

# Article 1.0 General Provisions

## Sec. 1.1 Generally

### 1.1.1 Short Title

This Ordinance shall be known as the "Chatham County-Savannah Unified Zoning Ordinance" for unincorporated Chatham County (County) and the City of Savannah (City), and may be cited as "this Zoning Ordinance" or "this Ordinance."

### 1.1.2 Components of this Zoning Ordinance

This Ordinance shall consist of the following.

- a. The text to this Zoning Ordinance;
- b. The Official Zoning Map; and
- c. Any map amendment or special use permit stipulations adopted in accordance with this Ordinance.

### 1.1.3 Authority

This Ordinance is enacted based on the authority vested in the County and the City by the State of Georgia, including but not limited to: the State Constitution; the Zoning Procedures Act (O.C.G.A. Chapter 36-66-1 et seq.); and pursuant to the provisions of charters of the County and City.

### 1.1.4 Purpose of this Ordinance

This Ordinance is adopted for the purpose of promoting the public health, safety and general welfare of the residents and property owners of the County and City, and to encourage the orderly, harmonious, and judicious use of land, consistent with the goals, policies, and strategies of the Chatham County-Savannah Comprehensive Plan. More specifically, this Ordinance is adopted to accomplish the following purposes:

- a. Provide standards for the orderly development of the County and City and continue a stable pattern of land uses;
- b. Protect and conserve property values and property rights, consistent with Georgia law and the Constitutions of the State of Georgia and the United States;
- c. Provide for adequate light, air and privacy; secure safety from fire, flood and other dangers and from human-made hazards;
- d. Encourage the most appropriate use of land and buildings, and ensure compatibility between land uses in order to prevent or minimize conflicts;
- e. Promote the economic stability of existing land uses that conform to the Comprehensive Plan and protect them from intrusive land uses;
- f. Regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population;
- g. Promote land development that maximizes the use of public investments in facilities and services, ensures a proper level of public services for all new development and preserves existing amenities;
- h. Facilitate the adequate provision of transportation, water supplies, sewer service, schools, parks, police and fire protection and other public requirements;

- i. Maintain the integrity and individual character of established communities, and promote desired character in new developments;
- j. Protect and enhance the aesthetics and character of all parts of the County and City;
- k. Promote the spatial organization of certain neighborhoods, districts and corridors through design codes and guidelines that serve as predictable guides for community development;
- l. Minimize or eliminate visual clutter and traffic hazards resulting from excess advertising and other signs, while retaining forms of protected speech;
- m. Conserve and protect the historical integrity and character of the neighborhoods within the County and City;
- n. Regulate the height and bulk of buildings, and the area of yards and open space for buildings;
- o. Protect and preserve sensitive natural areas and vital natural resources and avoid environmental degradation and other undesirable consequences to the environment;
- p. Minimize the conversion of land from rural to urban uses by maximizing efficient use of available urban infrastructure, while preserving environmentally sensitive areas and strengthening the separation of urban and rural uses;
- q. Permit the development of office, commercial, industrial, and transportation-related land uses in accordance with the Comprehensive Plan in order to strengthen the employment base of the County and City;
- r. Protect existing residential neighborhoods by preventing the encroachment of incompatible land uses; protecting against blight, preserving property values, and promoting desirable living conditions and residential stability;
- s. Create and promote cohesive communities that provide for a full range and mix of land uses.
- t. Encourage a pedestrian-friendly community by promoting a mix of land uses and pedestrian- oriented development in commercial areas; and, to
- u. Provide for “smart growth” principles and practices.

#### 1.1.5 Jurisdiction

The provisions of this Ordinance shall apply to all properties within the jurisdiction of the County and the City and shall govern the use and development of land. No land or building shall be used or reused, no building shall be erected, and no existing building shall be moved, added to, enlarged or altered except in conformity with this Ordinance.

#### 1.1.6 Relationship to the Comprehensive Plan and Other Adopted Plans

This Ordinance is intended to implement the Comprehensive Plan and all other adopted plans; therefore, such plans should be used as a guide for the application of this Ordinance to land within the areas covered, as well as for the provision of public services.

#### 1.1.7 Minimum Requirements

The provisions of this Ordinance are intended to be minimum requirements unless otherwise specified. Where the provisions of this Ordinance impose greater restrictions than other ordinances, the provisions of this Ordinance shall prevail. Where the provisions of another ordinance impose greater restrictions, the other ordinance shall prevail.

### 1.1.8 Conflicting Provisions

- a. These regulations are not intended to abrogate, annul, repeal, or in any way impair or interfere with the existing provisions of other public laws, ordinances, or regulations, except as specified in Sec. 1.1.11. Where these regulations conflict with other provisions of public law, ordinances and regulations, the more stringent requirements shall apply.
- b. The enforcement and interpretation of this Ordinance shall not be affected by deed restrictions, covenants, or easements, other than those made as a condition of approval of a development plan under this Ordinance, other ordinances, or any predecessor ordinances.
- c. The issuance of any approval, certificate or permit in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of such approval, certificate or permit from the responsibility of complying with all other applicable requirements from any other city, county, state or federal agency having jurisdiction over structures or land for which the approval, certificate or permit was issued.

### 1.1.9 Delegation of Authority

The head of an agency or department or other officer may authorize subordinates to perform the required actions or duties of this Ordinance unless the terms of the provision or section specify otherwise.

### 1.1.10 Effect of Stipulations

- a. Where zoning stipulations have been applied through the map amendment or special use permit process, all development shall be subject to such stipulations.
- b. All stipulations shall be met prior to issuance of certificates of occupancy or certificates of appropriateness for any development within the area subject to the map amendment or special use permit, unless expressly stated in the stipulation itself.
- c. All stipulations approved through the map amendment or special use permit process shall be included with the application for a site development plan, building permit or other subsequent approval of development subject to the stipulations.

### 1.1.11 Effective Date

This Ordinance is in effect within the County and City as of [insert date]. All ordinances in conflict are hereby repealed to the extent of their inconsistency. The ordinances repealed are the following.

- a. Chatham County Code Chapter 3 (Land Use), Article II (Zoning of Land) to the extent that the provisions in this Ordinance provide otherwise;
- b. City of Savannah Code Division II (Code of General Ordinances), Part 8 (Planning and Regulation of Development), Chapter 3 (Zoning) to the extent that the provisions in this Ordinance provide otherwise;
- c. All other ordinances or parts of ordinances which are in conflict with this Ordinance to the extent that the provisions in this Ordinance provide otherwise.

### 1.1.12 Severability

#### a. Invalidation

Should a court of competent jurisdiction of either the state of Georgia or the United States hold any article, section, sentence, clause, phrase or word of this Ordinance invalid or unconstitutional, such decision shall not affect, impair or invalidate the remaining parts of this Ordinance, which can be given effect without the invalid provision.

b. Prejudicial Application

Should any Article, Section, sentence, clause phrase or word of this Ordinance be held invalid or unconstitutional in its application in a particular case, such decision shall not affect or prejudice its application to other cases.

## Sec. 1.2 Rules for Construction of Language

### 1.2.1 General

Abbreviations of words and definitions of words and phrases are provided in Article 13.0, Abbreviations and Definitions. All provisions, terms, phrases and expressions contained in this Ordinance shall be construed in order that the true intent and meaning of the local Governing Bodies may be fully carried out.

### 1.2.2 Computation of Time

The time within which an action is to be done shall be computed by excluding the first and including the last day. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded. The following time-related words shall have the meanings ascribed below.

- a. "Day" means a calendar day unless working day is specified.
- b. "Week" means seven calendar days.
- c. "Month" means calendar month.
- d. "Year" means a calendar year, unless otherwise indicated.

### 1.2.3 Conjunctions

Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

- a. "And" indicates that all connected items, conditions, provisions or events shall apply.
- b. "Or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

### 1.2.4 Nontechnical and Technical Words

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### 1.2.5 Number

A word indicating the singular number may be extended and applied to include the plural. The use of the plural number shall be deemed to include the singular unless the context clearly indicates the contrary.

### 1.2.6 Public Officials, Bodies and Agencies

All public officials, bodies and agencies to which reference is made are those of Chatham County or City of Savannah unless otherwise indicated.

### 1.2.7 Shall and May

The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

### 1.2.8 Tense

Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates the contrary.

### 1.2.9 Text

In case of any difference of meaning or implication between the text of this Ordinance and any figure, the text shall control.

### 1.2.10 Word Usage

- a. "Building" includes the word "structure" except where otherwise specified.
- b. "City" means the City of Savannah, Georgia.
- c. "County" means unincorporated Chatham County, Georgia.
- d. "Lot" includes the words "plot," "parcel," "tract," or "property".
- e. "Used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- f. "Written" means any representation of words, letters or figures whether by printing or other form or method of writing.
- g. "Person" shall include "entity", "partnership", "corporation" or "firm."
- h. Where this Ordinance specifies a defined term that includes the phrase, "any similar use," such interpretation shall be made by the Governing Body Building Official.

## Sec. 1.3 Zoning Map and Zoning Districts

### 1.3.1 Official Zoning Map

- a. The boundaries of the zoning districts are established and shown on the "Official Zoning District Map of Chatham County and the City of Savannah" and may be cited and referred to as the "Zoning Map."
- b. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this Ordinance.
- c. The Official Zoning Map may be amended by adoption of resolutions that rezone property as provided in Sec. 3.7, Rezoning or Sec. 3.8, Planned Development Rezoning.
- d. The Zoning Map shall be properly attested, kept on file at the Chatham County-Savannah Metropolitan Planning Commission (MPC), and maintained in a published version and format as determined by the MPC.

### 1.3.2 Omitted Land

It is the intent of this Ordinance that the entire area of unincorporated Chatham County and the City of Savannah, including all waterways, roadways, railroads and other public rights-of-way, be included in the districts established by this Ordinance. Any area not shown on the Official Zoning Map as being included in any such district shall be classified in the Conservation district.

### 1.3.3 Height Maps, Overlay District Maps, Resource Inventory Maps

- a. The boundaries of all adopted height maps and overlay district maps are shown and made part of the Zoning Map as established in this Section.
- b. All adopted historic resource inventory maps are shown and made part of the Zoning Map as established in this Section.

### 1.3.4 Zoning of Vacated Rights-of-Way

When any public right-of-way is vacated, such right-of-way shall, without further action by the County or City, be deemed to be zoned as follows.

- a. If all such land is surrounded by land classified in one zoning district, then it shall be deemed to be included in that district.

### 1.3.5 Rules of Interpretation

- a. If any uncertainty exists with respect to the intended boundaries as shown on the Zoning Map, the Planning Director is authorized to interpret the Zoning Map.
- b. A written request for a Zoning Map interpretation shall be submitted to the Planning Director. The application shall contain sufficient information to enable the Planning Director to make the necessary interpretation.
- c. Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following shall apply:
  - i. Where designation of a boundary line of the Zoning Map coincides with the location of a roadway, lane/alley, waterway or right-of-way, the center of the roadway, lane, waterway or right-of-way shall be construed to be the boundary of such district.
  - ii. Where the boundaries do not coincide with the location of roadways, lanes, waterways and rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
  - iii. Where the boundaries do not coincide with the location of roadways, lanes, waterways and rights-of-way or lot lines, the boundary shall be determined by the use of the scale shown on the Zoning Map.
- d. Upon dispute of the interpretation of the Planning Director, the applicant may appeal the decision to the Zoning Board of Appeals as set forth in Sec. 3.26, Appeals.

## Sec. 1.4 Transitional Provisions

### 1.4.1 Purpose

The purpose of this Section shall be to establish the procedures for handling violations, nonconformities and previously approved items that existed as of the effective date of this Ordinance.

### 1.4.2 Violations Continue

Any violation of previous zoning ordinances will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance unless the use, development, or activity complies, in its entirety, with the provisions of this Ordinance. The prosecution of violations which occurred under previous ordinances shall continue until resolved.

### 1.4.3 Prior Nonconformities and Nonconforming Uses

Any use, plan, structure or property that was nonconforming under prior ordinances shall be considered a nonconformity under this Ordinance except as may be otherwise provided under Article 11.0, Nonconformities. The provisions of Article 11.0 shall be applicable to all nonconformities. Any use, plan, structure or property that was previously nonconforming that becomes conforming because of adoption of this Ordinance shall no longer be considered a nonconformity provided that all applicable provisions of this Ordinance are complied with.

### 1.4.4 Effect of this Ordinance on Applications Submitted and Prior Approvals

#### a. Applications Submitted

Applications for plan approval, permits, and other authorizations that are administratively determined to be substantially complete as of the effective date of this Ordinance may be approved if in compliance with the ordinance in effect at the time of submission. Substantially complete shall mean that all information required by the particular application has been provided and that all applicable fees have been submitted.

#### b. Approved Plans, Permits, and other Authorizations

Approved plans, permits, authorizations and similar development approvals shall be governed by the ordinance under which the approval was given for the portion of the project so approved. The continued validity of such plans, permits, and authorizations shall be determined pursuant to this subsection.

#### c. Timely Submission of Information

Applicants who have substantially completed applications as provided above shall comply with all requests for further information and submit all necessary revisions of submitted plans in a timely manner. A delay of more than 90 days in submission of information or revisions requested shall constitute effective withdrawal of the application, with loss of all fees paid. Any new application shall then conform with the provisions of this Ordinance.

#### d. Text Amendments

Any application for a text amendment that has not been approved as of the effective date of this Ordinance shall be considered not approved as of the date of adoption of this Ordinance.

e. Effect upon Construction Plans and Building Permits

All construction plans must comply with the zoning ordinance applied in review of such plans as follows:

i. When a Building Permit has Not Been Issued

When a building permit has not been obtained as of the effective date of this Ordinance but construction plans have been submitted, such plans shall be allowed to follow the requirements of the zoning ordinance in effect at the time of submission provided that a valid building permit is obtained within 180 days of the effective date of this Ordinance.

ii. When a Building Permit Has Been Issued

(1) Nothing shall require any change in plans, construction, size, or designated use of any building, or part thereof for which a valid building permit has been granted by the Governing Body Building Official prior to the effective date of this Ordinance.

(2) When construction has not begun under an outstanding and valid building permit within a period of 180 days from the effective date of this Ordinance but the applicant intends to follow through on construction, construction plans must be resubmitted unless the validity period is extended by the applicable Governing Body Building Official in accordance with the International Building Code, as amended. The validity period shall not extend beyond one (1) year from the effective date of this Ordinance.

(3) If the building permit expires or the validity period for the building permit has not been extended by the applicable Governing Body Building Official, any future construction plans that are resubmitted for a building permit shall comply with this Ordinance.

f. Effect of this Ordinance on Specific Approvals

*[Staff Note: Work continues on this sub-section.]*

g. Written Interpretations

Any written interpretation that was made prior to the effective date of this Ordinance shall remain in effect only to the extent that this Ordinance does not address the regulation subject to the written interpretation.