



C H A T H A M C O U N T Y - S A V A N N A H

METROPOLITAN PLANNING COMMISSION

"Planning the Future - Respecting the Past"

M E M O R A N D U M

TO: The Planning Commission

THROUGH: Melanie Wilson, Executive Director and CEO

FROM: MPC Staff

DATE: January 27, 2026

SUBJECT: Text Amendment to the City of Savannah Zoning Ordinance

Re: **Amendment to Sections:**
2.5 (*Historic Preservation Commission*),
2.6 (*Savannah Downtown Historic District Board of Review*),
3.12 (*Special Exceptions*),
3.18 (*Certificate of Appropriateness for Local Historic Districts and Local Historic Properties*),
3.19 (*Certificate of Appropriateness for the Savannah Downtown Historic District*),
3.21 (*Variances*)
3.23 (*Appeals*)

Applicant: Bridget Lidy for The Mayor and Aldermen
of the City of Savannah, GA

MPC FILE NO: 25-000035-ZA

REQUEST: A Petition to amend Articles 2.0 (Review Bodies and Administrators) and 3.0 (Application and Review Procedures) to clarify review authority, specific criteria, and expiration timelines for Variances, Special Exceptions, and Certificates of Appropriateness.

For brevity, the proposed text amendments have been summarized as follows. The full text can be found attached to the related Agenda item.

SECTION MODIFIED	PROPOSED MODIFICATION	PURPOSE & EFFECT
SEC. 2.5.2 HPC REVIEW AUTHORITY	Adds "Sec. 3.12 a. ix - xi. Special Exceptions" to the list of text amendments the HPC reviews.	Ensures the Historic Preservation Commission (HPC) provides input on text amendments related to historic special exceptions, protecting preservation standards.

SECTION MODIFIED	PROPOSED MODIFICATION	PURPOSE & EFFECT
SEC. 2.5.2 HPC FINAL AUTHORITY	Clarifies HPC final action regarding COAs for local historic districts/properties "with the exception of Sec. 7.8, Savannah Downtown Historic Overlay District".	Explicitly removes the Downtown District from HPC jurisdiction to prevent regulatory overlap with the Downtown Board of Review.
SEC. 2.6.2 HDBR FINAL AUTHORITY	Adds "Variances as defined in Sec. 3.21" to the list of final actions for the HDBR.	Grants the Savannah Downtown Historic District Board of Review (HDBR) explicit authority to grant specified variances within its district, streamlining the process.
SEC. 2.6.3 HDBR COMPOSITION	"The Savannah Downtown Historic District Board of Review shall be composed of nine (9) members... selected by the Mayor and Aldermen".	Codifies the Board size at nine members and removes obsolete transitional language regarding previous ordinance versions.
SEC. 3.12.2.A.X SPECIAL EXCEPTIONS (APPLICABILITY)	Removes ability to adjust Secretary of Interior Standards. Allows adjustment only to "non-measurable standards of Secs. 7.8.10...".	Prevents local boards from altering federal preservation standards. Limits special exceptions to subjective, non-measurable design guidelines while measurable standards require variances.
SEC. 3.12.7 SPECIAL EXCEPTIONS (REVIEW CRITERIA)	Adds criteria: "Whether the special exception being considered would be located... in conformance with... historic character of the district...".	Creates distinct criteria for historic special exceptions, prioritizing historic character and Comprehensive Plan alignment over general use factors.
SEC. 3.12.9 SPECIAL EXCEPTIONS (TIME LIMITS)	Extends expiration period from 12 months to 24 months.	Standardizes the expiration of special exceptions to match the 24-month validity period of Certificates of Appropriateness and variances.

SECTION MODIFIED	PROPOSED MODIFICATION	PURPOSE & EFFECT
SEC. 3.19.2 DOWNTOWN COA APPLICABILITY	Updates terminology to consistently refer to the "Savannah Downtown Historic Overlay District".	Corrects nomenclature for consistency throughout the ordinance.
SEC. 3.19.7 DOWNTOWN COA STAFF REVIEW	Planning Director reviews minor changes to "contributing and noncontributing resources".	Streamlines the process by allowing MPC Staff to approve minor changes to non-historic buildings without full Board review.
SEC. 3.19.9 RELOCATION/DEMOLITION	Separates logic: "If the Historic District Board of Review has determined that the resource is non-contributing..." it acts as new construction.	Clarifies the procedure for non-contributing resources (treated as new construction) versus contributing resources (strict preservation protections).
SEC. 3.21.1 VARIANCE PURPOSE	Commentary revised to define review authority only as ZBA, Planning Commission, or HDBR (HPC removed).	Clarifies that the Historic Preservation Commission (HPC) does not have authority to grant variances; that power is reserved for ZBA, Planning Commission, and HDBR.
SEC. 3.21.3 VARIANCE PRE- APPLICATION	Removes HPC from the list. Retains ZBA, Planning Commission, and "Savannah Downtown Historic Board of Review".	Aligns the pre-application process with the removal of HPC's variance authority.
SEC. 3.21.8 VARIANCE LIMITATIONS	Adds commentary clarifying that single-family detached lots may request a reduction in minimum lot area.	Codifies interpretation that single-family detached lots are eligible for lot area reductions via variance.
SEC. 3.21.10 VARIANCE TIME LIMITS	Extends validity to 24 months. Ties expiration to "development activity" rather than just building permits.	Standardizes the life of a variance to 2 years to match COAs and Special Exceptions, accommodating complex project timelines.

SECTION MODIFIED	PROPOSED MODIFICATION	PURPOSE & EFFECT
SEC. 3.23 APPEALS	Adds explicit references to appeals from Planning Commission and HDBR decisions to ZBA and Superior Court.	Closes legal gaps by clearly defining the appeal path for all decision-making bodies, particularly the HDBR.

BACKGROUND:

Over the past year, City staff have worked with MPC staff to review issues related to *Variances* and *Special Exceptions*. Critical inconsistencies with review authority and evaluation criteria were identified, which have been recommended here for revision. The amendment provides clearer guidance for the Historic District Board of Review (HDBR), the Historic Preservation Commission (HPC), the Planning Commission, and the Zoning Board of Appeals.

Feedback was received when the City presented the proposal to the HDBR on *April 9, 2025*, and HPC on *April 23, 2025*. The revisions have been vetted by the City Attorney's Office.

FINDINGS:

1. The proposed amendments clarify the distinct roles of the *Historic Boards*. The HDBR is granted explicit authority to issue variances for measurable design standards within the Downtown District, aligning *Section 2.6.2* with *Section 3.21*. Conversely, the text clarifies that the HPC does not have variance authority, correcting a scrivener's error in *Section 3.21.1*.
2. The amendment removes the ability to grant Special Exceptions to the *Secretary of the Interior's Standards*, ensuring these federal standards cannot be altered locally. It restricts Special Exceptions to "non-measurable" design standards, allowing the Boards to determine if adjustments alter the sense of place or character of the district.
3. Currently, expiration dates vary between Variances (12 months), Special Exceptions (12 months), and COAs (24 months). This amendment standardizes the validity period for all these actions to 24 months, tied to "development activity" rather than just building permit issuance, reflecting the reality of complex construction timelines.
4. The text of [OCGA §36-66-5.1](#) regarding judicial review procedures on quasi-judicial decisions states:

"Quasi-judicial decisions as described in this chapter and zoning decisions under subparagraph (E) of paragraph (4) of Code Section 36-66-3 shall be subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided for in Title 5. Such matters shall be reviewed on the record which shall be brought to the superior court as provided in Title 5."

ORDINANCE ANALYSIS:

Per Section 3.7.7, Savannah's *Zoning Ordinance* offers four (4) review criteria for consideration of proposed text amendments:

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

MPC Staff Comment: *The amendment establishes internal consistency by aligning the "Powers and Duties" sections (2.5 and 2.6) with the "Application and Review Procedures" (3.12 and 3.21). Currently, Section 3.21.9.c grants the HDBR variance authority, but Section 2.6 does not explicitly list this power, creating administrative ambiguity. The following specific issues are addressed:*

HDBR Variance Authority: *It explicitly adds "Variances as defined in Sec. 3.21" to the Savannah Downtown Historic District Board of Review's (HDBR) list of final authorities in Section 2.6.2, matching the new variance authority granted to the HDBR in Section 3.21.9.*

HPC Variance Authority: *It removes the Historic Preservation Commission (HPC) from the list of review authorities for Variances in the Section 3.21.1 commentary and the pre-application conference list in Section 3.21.3, aligning Article 3 with Article 2.5, which does not grant the HPC variance power.*

Appeals Process: *It explicitly adds the Planning Commission and the HDBR to the appeals provisions in Section 3.23, ensuring that the bodies designated as having "Final Authority" in Sections 2.3 and 2.6 have a clearly defined legal pathway for appeals.*

Special Exception Review: *It adds "Sec. 3.12 a. ix - xi. Special Exceptions" to the list of text amendments the HPC reviews in Section 2.5.2, ensuring the body responsible for historic preservation in Article 2 has input on amendments to historic Special Exception standards in Article 3.*

Nomenclature: *It standardizes references to the "Savannah Downtown Historic District Board of Review" and the "Savannah Downtown Historic Overlay District" across Sections 2.6, 3.12, 3.19, and 3.21 to ensure the specific Review Body defined in Article 2 is correctly referenced throughout the procedural steps of Article 3.*

It also standardizes expiration timelines across similar application types (COAs, variances, special exceptions) to 24 months, eliminating conflicting deadlines for applicants.

*This amendment directly supports the **Plan 2040 Comprehensive Plan** implementation strategy to "Review zoning regulations and other ordinances to identify standards that do not support the community vision." By streamlining the review process for historic properties, the amendment facilitates the protection of Savannah's cultural assets, consistent with the Comprehensive Plan's Land Use and Historic Preservation goals.*

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

MPC Staff Comment: *The amendment addresses the practical need to distinguish between "measurable" standards (appropriate for variances) and "non-measurable" design guidelines (appropriate for special exceptions). It also recognizes that large projects often require longer than 12 months to commence, necessitating the extension of variance and special exception expiration periods to 24 months.*

- c. **Error or Inappropriate Standard** – Whether or not the proposed text amendment corrects an error in the Zoning Ordinance, or otherwise improves upon existing requirements or standards.

MPC Staff Comment: *The amendment corrects a significant error where the HPC was listed as a review authority for variances in Section 3.21 commentary, despite having no such authority in practice. It also corrects nomenclature inconsistencies regarding the "Savannah Downtown Historic District Board of Review" and closes gaps in the appeals process by explicitly naming the HDBR and Planning Commission in Section 3.23.*

- d. **Compliance with Higher Law** – Whether or not the proposed text amendment revises the Zoning Ordinance to comply with state or federal statutes.

MPC Staff Comment: *The amendment ensures compliance with best preservation practices by removing the ability to grant Special Exceptions to the Secretary of the Interior's Standards, preserving the integrity of federal guidelines.*

POLICY ANALYSIS:

The proposed text amendments primarily seek to streamline development reviews and align administrative procedures with the precepts of the *GPS Strategic Plan*, specifically regarding the protection of local history (Goal 2, Part III) and the update of building standards (Goal 4, Part I). However, beyond these administrative efficiencies, the amendment establishes distinct procedural frameworks for the City's two *Historic* review bodies. In the process of review, the proposed changes raised notable policy questions regarding jurisdictional parity and appellate remedies.

Feedback from the reviewing bodies highlights a divergence in perspective regarding these changes. The *Savannah Downtown Historic District Board of Review* unanimously endorsed the amendments as a necessary "cleanup" of the ordinance, specifically praising the removal of land use from Special Exception criteria as an appropriate limitation of their purview. In contrast, the *Historic Preservation Commission* expressed concern that the amendment codifies a disparity in authority. Commissioners argued that granting the HDBR variance authority (without similar provisions for the HPC) creates "confusion for applicants" regarding the differing quasi-judicial powers of two boards performing similar functions. Consequently, the HPC recommended approval only for sections relevant to their own jurisdiction, declining to endorse changes affecting the HDBR.

A critical policy shift involves the appellate pathway for HDBR decisions. By explicitly listing the HDBR in *Section 3.23*, the amendment directs all final Board decisions to the *Chatham County Superior Court*, removing the Zoning Board of Appeals from the process. The modification is arguably more so consistent with the Georgia Zoning Procedures Law (O.C.G.A § 36-66-5.1) than current practice; however, it is worthwhile to note that HPC members expressed concern that eliminating the ZBA as an intermediate remedy might have the effect of increasing the time and cost for aggrieved parties to challenge decisions.

In review, Staff notes that if the approval of a COA is a *quasi-judicial action* on the part of the HDBR, those issued by the HPC are also quasi-judicial decisions that should likely be forwarded to Superior Court upon appeal.

Finally, the amendment clarifies the operational relationship between the City and the MPC by correcting long-standing procedural irregularities. Staff acknowledged that previous approvals for minor works in HPC districts lacked proper Ordinance authority. While the amendment rectifies this for the Downtown district by formally expanding staff review to "noncontributing" resources, it omits a parallel expansion for the HPC. This exclusion effectively codifies a stricter, less flexible review process for local districts (Victorian, Streetcar, Cuyler-Brownville) compared to the Downtown district, potentially sustaining the administrative burden on the HPC while streamlining it for the HDBR.

MPC STAFF RECOMMENDATION:

MPC Staff recommends **approval** of the proposed amendments to Sections 2.5, 2.6, 3.12, 3.18, 3.19, 3.21, and 3.23 of the City of Savannah Zoning Ordinance.

Note: *This recommendation could change, subject to new information provided at the meeting. Final decisions will be made by the Commission at the public hearing based on information provided at the meeting, as well as information submitted for the staff recommendation.*