied that is the purpose.

Mr. Mackey continued stated that 'C', Distance of Transit Stop, as a Board member, he is asking that we consider or seek out information as to if the CAT Director be included in any conversation that has to do with the public access transit stop.

Mr. Farmer stated this is one area he has some concern about. He stated one of the things the attorneys talked about when we met, talking about a zoning ordinance, and there was some question about other items or issues being treated. One thing he stated he was

sensitive about is transferring authority to one place to another or from where it was, and if so, why. He asked to how does this relate to how it was before. He asked if anyone else involved that may ask why were we not consulted. He also asked if that goes beyond what we are doing in zoning.

Mr. Goins replied the Zoning Administrator approves remote parking plans.

Mr. Farmer asked how would the Zoning Administrator feel about this.

Mr. Ragsdale stated a possible solution to the problem is that the language could be changed to state "approve by the Planning Director and/or appointed Governing Body representative."

Mr. Mackey asked why can't we put back in Zoning Administrator. This question has come up before. The City has a Zoning Administrator. Here again we are removing the Zoning Administrator. Forget about the CAT part, let's put in the Zoning Administrator..."unless approved by the Zoning Administrator."

Mr. Marshall stated he thought he heard the City and County Attorneys admonish us not to do what this paragraph is purporting to do. If we don't listen to them, we run the risk of all the work of going into this not going anywhere when it gets to the political arena. The whole document is subject to being not acted on.

Mr. Mackey asked does that mean if the Zoning Administrator is not added

Mr. Marshall stated it should be left to the Zoning Administrator, according to what he heard. He stated the City and County attorneys and the City Manager said to his ears when you do that, you run the risk of the whole thing not flying. So, leave it the way it is and not us get involved in it.

Mr. Mackey stated he agreed with that.

Mr. Thomson stated he conferred with staff and it will be changed to "the appropriate Governing Body."

Mr. Ragsdale asked if it should state "Governing Body's appointed representative", being that we don't know if it there always be a designated Zoning Administrator or what the position may be called.

Mr. Mackey asked what is the problem with 'Zoning Administrator'. What happens is, the less the term 'Zoning Administrator' is used, that is a very good way of weeding out a Zoning Administrator. If that's what it says now, put 'Zoning Administrator' there.

Mr. Farmer stated he agrees with all that has been said. First, we were warned sternly to stay from this. He is asking why are we going through this again; why are we changing things. It was a mandate almost. By the second draft, it should have already been changed. Secondly, he wants to know anytime anyone is changing anyone's authority. If the question had not been asked, we would not have known right now it was the Zoning Administrator. He can't go through the whole document, but it is an important issue here that the Zoning Administrator has been doing this prior to now and we were told to leave it that way and we still did it this

way. These concerns need to be addressed and not brushed aside until we call somebody's hand on it again.

Mr. Ragsdale stated the existing authority in the city and county are the Zoning Administrators with regard to these specific instances, therefore, they will be left as the Zoning Administrators in the language moving forward.

Ms. Bunce stated in the County it is called Building Official, which is the term we would use.

Mr. Goins continued with Sign Measurements. Those measurements would be in the *Sec. 9.9, Signs*. Regarding how the number of seats are determined for parking calculations (Sec. 4.1.3), 24 linear inches will count as one seat. The *Visibility Triangle*, Sec. 4.2, is a reference; the Governing Body Engineer has review responsibility. Sec.4.2.3, addresses the clear zone, an area between three (3) and 10 feet in height that must be unobstructed for visibility. The traffic engineers have agreed that is an appropriate standard.

Mr. Coleman referred back the seat measurement standard. The current bench standard is 18 inches by code. That will decrease the required parking because it will reduce the occupancy of the buildings; change the parking ratio demands. It affects land use.

Mr. Ragsdale requested staff to ask City and County Engineers if they want to add any additional information added to the Visibility Triangle Section for clarity.

Mr. Farmer asked Mr. Ragsdale exactly what would help for clarification.

Mr. Ragsdale responded stating he would have to go to the Traffic Engineer and present his design speed (speed limit) and ask what is he allowed to do.

Mr. Goins continued with *Sec. 4.3, Exceptions and Modifications* to the standards of the ordinance. Sec. 4.3.2 explains what can be located in setbacks, such as fences, walls, mailboxes, etc.

Mr. Mackey asked about 4.3.b, the *Airport Overlay District*...how does it read now in respect to the airport. He stated he is asking because the airport is governed by an authority.

Ms. Bunce stated it should read *Airport/Airfield Overlay District*. She added that staff has taken their height maps and incorporated them into the zoning ordinance to establish height limits. Those height limits cannot be exceeded in this specific district for safety issues.

Mr. Coleman stated he believes the statement needs more work other than adding 'Airfield' to it. He stated he does not understand what it is saying. It appears choppy.

Ms. Bunce agreed that word-smithing needs to occur with this statement.

Mr. Thomson stated there is a term that deals with the height: "approach envelope." That determines the height or restrictions as you approach the runway. It is precisely calculated by the airport. He stated it should be changed to that term, referencing the overlay in the airport district. Addressing Mr. Mackey, it is the FAA slope; it is the official airport requirement.

Mr. Farmer asked if the airport authority has authority beyond what is has here. How would the differing airports be affected differently?

Mr. Thomson replied we are not exercising the authority of the other entities; only advising people that are building within the overlay district.

Mr. Ragsdale stated he believes graphics would be beneficial for this section.

Ms. Bunce stated the section reference for the overlay district where the graphics are located will be added to the revised language so one will know where to look for the height maps.

Mr. Ragsdale had question about *Exceptions 4.3.2.a*, if it needs to specify freestanding walls versus walls. One can have a wall projection from a structure that would technically be building, not a wall. An architecturally distinctive wall that is attached to a building that could protrude or project past the building setback line. One could get around this the way it is worded.

Ms. Bunce explained a fence could be a solid wall; that is what we are referring to. It is the existing language in the ordinance.

Mr. Goins continued with *Sec. 4.3.3, Modifications*, things that can extend into the setback but not take up the entire setback, such as chimneys, eaves, bay windows...common features that are accessory-type elements.

Mr. Marshall asked if these allowances would violate the fire code.

Mr. Goins replied the fire code would overrule this.

Mr. Marshall stated then we should not have something in here that would conflict with the fire code.

Mr. Coleman stated there is a difference. The ones in the building code relate to you being right at a property line and these standards required that you back away from it. It needs to be determined if we want things at the property line, which means we don't need to do anything or if pull it within the property. He stated he does not think we want it to meet what the building code says because it will set different parameters. He believes it should stay as it is. What is happening in the building code relates to encroachments into right-of-way to make sure public safety is maintained. If you are in your property and we are doing something from a zoning standpoint, that is a different ballgame. We are talking encroachment into setbacks.

Mr. Goins continued that porches, decks, and patios are allowed to extend as well. Mechanical equipment, pedestrian bridges, and building connections, driveways, signs, and accessory buildings are referenced to their sections.

Mr. Mackey asked if the porches, decks, and patios are more lenient than what is currently had.

Mr. Goins stated it would be considered more lenient.

Mr. Farmer asked if there is anything that Mr. Goins is aware of that is more restrictive in this section.

Mr. Goins stated he would have to get back to him.

Mr. Ragsdale opened the floor to the public. There was no public comment to the Board.

Ms. Moore *Article 1, General Provisions*, in the remaining 10 minutes of the meeting. She stated that the authority for the zoning ordinance includes references to the State Constitution and Zoning Procedures Law. Our original ordinances are based on the 1957 Zoning Enabling Act, which was repealed in the 1980's. Much of the language in the current ordinance will be found in older ordinances throughout the state. The existing ordinance does allow local governments to decide whether they want to have zoning and to what extent; there is flexibility in state law regarding what is included in a zoning ordinance.

Mr. Farmer asked how is that applicable to us.

Ms. Moore stated that, for example, historic overlay districts can be placed in the zoning ordinance.

Mr. Ragsdale emphasized that no 'power' is being taken away from anyone or nor the telling who can do what.

Mr. Thomson stated the City Manager is the top of the food chain. For the County, it is the County Commission Chair. If they should delegate authority to another, so be it. He stressed he has not try to delegate anything to himself. No authority is being removed from anyone.

Mr. Mackey asked does this mean where the language currently says the subject is something the Zoning Administrator will make a call on, will we be shown that is what is says currently and this is what is being proposed. Will we see the difference?

Ms. Moore stated that can be done.

Mr. Marshall stated it is not our purview to change or suggest change of responsibility.

Ms. Moore continued with *Sec. 1.1.11, Effective Date* and stated that it would be determined when implementation of the ordinance would begin after its adoption. There will be guidance needed from the attorneys regarding this. The *Severability Clause* covers any problematic issues and potential lawsuits; if a particular part of the ordinance is overturned, it does not invalidate the entire document, just that section.

V. Adjournment

5. [Adjourn July 10, 2012 MPC Planning Meeting](#)

There being no further business to come before the Board, Chairman Ragsdale entertained a motion to adjourn the July 10, 2012 MPC Planning Meeting at 3:32 p.m.

Respectfully submitted,

Thomas L. Thomson
Executive Director

TLT/bf

Note: Minutes not official until signed.

The Chatham County - Savannah Metropolitan Planning Commission provides meeting summary minutes which are adopted by the respective Board. Verbatim transcripts of minutes are the responsibility of the interested party.