



Arthur A. Mendonsa Hearing Room
December 4, 2012 1:30 P.M.
MINUTES

December 4, 2012 MPC Planning Meeting

Members Present: J. Adam Ragsdale, Chairman
W. Shedrick Coleman, Vice-Chairman
Ellis Cook, Secretary
Tanya Milton, Treasurer
Russ Abolt
Stephanie Cutter
Ben Farmer
Stephen Lufburrow
Timothy Mackey
Lacy Manigault
Murray Marshall
Susan Myers
Joseph Welch

Members Not Present:

Staff Present: Thomas Thomson, P.E. AICP, Executive Director
Melony West, CPA, Director, Finance & Systems
Gary Plumbley, Acting Development Director
Marcus Lotson, Development Services Planner
Christy Adams, Director, Administration
Bri Finau, Administrative Assistant

Advisory Staff Present: Geoff Goins, City Zoning Administrator

I. Call to Order and Welcome

II. Notices, Proclamations and Acknowledgements

Notice(s)

1. [December 11, 2012 Regular MPC Meeting at 1:30 P.M. in the Arthur A. Mendonsa](#)

Hearing Room, 112 E. State Street.

III. Consent Agenda

IV. Regular Business

2. Unified Zoning Ordinance: Review of Sec. 5.4 (Principal Use Table) and Article 8 (Use Standards)

Attachment: [5.4 Principal Use Table 11-29-12.pdf](#)

Attachment: [Article 8.0 Use Standards.pdf](#)

Regular Business

Unified Zoning Ordinance Review

Ms. Charlotte Moore presented a status update of recent meetings. We are in the process of meeting with various sectors of the Savannah Area Chamber of Commerce. They had requested we meet with each of the 10 sectors. Two meetings, the Education sector and Religious Organizations sector have been completed. There was minimal turnout. A meeting with the Office sector will be on Thursday December 6th at 9:00 AM.

Mr. Farmer noted that representatives from the Board of Realtors would like to set up something. He also suggested that the local Appraisers' Association is looking for a better definition of how the special uses will affect how they appraise property.

Ms. Moore reviewed what she would be speaking of today. This section talks about uses, where they are located, what conditions they may have, how they are indicated in the ordinance, whether they are matter of right use, limited use, or special use. She noted there is still a lot to review.

For today, we are beginning with chapter 8, Use Standards, in conjunction with Section 5.4, the Principal Use Table. In the Unified Zoning Ordinance there will be only one use table. In the current ordinance there are multiple use tables because there are so many zoning districts. The city has three tables and the County has two. She explained how to view the comparison of the new and the current.

We have categorized all the principal uses by group, as is currently done. The groups are Residential, Agricultural, Civic, Commercial, Industrial, and Transportation. Each group has sub-groups. The new section has combined some of the currently existing 400 uses.

Mr. Marshall: Who determines what "General Retail" is?

Ms. Moore: There is a definition.

Ms. Moore explained that it was her intent to review every use. Today we are starting at the beginning of the Use Table, but the General Retail use is not scheduled for review today.

Mr. Farmer: how will this affect the work load of the Zoning Administrator?

Mr. Goins: He would review the definition and compare it with the intent of the applicant.

Mr. Thomson noted that the objective was to establish a better definition of the general category. Currently there is so much specificity that it was difficult to make a determination. Then they need to go through the text amendment process if the subject property does not match one of the specific definitions.

Mr. Farmer: The zoning administrator helped to write the ordinance and so I rely on his comments.

Mr. Marshall: There are 400 uses because each use was added because someone came up with it and the elected officials had to make the final determination if it was appropriate or not. If the definition is too broad then an un-elected official will make the determination. I think this is going backward and that over time we will end up with 400 uses. He doesn't want the discretion taken away from elected officials.

Mr. Ragsdale: I think we need to go through the uses before determining if we are restricting uses.

Mr. Blackburn: I think the number of uses grew with the number of districts.

Ms. Moore: There are places where uses and districts are contradictory, such as allowing single-family in light-industrial districts. This has been corrected in the new ordinance. Use conditions are identified in Article 8 and have been carried over from the old ordinances. We have made revisions, created new conditions, and eliminated others. Our intent to review the first 44 uses today, line by line. After we complete all the Principal Uses, we will review Accessory Uses, Temporary Uses, Wireless Facilities, and Cluster Development standards.

Ms. Amanda Bunce: We are beginning the review with Residential Uses. Single-family detached in the new ordinance is very similar to the current ordinance. She pointed out the exceptions. In several Victorian districts, single family detached is only allowed as a special use. We are proposing that this become a by-right use. Single family detached will no longer be allowed in certain commercial and light industrial areas.

Ms. Myers: Why not in a business neighborhood?

Ms. Bunce: When a property is adjacent to a single family detached certain standards kick in. If you allow single family detached uses you would have more conflicts between such incompatible uses. We do propose to permit single family detached in the B-L district, the limited business district, found in transitional areas.

Mr. Marshall: How will this ordinance impact the residential subdivisions out on West Bay Street?

Ms. Bunce: A lot of those subdivisions are already zoned residential and they will retain a similar category. There are some houses along Lathrop that we propose to give a residential classification and they will remain conforming.

Mr. Marshall: Is that done with the agreement of the property owner or just be driving by and seeing a house?

Ms. Bunce: Everyone will receive notification once we get into the formal adoption process. We did meet with that neighborhood association twice.

Mr. Marshall: A property owner could face a devaluation of property if he wants to be in an I-L zone and not in a single-family zone. You can do more with a property in an I-L zone even if you currently use it as a house.

Ms. Bunce: As they stand now they are not developable for industrial or office use. Parcels would have to be acquired and a development plan submitted.

Mr. Marshall: The property owners' values are being impacted and we need to be sensitive to that.

Mr. Ragsdale: It is incumbent on the property owner to be aware of what is going on around his property that has been going around for years. We have done our level best to get the word out about the zoning ordinance.

Mr. Farmer: Some of these property owners aren't even local.

Mr. Marshall: Concerning Montgomery Crossroad west of Waters Ave., an area that should be considered commercial because of high traffic volume. How will this impact that area?

Ms. Bunce: This is separate and will not impact that. That is an overlay district that affects those properties and is separate from this.

Mr. Marshall: Is the whole subdivision in the overlay district or just along the road?

Ms. Bunce: It is mostly along the frontage or one lot back. We are preparing some edits to that section. When the edits are fully prepared it will be reviewed with the Board.

Mr. Blackburn: Why are there no attached single family allowed in any single family zoning district?

Ms. Bunce: That is typically the case in the existing zoning ordinances. In all of the single family districts in the city and the county, single family attached is not permitted, with the exception of the R-6-A district which is proposed to have appropriate zoning so that those properties remain conforming under the UZO.

Ms. Bunce: Single family attached is defined as a two-family structure but on fee simple lots, like a two-unit townhouse. We are proposing this use again in similar zoning classifications. In the County, the current R-2 district permits duplexes but no single family attached. The only difference between the two is the lot structure and ownership. This change will be a gain for the county areas. In the City, the Bayfront Business district will no longer allow single family attached, but there are no duplexes along River Street. In the I-L district and B-G district no single family attached housing will be allowed. The Victorian District will now see this as a permitted use by-right.

Ms. Bunce addressed a question about RMF-3. Staff reviewed the intent of this district. They propose it in very limited uses for such things as nursing homes, assisted living facilities, dorms, and other institutional residences. It is not typical for apartments.

Mr. Blackburn: In many districts in this city there are single family and two family attached housing that works very well. Why don't we provide a special use permit for these things in these regular residential districts?

Ms. Bunce: We have received a lot of feedback from residents in single family neighborhoods that they don't want two family structures. We are talking about more suburban areas. In urban areas we allow all the residential types in the downtown area.

Mr. Blackburn: There are a lot of duplexes in Ardsley Park, particularly on corner lots.

Ms. Bunce: Based on our mapping and the current land use pulled from the Board of Assessors data base and field visits, they are nonconforming now and not permitted now. Ardsley Park has been assigned a comparable zoning classification as to what they have now. We have met with the neighborhood association on more than one occasion to discuss what is proposed for the neighborhood, and they are comfortable keeping things status quo.

Ms. Bunce: The next use is the two-family use, a duplex with two units on one lot. We are proposing a similar allowance as currently exists.

Mr. Lufburrow: Are there any areas where we have currently have duplexes which will then become nonconforming?

Ms. Bunce: Not that I'm aware of. I don't recall any.

Mr. Manigault: In meeting with neighborhood groups, what kind of feedback are you getting as far as the major changes?

Ms. Bunce: A lot of neighborhoods are not changing much. The greatest change is seen in residential areas and they are benefitting. A lot of urban neighborhoods close to downtown where a majority of the lots are nonconforming and some of the housing types are nonconforming, we created zoning districts specifically for those neighborhoods making upwards of 80% of the lots conforming.

Mr. Manigault: Are you satisfied with the attendance at these meetings?

Ms. Bunce: The attendance has been typical for how these neighborhood associations meetings are attended. Some have been 10-15 and others 30-40, depending on the neighborhood and agenda. We have taken maps with us and gone through the changes step by step. We have received generally positive feedback.

Ms. Bunce: The next use is the 3-4 family use. It is typical of the other residential uses. In the county it is a neutral issue because it is not a common residential type in the county.

Mr. Marshall: You have an "L" here. This is the first time we've seen an "L".

Ms. Bunce: The 3-4 family use is a Limited Use in the TR-1 zoning district because whenever there are 3-4 family dwellings they are the "over/under" type, i.e. only two doors. The limitation is that there can be no more than two doorways visible from the street, including lanes. You cannot have 4 units side by side; they must be two down and two up.

Ms. Bunce: This is a new zoning district. It is limited because there is a use condition, i.e. no more than 2 doorways.

Mr. Farmer: Why is the two doorway structure important?

Ms. Bunce: It is to address the structure's form. It is to encourage the two over/two under structure to maintain the character of the neighborhood.

Mr. Ragsdale: Where is the TR-1 district?

Mr. Marshall: Can we have a listing of these codes and definitions while we are going through this today? Is there a sheet in the back of the manual that someone could print and distribute to us now while we are looking through this?

Ms. Moore: On the website we have identified the proposed principal uses and identified the equivalent current uses for comparison.

Ms. Bunce: There is something that can be prepared.

Mr. Blackburn: Why do we need six single family residential districts?

Ms. Bunce: That is what we have currently, and even more. She itemized the current districts.

Mr. Ragsdale: Please bring your Zoning Ordinance books to future meetings so you can reference back and forth during these discussions.

Ms. Bunce: Moving on to townhouse use. This proposed use is very comparable to the current. The next item is apartment use. There will be a gain in some of the Victorian District. When there is a "gain" it means that the use is being added to the district as a "by right" use.

Mr. Ragsdale: A "gain" relieves the burden on the property owner?

Ms. Bunce: Yes.

Mr. Marshall: Is it in the best interest of the neighborhood to allow a property to be turned into apartments without coming to the Board of Appeals?

Ms. Bunce: There are setback restrictions, density restrictions, design standards, and parking standards that they must meet. We have met with the Victorian Association.

Ms. Bunce: Some areas that are currently R-4 will become TR-1.

Ms. Bunce: The next use is called Continuing Care Retirement Community. One property could include single family detached, duplexes, apartments, and even a nursing home all under one umbrella so residents can move from one type to another all within the same community. Currently these properties are in PUD districts. It is not a use listed in the current zoning ordinances.

Mr. Ragsdale: The RMF-3 district - is it for the islands and outlying areas? Where is RMF-3?

Ms. Bunce: It is found where there is assisted living or a retirement facility, such as a complex off of Middleground Rd.

Mr. Ragsdale: It would be helpful if at future meetings we could split the screen and have a map up showing the districts.

Ms. Bunce: The next use is Manufactured Home on a fee simple lot. A manufactured home at some point had wheels; a modular home never had wheels. The use is proposed to be permitted similar to the current ordinance. The length to width ratio and the pitch of the roof are different use conditions from the current.

Ms. Bunce: The next use is Manufactured Home Park. Use conditions are different.

Ms. Bunce: The next use is Upper Story Residential. Currently it is only allowed where the apartment use is allowed. Upper story residential is a residential unit above a non-residential use. It is permitted downtown but in suburban areas it is difficult to do it. These changes will make it easier in suburban areas. The residential use would not be allowed below a commercial use. Noise is the main reason and there may be building code issues as well.

Mr. Marshall: Took exception to the prohibition of commercial use above residential use.

Mr. Thomson: You must look at this in context. The context is that it is a business district. Currently we do not allow residential in a business district at all. Now we are proposing that an attorney could buy a building and have his office on the first floor and live above, or rent the upper unit. The context is narrow, i.e. in business districts residences will be allowed on the second or third floor.

Ms. Bunce: Apologized for being incorrect when she stated that a commercial use could not be above a residential use. She read the definition as follows: Upper story Residential: a residential dwelling unit located on a floor above a commercial use, hence the name "upper story residential". At least 80% of the ground floor shall be comprised of a commercial use." There could be some residential use on the ground floor, but for the building to be classified as commercial at least 80% of the ground floor must be of a commercial use.

Mr. Blackburn: If you have a 3-story building with a business on the 2nd floor and residential on the 1st and 3rd.

Ms. Bunce: On the ground floor, at least 80% of the ground floor should be commercial.

Mr.Blackburn: What about buildings on Jones Street where the business is on the parlor floor with residences above and below it?

Ms. Bunce: That is another use category that will become clear as we go through this.

Mr. Ragsdale: I'd like to put this on the shelf and come back to us with a more thorough explanation and some practical applications of the district so we can understand how it works.

Mr. Manigault: A couple years ago we went through this and it was primarily for property values.

Mr. Farmer: We are going way beyond zoning. If a business is upstairs or downstairs

what does it have to do with zoning?

Ms. Bunce: We will come back to this issue.

Mr. Marshall: At what point in the process can we make changes to what is proposed by staff?

Mr. Ragsdale: We will go through this process of explanation, get our questions out there, get the items put on the shelf we want put on the shelf, and then after we have gone through the entire thing the staff will come back to us with answers to questions, further definitions and details for the items that were put on the shelf.

Ms. Bunce: What we have been doing is making necessary revisions to the ordinance as we go and putting the reviewed part of it aside.

Mr. Thomson: As we hear comments from these sessions, we make revisions on the draft. The things we put on the board to come back to, we will discuss prior to finishing the process, or at the end of the process. We need to get further into the process. Members who have questions or changes should write them down and turn them in. Then we will put them on the agenda as specific items for discussion. Jumping around doesn't give us time to evaluate suggested changes.

Mr. Marshall: I am not going to spend time outside of the meeting to review UZO.

Mr. Ragsdale: We don't go to the next chapter until we have resolved our concerns.

Mr. Farmer: The process, as slow and tedious as it is, is working. We are making process.

Ms. Milton: We should be highlighting our concerns and coming back to those items to be sure those concerns had been addressed.

Ms. Bunce: We have a matrix on-line. Any questions or concerns that come out of the meeting have been answered on the matrix so that you can see them. It may be that your question has been satisfied, but if not you can pull it out and bring it up at the next meeting.

Mr. Blackburn: It would help if we could identify where some of these districts are located.

Ms. Bunce: I will offer more context in the review in the future.

Mr. Ragsdale asked for a tab on their computers to see a map.

Ms. Bunce: For now we want to stay focused on getting through the uses.

Ms. Myers: I still would like an explanation of the initials.

Ms. Bunce: The next use category is Group Living.

Mr. Blackburn: Where is the definition of the districts?

Ms. Moore: In Article 5.

Mr. Mackey: That is not an acceptable response. Because one was not here when it was initially reviewed is no reason to be left in the dark. All that need to, should be brought up to speed.

Ms. Moore: Ms. Bunce will work with Mr. Blackburn. Anyone is welcome to contact us for assistance.

Ms. Moore: Residential uses – group types. The first is Assisted Living facility. The county's approach to group housing is virtually nothing. In the proposed ordinance it is listed as a matter of right in all the districts where we have located it. There are no use conditions. We have opened it up and included it in more zoning districts than are presently permitted. The county has a definition for care home but it doesn't have the use listed in the use table. It has Homes for the Aged and Children without a definition. Homes for Aged & Children are permitted by right in R-A-1, R-2-A, and R-3 districts.

Mr. Farmer: How will the general public understand all this? It is very complex.

Mr. Lufburrow: For anyone to assume that the layman who is not familiar with zoning will be able to understand all this is fooling himself. This board is going to try to understand this as best as we can, have some trust in staff, and then you're going to have to recommend passage to the governing bodies, then if it is passed you have to work with it and amend it.

Mr. Mackey: With that being said, that is why this document should not be more complex than the original document. There is the belief that the structure of the existing document was strong but there were items within the existing document that needed to be tweaked. We need to find a way to break this document down so that the layman can understand it. If they cannot understand it they will relay this to their elected officials and they will not feel comfortable passing a document that the general public does not understand. If we are all in agreement that this document should be sold, it needs to be understood.

Ms. Moore: Continuing with the use of Children's Home. This is a facility for the foster care of children. It does exist currently within the city's zoning ordinance but there is no definition. It is permitted, with the Zoning Board of Appeals approval, in the Mobile Home district and in the I-P district. In the county the closest equivalent is Homes for Aged and Children but there is no definition. We have identified here more districts

where this use would be permitted.

Mr. Marshall: Those properties in existence today that do not fit into a definition, has anyone researched as to how they came to be? Are we adding these uses into zoning districts that the public doesn't want?

Ms. Moore: There are ways for people to learn of these changes. We have met for neighborhood associations and offered the information.

Mr. Farmer: Where we are adding uses in districts where they are not currently allowed is there going to be a process or a meeting here where each neighborhood that is potentially impacted is put on notice where they will be able to come and tell us what they think?

Ms. Moore reviewed the steps taken thus far to inform the public and asked for any other suggestions.

Mr. Marshall: We are not including the public the way the elected officials expect us to include the public.

Mr. Blackburn: We are speaking of this in the abstract, but people relate to what zone their property is in and what they can do with their property.

Mr. Thomson: We are not done with public meetings. He will formulate some suggestions addressing the issue of how to get to the common man about his zoning. There is a tool on the website to see what zoning their property is in and what zoning surrounds their property. The other information they need is to review the table of the proposed zoning and see what uses are allowed in each use. The typical person should be expected to at least do this much.

Mr. Lufburrow: This change now is less drastic to the "common man" than it was when the city and county went from no zoning at all to zoning. Not everyone out there is going to know and understand how this affects them.

Mr. Coleman: Until you are affected by this book, you will not read this book. If you're never going to do reading on your own, we're never going to get through this. We cannot rely on staff presentations alone. If you read a little further in the book you might see the greater context of the whole. We will never reach all of the public. We have difficulty among the 14 on this board. I ask my fellow commissioners to put a little more time into this.

Mr. Farmer: I don't want to clean up an old mess by making a bigger mess. What we have is a familiar mess. We are dealing with process and substance which is part of the frustration. It's overwhelming.

Mr. Marshall: Trying to rewrite this ordinance will not pass, however the probability of getting all the substantive information corrected in the current document. Adopt changes to the existing ordinance. Everything we have brought up needs to be changed now. Adopt changes as we find them.

Mr. Blackburn: The bones of the current ordinance are good bones. The number of districts in existence now compared to 30 years ago have doubled or tripled, and we thought we had too many back then with too few distinctions. We're getting bogged down in the process thinking we need something new. Even the process of changing the names becomes a big bugaboo. There is a lot that can be done to unify the two ordinances, but in the end we're going to have two ordinances because we have two governing bodies. There is a new billboard standard established in the UZO and at the first opportunity the county changed it and the city changed it a different way, so now they are even further apart. There is something good to be said for making the names of the districts the same and some of the development standards the same. We can spend years arguing about process and public involvement. I think the most important thing to help the members of the commission to understand is how are these districts different and why do we need them.

Mr. Ragsdale: According to the rules of order we adopted for this process we have already exceeded our time and should leave the remaining time for comments from the public. If there are no public comments we can use the remaining time.

Ms. Myers: Were we asked by the County and City to do this or did it come out of the MPC?

Ms. Moore: In 2001 the County asked to do this. There was a kick-off for the Tri-centennial Plan which included the Comp Plan which included the UZO. There were smaller plans underway which took precedence. The Comprehensive Planning director retired and she then took on this project.

Mr. Mackey: It started in 2001 with working on the Islands Land Use Plan, the Mid-City Land Use Plan, the West Savannah Land Use Plan, and the Comprehensive Plan. I do not remember a specific request to formulate the UZO. The smaller land use plans sort of morphed into the UZO.

Ms. Moore: There was a formal amendment application to the County Commission in the late 1990's requesting that the County Zoning Ordinance be updated and they did approve the update to that ordinance. That request then morphed into the City joining in for a UZO as part of the Tri-Centennial Plan.

Mr. Ragsdale asked for any comments from the public on any of the issues discussed today.

Mr. Farmer : Can you get us a copy of the resolution from the County and City?

Ms. Moore: Yes.

Mr. Manigault: We have to be a little more patient. We are dealing with something 50 years old that has been amended and amended. We do need to work on this. I've had questions from the County and the City about when we're going to be ready to present this. I hope we can do this in 2013.

Ms. Milton: We should be able to get more done in our time frame. Make notes of our concerns and be respectful of everyone's time.

Mr. Farmer: It's not that old. Some things in it are very new. Why don't we just continue to change what is wrong with what we've got?

Mr. Blackburn: One thing we have not taken into consideration is what is constitutionally legal in this state. When you litigate portions of the ordinance and they've been upheld it is a little foolish to change things. We've been lucky with the Historic Review Ordinance which is actually done by state constitutional amendment. We can make all kinds of changes to the zoning ordinance but it won't have the strength of a state constitutional amendment. There have been numerous legal challenges and only one has been successful and City Council fixed the problem the next week. There is something to be said for its litigation history.

Mr. Coleman: Mostly it's not the zoning ordinance that is the issue but how it is enacted by the bodies that end up causing the problem. It's not what is written but the liberties taken by people that is the problem.

The meeting was adjourned.

Regular Business

Unified Zoning Ordinance Review

Ms. Charlotte Moore presented a status update of recent meetings. We are in the process of meeting with various sectors of the Savannah Area Chamber of Commerce. They had requested we meet with each of the 10 sectors. Two meetings, the Education sector and Religious Organizations sector have been completed. There was minimal turnout. A meeting with the Office sector will be on Thursday December 6th at 9:00 AM.

Mr. Farmer noted that representatives from the Board of Realtors would like to set up something. He also suggested that the local Appraisers' Association is looking for a better definition of how the special uses will affect how they appraise property.

Ms. Moore reviewed what she would be speaking of today. This section talks about uses, where they are located, what conditions they may have, how they are indicated in the ordinance, whether they are matter of right use, limited use, or special use. She noted there is still a lot to review.

For today, we are beginning with chapter 8, Use Standards, in conjunction with Section 5.4, the Principal Use Table. In the Unified Zoning Ordinance there will be only one use table. In the current ordinance there are multiple use tables because there are so many zoning districts. The city has three tables and the County has two. She explained how to view the comparison of the new and the current.

We have categorized all the principal uses by group, as is currently done. The groups are Residential, Agricultural, Civic, Commercial, Industrial, and Transportation. Each group has sub-groups. The new section has combined some of the currently existing 400 uses.

Mr. Marshall: Who determines what "General Retail" is?

Ms. Moore: There is a definition.

Ms. Moore explained that it was her intent to review every use. Today we are starting at the beginning of the Use Table, but the General Retail use is not scheduled for review today.

Mr. Farmer: how will this affect the work load of the Zoning Administrator?

Mr. Goins: He would review the definition and compare it with the intent of the applicant.

Mr. Thomson noted that the objective was to establish a better definition of the general category. Currently there is so much specificity that it was difficult to make a determination. Then they need to go through the text amendment process if the subject property does not match one of the specific definitions.

Mr. Farmer: The zoning administrator helped to write the ordinance and so I rely on his comments.

Mr. Marshall: There are 400 uses because each use was added because someone came up with it and the elected officials had to make the final determination if it was appropriate or not. If the definition is too broad then an un-elected official will make the determination. I think this is going backward and that over time we will end up with 400 uses. He doesn't want the discretion taken away from elected officials.

Mr. Ragsdale: I think we need to go through the uses before determining if we are restricting uses.

Mr. Blackburn: I think the number of uses grew with the number of districts.

Ms. Moore: There are places where uses and districts are contradictory, such as allowing single-family in light-industrial districts. This has been corrected in the new ordinance.

Use conditions are identified in Article 8 and have been carried over from the old ordinances. We have made revisions, created new conditions, and eliminated others. Our intent to review the first 44 uses today, line by line. After we complete all the Principal Uses, we will review Accessory Uses, Temporary Uses, Wireless Facilities, and Cluster Development standards.

Ms. Amanda Bunce: We are beginning the review with Residential Uses. Single-family detached in the new ordinance is very similar to the current ordinance. She pointed out the exceptions. In several Victorian districts, single family detached is only allowed as a special use. We are proposing that this become a by-right use. Single family detached will no longer be allowed in certain commercial and light industrial areas.

Ms. Myers: Why not in a business neighborhood?

Ms. Bunce: When a property is adjacent to a single family detached certain standards kick in. If you allow single family detached uses you would have more conflicts between such incompatible uses. We do propose to permit single family detached in the B-L district, the limited business district, found in transitional areas.

Mr. Marshall: How will this ordinance impact the residential subdivisions out on West Bay Street?

Ms. Bunce: A lot of those subdivisions are already zoned residential and they will retain a similar category. There are some houses along Lathrop that we propose to give a residential classification and they will remain conforming.

Mr. Marshall: Is that done with the agreement of the property owner or just be driving by and seeing a house?

Ms. Bunce: Everyone will receive notification once we get into the formal adoption process. We did meet with that neighborhood association twice.

Mr. Marshall: A property owner could face a devaluation of property if he wants to be in an I-L zone and not in a single-family zone. You can do more with a property in an I-L zone even if you currently use it as a house.

Ms. Bunce: As they stand now they are not developable for industrial or office use. Parcels would have to be acquired and a development plan submitted.

Mr. Marshall: The property owners' values are being impacted and we need to be sensitive to that.

Mr. Ragsdale: It is incumbent on the property owner to be aware of what is going on around his property that has been going around for years. We have done our level best to get the word out about the zoning ordinance.

Mr. Farmer: Some of these property owners aren't even local.

Mr. Marshall: Concerning Montgomery Crossroad west of Waters Ave., an area that should be considered commercial because of high traffic volume. How will this impact that area?

Ms. Bunce: This is separate and will not impact that. That is an overlay district that affects those properties and is separate from this.

Mr. Marshall: Is the whole subdivision in the overlay district or just along the road?

Ms. Bunce: It is mostly along the frontage or one lot back. We are preparing some edits to that section. When the edits are fully prepared it will be reviewed with the Board.

Mr. Blackburn: Why are there no attached single family allowed in any single family zoning district?

Ms. Bunce: That is typically the case in the existing zoning ordinances. In all of the single family districts in the city and the county, single family attached is not permitted, with the exception of the R-6-A district which is proposed to have appropriate zoning so that those properties remain conforming under the UZO.

Ms. Bunce: Single family attached is defined as a two-family structure but on fee simple lots, like a two-unit townhouse. We are proposing this use again in similar zoning classifications. In the County, the current R-2 district permits duplexes but no single family attached. The only difference between the two is the lot structure and ownership. This change will be a gain for the county areas. In the City, the Bayfront Business district will no longer allow single family attached, but there are no duplexes along River Street. In the I-L district and B-G district no single family attached housing will be allowed. The Victorian District will now see this as a permitted use by-right.

Ms. Bunce addressed a question about RMF-3. Staff reviewed the intent of this district. They propose it in very limited uses for such things as nursing homes, assisted living facilities, dorms, and other institutional residences. It is not typical for apartments.

Mr. Blackburn: In many districts in this city there are single family and two family attached housing that works very well. Why don't we provide a special use permit for these things in these regular residential districts?

Ms. Bunce: We have received a lot of feedback from residents in single family neighborhoods that they don't want two family structures. We are talking about more suburban areas. In urban areas we allow all the residential types in the downtown area.

Mr. Blackburn: There are a lot of duplexes in Ardsley Park, particularly on corner lots.

Ms. Bunce: Based on our mapping and the current land use pulled from the Board of Assessors data base and field visits, they are nonconforming now and not permitted now. Ardsley Park has been assigned a comparable zoning classification as to what they have now. We have met with the neighborhood association on more than one occasion to discuss what is proposed for the neighborhood, and they are comfortable keeping things status quo.

Ms. Bunce: The next use is the two-family use, a duplex with two units on one lot. We are proposing a similar allowance as currently exists.

Mr. Lufburrow: Are there any areas where we have currently have duplexes which will then become nonconforming?

Ms. Bunce: Not that I'm aware of. I don't recall any.

Mr. Manigault: In meeting with neighborhood groups, what kind of feedback are you getting as far as the major changes?

Ms. Bunce: A lot of neighborhoods are not changing much. The greatest change is seen in residential areas and they are benefitting. A lot of urban neighborhoods close to downtown where a majority of the lots are nonconforming and some of the housing types are nonconforming, we created zoning districts specifically for those neighborhoods making upwards of 80% of the lots conforming.

Mr. Manigault: Are you satisfied with the attendance at these meetings?

Ms. Bunce: The attendance has been typical for how these neighborhood associations meetings are attended. Some have been 10-15 and others 30-40, depending on the neighborhood and agenda. We have taken maps with us and gone through the changes step by step. We have received generally positive feedback.

Ms. Bunce: The next use is the 3-4 family use. It is typical of the other residential uses. In the county it is a neutral issue because it is not a common residential type in the county.

Mr. Marshall: You have an "L" here. This is the first time we've seen an "L".

Ms. Bunce: The 3-4 family use is a Limited Use in the TR-1 zoning district because whenever there are 3-4 family dwellings they are the "over/under" type, i.e. only two doors. The limitation is that there can be no more than two doorways visible from the street, including lanes. You cannot have 4 units side by side; they must be two down and two up.

Ms. Bunce: This is a new zoning district. It is limited because there is a use condition, i.e.

no more than 2 doorways.

Mr. Farmer: Why is the two doorway structure important?

Ms. Bunce: It is to address the structure's form. It is to encourage the two over/two under structure to maintain the character of the neighborhood.

Mr. Ragsdale: Where is the TR-1 district?

Mr. Marshall: Can we have a listing of these codes and definitions while we are going through this today? Is there a sheet in the back of the manual that someone could print and distribute to us now while we are looking through this?

Ms. Moore: On the website we have identified the proposed principal uses and identified the equivalent current uses for comparison.

Ms. Bunce: There is something that can be prepared.

Mr. Blackburn: Why do we need six single family residential districts?

Ms. Bunce: That is what we have currently, and even more. She itemized the current districts.

Mr. Ragsdale: Please bring your Zoning Ordinance books to future meetings so you can reference back and forth during these discussions.

Ms. Bunce: Moving on to townhouse use. This proposed use is very comparable to the current. The next item is apartment use. There will be a gain in some of the Victorian District. When there is a "gain" it means that the use is being added to the district as a "by right" use.

Mr. Ragsdale: A "gain" relieves the burden on the property owner?

Ms. Bunce: Yes.

Mr. Marshall: Is it in the best interest of the neighborhood to allow a property to be turned into apartments without coming to the Board of Appeals?

Ms. Bunce: There are setback restrictions, density restrictions, design standards, and parking standards that they must meet. We have met with the Victorian Association.

Ms. Bunce: Some areas that are currently R-4 will become TR-1.

Ms. Bunce: The next use is called Continuing Care Retirement Community. One property could include single family detached, duplexes, apartments, and even a nursing home all

under one umbrella so residents can move from one type to another all within the same community. Currently these properties are in PUD districts. It is not a use listed in the current zoning ordinances.

Mr. Ragsdale: The RMF-3 district - is it for the islands and outlying areas? Where is RMF-3?

Ms. Bunce: It is found where there is assisted living or a retirement facility, such as a complex off of Middleground Rd.

Mr. Ragsdale: It would be helpful if at future meetings we could split the screen and have a map up showing the districts.

Ms. Bunce: The next use is Manufactured Home on a fee simple lot. A manufactured home at some point had wheels; a modular home never had wheels. The use is proposed to be permitted similar to the current ordinance. The length to width ratio and the pitch of the roof are different use conditions from the current.

Ms. Bunce: The next use is Manufactured Home Park. Use conditions are different.

Ms. Bunce: The next use is Upper Story Residential. Currently it is only allowed where the apartment use is allowed. Upper story residential is a residential unit above a non-residential use. It is permitted downtown but in suburban areas it is difficult to do it. These changes will make it easier in suburban areas. The residential use would not be allowed below a commercial use. Noise is the main reason and there may be building code issues as well.

Mr. Marshall: Took exception to the prohibition of commercial use above residential use.

Mr. Thomson: You must look at this in context. The context is that it is a business district. Currently we do not allow residential in a business district at all. Now we are proposing that an attorney could buy a building and have his office on the first floor and live above, or rent the upper unit. The context is narrow, i.e. in business districts residences will be allowed on the second or third floor.

Ms. Bunce: Apologized for being incorrect when she stated that a commercial use could not be above a residential use. She read the definition as follows: Upper story Residential: a residential dwelling unit located on a floor above a commercial use, hence the name "upper story residential". At least 80% of the ground floor shall be comprised of a commercial use." There could be some residential use on the ground floor, but for the building to be classified as commercial at least 80% of the ground floor must be of a commercial use.

Mr. Blackburn: If you have a 3-story building with a business on the 2nd floor and

residential on the 1st and 3rd.

Ms. Bunce: On the ground floor, at least 80% of the ground floor should be commercial.

Mr. Blackburn: What about buildings on Jones Street where the business is on the parlor floor with residences above and below it?

Ms. Bunce: That is another use category that will become clear as we go through this.

Mr. Ragsdale: I'd like to put this on the shelf and come back to us with a more thorough explanation and some practical applications of the district so we can understand how it works.

Mr. Manigault: A couple years ago we went through this and it was primarily for property values.

Mr. Farmer: We are going way beyond zoning. If a business is upstairs or downstairs what does it have to do with zoning?

Ms. Bunce: We will come back to this issue.

Mr. Marshall: At what point in the process can we make changes to what is proposed by staff?

Mr. Ragsdale: We will go through this process of explanation, get our questions out there, get the items put on the shelf we want put on the shelf, and then after we have gone through the entire thing the staff will come back to us with answers to questions, further definitions and details for the items that were put on the shelf.

Ms. Bunce: What we have been doing is making necessary revisions to the ordinance as we go and putting the reviewed part of it aside.

Mr. Thomson: As we hear comments from these sessions, we make revisions on the draft. The things we put on the board to come back to, we will discuss prior to finishing the process, or at the end of the process. We need to get further into the process. Members who have questions or changes should write them down and turn them in. Then we will put them on the agenda as specific items for discussion. Jumping around doesn't give us time to evaluate suggested changes.

Mr. Marshall: I am not going to spend time outside of the meeting to review UZO.

Mr. Ragsdale: We don't go to the next chapter until we have resolved our concerns.

Mr. Farmer: The process, as slow and tedious as it is, is working. We are making process.

Ms. Milton: We should be highlighting our concerns and coming back to those items to be sure those concerns had been addressed.

Ms. Bunce: We have a matrix on-line. Any questions or concerns that come out of the meeting have been answered on the matrix so that you can see them. It may be that your question has been satisfied, but if not you can pull it out and bring it up at the next meeting.

Mr. Blackburn: It would help if we could identify where some of these districts are located.

Ms. Bunce: I will offer more context in the review in the future.
Mr. Ragsdale asked for a tab on their computers to see a map.

Ms. Bunce: For now we want to stay focused on getting through the uses.

Ms. Myers: I still would like an explanation of the initials.

Ms. Bunce: The next use category is Group Living.

Mr. Blackburn: Where is the definition of the districts?

Ms. Moore: In Article 5.

Mr. Mackey: That is not an acceptable response. Because one was not here when it was initially reviewed is no reason to be left in the dark. All that need to, should be brought up to speed.

Ms. Moore: Ms. Bunce will work with Mr. Blackburn. Anyone is welcome to contact us for assistance.

Ms. Moore: Residential uses – group types. The first is Assisted Living facility. The county's approach to group housing is virtually nothing. In the proposed ordinance it is listed as a matter of right in all the districts where we have located it. There are no use conditions. We have opened it up and included it in more zoning districts than are presently permitted. The county has a definition for care home but it doesn't have the use listed in the use table. It has Homes for the Aged and Children without a definition. Homes for Aged & Children are permitted by right in R-A-1, R-2-A, and R-3 districts.

Mr. Farmer: How will the general public understand all this? It is very complex.

Mr. Lufburrow: For anyone to assume that the layman who is not familiar with zoning will be able to understand all this is fooling himself. This board is going to try to understand this as best as we can, have some trust in staff, and then you're going to

have to recommend passage to the governing bodies, then if it is passed you have to work with it and amend it.

Mr. Mackey: With that being said, that is why this document should not be more complex than the original document. There is the belief that the structure of the existing document was strong but there were items within the existing document that needed to be tweaked. We need to find a way to break this document down so that the layman can understand it. If they cannot understand it they will relay this to their elected officials and they will not feel comfortable passing a document that the general public does not understand. If we are all in agreement that this document should be sold, it needs to be understood.

Ms. Moore: Continuing with the use of Children's Home. This is a facility for the foster care of children. It does exist currently within the city's zoning ordinance but there is no definition. It is permitted, with the Zoning Board of Appeals approval, in the Mobile Home district and in the I-P district. In the county the closest equivalent is Homes for Aged and Children but there is no definition. We have identified here more districts where this use would be permitted.

Mr. Marshall: Those properties in existence today that do not fit into a definition, has anyone researched as to how they came to be? Are we adding these uses into zoning districts that the public doesn't want?

Ms. Moore: There are ways for people to learn of these changes. We have met for neighborhood associations and offered the information.

Mr. Farmer: Where we are adding uses in districts where they are not currently allowed is there going to be a process or a meeting here where each neighborhood that is potentially impacted is put on notice where they will be able to come and tell us what they think?

Ms. Moore reviewed the steps taken thus far to inform the public and asked for any other suggestions.

Mr. Marshall: We are not including the public the way the elected officials expect us to include the public.

Mr. Blackburn: We are speaking of this in the abstract, but people relate to what zone their property is in and what they can do with their property.

Mr. Thomson: We are not done with public meetings. He will formulate some suggestions addressing the issue of how to get to the common man about his zoning. There is a tool on the website to see what zoning their property is in and what zoning surrounds their property. The other information they need is to review the table of the proposed zoning and see what uses are allowed in each use. The typical person should

be expected to at least do this much.

Mr. Lufburrow: This change now is less drastic to the "common man" than it was when the city and county went from no zoning at all to zoning. Not everyone out there is going to know and understand how this affects them.

Mr. Coleman: Until you are affected by this book, you will not read this book. If you're never going to do reading on your own, we're never going to get through this. We cannot rely on staff presentations alone. If you read a little further in the book you might see the greater context of the whole. We will never reach all of the public. We have difficulty among the 14 on this board. I ask my fellow commissioners to put a little more time into this.

Mr. Farmer: I don't want to clean up an old mess by making a bigger mess. What we have is a familiar mess. We are dealing with process and substance which is part of the frustration. It's overwhelming.

Mr. Marshall: Trying to rewrite this ordinance will not pass, however the probability of getting all the substantive information corrected in the current document. Adopt changes to the existing ordinance. Everything we have brought up needs to be changed now. Adopt changes as we find them.

Mr. Blackburn: The bones of the current ordinance are good bones. The number of districts in existence now compared to 30 years ago have doubled or tripled, and we thought we had too many back then with too few distinctions. We're getting bogged down in the process thinking we need something new. Even the process of changing the names becomes a big bugaboo. There is a lot that can be done to unify the two ordinances, but in the end we're going to have two ordinances because we have two governing bodies. There is a new billboard standard established in the UZO and at the first opportunity the county changed it and the city changed it a different way, so now they are even further apart. There is something good to be said for making the names of the districts the same and some of the development standards the same. We can spend years arguing about process and public involvement. I think the most important thing to help the members of the commission to under is how are these districts different and why do we need them.

Mr. Ragsdale: According the rules of order we adopted for this process we have already exceeded our time and should leave the remaining time for comments from the public. If there are no public comments we can use the remaining time.

Ms. Myers: Were we asked by the County and City to do this or did it come out of the MPC?

Ms. Moore: In 2001 the County asked to do this. There was a kick-off for the Tri-centennial Plan which included the Comp Plan which included the UZO. There were

smaller plans underway which took precedence. The Comprehensive Planning director retired and she then took on this project.

Mr. Mackey: It started in 2001 with working on the Islands Land Use Plan, the Mid-City Land Use Plan, the West Savannah Land Use Plan, and the Comprehensive Plan. I do not remember a specific request to formulate the UZO. The smaller land use plans sort of morphed into the UZO.

Ms. Moore: There was a formal amendment application to the County Commission in the late 1990's requesting that the County Zoning Ordinance be updated and they did approve the update to that ordinance. That request then morphed into the City joining in for a UZO as part of the Tri-Centennial Plan.

Mr. Ragsdale asked for any comments from the public on any of the issues discussed today.

Mr. Farmer : Can you get us a copy of the resolution from the County and City?

Ms. Moore: Yes.

Mr. Manigault: We have to be a little more patient. We are dealing with something 50 years old that has been amended and amended. We do need to work on this. I've had questions from the County and the City about when we're going to be ready to present this. I hope we can do this in 2013.

Ms. Milton: We should be able to get more done in our time frame. Make notes of our concerns and be respectful of everyone's time.

Mr. Farmer: It's not that old. Some things in it are very new. Why don't we just continue to change what is wrong with what we've got?

Mr. Blackburn: One thing we have not taken into consideration is what is constitutionally legal in this state. When you litigate portions of the ordinance and they've been upheld it is a little foolish to change things. We've been lucky with the Historic Review Ordinance which is actually done by state constitutional amendment. We can make all kinds of changes to the zoning ordinance but it won't have the strength of a state constitutional amendment. There have been numerous legal challenges and only one has been successful and City Council fixed the problem the next week. There is something to be said for its litigation history.

Mr. Coleman: Mostly it's not the zoning ordinance that is the issue but how it is enacted by the bodies that end up causing the problem. It's not what is written but the liberties taken by people that is the problem.

The meeting was adjourned.

3. UZO Information: UZO Question and Answer Matrix as of October 30, 2012

Attachment: Q&A Matrix_Oct 30.pdf

V. Adjournment

4. Adjournment of December 4, 2012 MPC Planning Meeting

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.