



---

# METROPOLITAN PLANNING COMMISSION

*"Planning the Future - Respecting the Past"*

---

M E M O R A N D U M

---

**TO:** The Planning Commission

**FROM:** MPC Staff

**DATE:** October 15, 2024

**SUBJECT:** Text Amendment to amend Sections 3.12 Special Exceptions, 3.21 Variances, 5.4 Principal Use Table, 5.9 Traditional Residential, 5.12 Traditional Neighborhood, 5.13 Traditional Commercial and 8.1 Residential Use Conditions, to allow and regulate the establishment of density increase for affordable housing in selected TR, TN and TC Zoning Districts

**APPLICANT:** Bridget Lidy, Director of Planning and Urban Design, City of Savannah

**MPC FILE NO:** 24-004284-ZA-TEXT

**REQUEST:**

The Petitioner requests an amendment to the Zoning Ordinance text to enable and regulate density increases for affordable housing in the TR, TN, and TC Zoning Districts.

This proposal aims to establish a 'density bonus' program that encourages affordable housing development within Savannah's *traditional* zoning districts. The requested text amendments would grant variances to allow a reduced lot area per unit below the minimum specified by these zoning districts, provided that the reduced lot area is used to facilitate affordable housing through the proposed density bonus program.

The Petition includes specific amendments to the following sections of the Ordinance:

1. Section 3.12: Special Exceptions
2. Section 3.21: Variances
3. Section 5.4: Principal Use Table
4. Section 5.9: Traditional Residential
5. Section 5.12: Traditional Neighborhood
6. Section 5.13: Traditional Commercial
7. Section 8.1: Residential Use Standards for Limited and Special Uses

The proposed amendments would read as follows:

1. **Section 3.12: Special Exceptions**

- *3.12.2.a: Applicability*

xii. To adjust development standards in Article 5.0 Base Zoning Districts and 9.3 Off-Street Parking and Loading for the TC-, TN-, and TR- districts when the development includes affordable housing, as defined and quantified by the City of Savannah and certified by the City Manager or their designee.

2. **Section 3.21: Variances**

- *3.21.8.b: Variance Prohibited*

b. **Variance Prohibited**

- i.** A variance shall not be granted to permit a lot area per unit that is less than the minimum lot area per unit permitted by the zoning district in which the property affected by the variance is located.
- ii.** **If located in the TC-, TN-, and TR- districts:**
  - a. Relief from the minimum lot area per unit permitted by the zoning district may be granted through a special exception when affordable housing, as defined and quantified by the City of Savannah and certified by the City Manager or their designee, is included in the development.
  - b. Review of a special exception of this type may include modifications to development standards in Article 5.0 Base Zoning Districts and Sec. 9.3 Off-Street Parking and Loading that would otherwise require a variance.

*Commentary: A reduction of the minimum lot area to such a size that the density exceeds the maximum permitted by the zoning district is generally not permitted. An increase in density can only be approved in accordance with Sec. 3.5, Rezoning, Sec. 3.7, Zoning Text Amendment, or by rezoning to a district that allows the increased density, or Sec. 3.12, Special Exceptions.*

- 3.21.8.b: Variance Prohibited

### 3.12.7 Review Criteria for Special Exceptions

When reviewing a special exception request, a finding shall be made by the Planning Commission, the Historic Preservation Commission, or the Savannah Downtown Historic District Board of Review for each of the criteria listed below.

- Whether the use for which the special exception is being considered would be located, operated and maintained in a manner in conformance with the goals, policies, and objectives of the Comprehensive Plan and the provisions of this Ordinance;
- Whether the special exception would not be detrimental to the public interest, health, safety, welfare, function, and appearance of the adjacent uses or general vicinity.

c. For Special Exceptions identified in Sec. 3.12.2.xii, the Planning Commission may consider, but is not required to make a finding for, the following criteria in addition to Parts a. and b. above:

i. Public benefit

Whether the development provides greater public benefit than it would if the special exception(s) were not granted.

ii. Compatibility

- Whether the development will adversely affect the existing use or usability of adjacent or nearby property.
- Whether the development is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

iii. Reasonable Use

Whether the property has a reasonable use as currently zoned.

iv. Adequate Public Services

- Whether adequate public safety and emergency facilities, transportation, parks, wastewater treatment, water supply and stormwater drainage facilities are available for the proposed development.
- Whether the project site is located within one-half mile of public transportation.



4. **Section 5.9: Traditional Residential**

- 5.9.1: District Description

**b. Traditional Residential-2 (TR-2)**

Residential development in the TR-2 district allows for limited housing types including single-family detached and two-family over/under units. This district may be applied only to the following neighborhoods: Benjamin Van Clark Park, Eastside, Carver Heights, and Live Oak.

- 5.9.3 Permitted Uses

**5.9.3 Permitted Uses**

**a. Residential Uses**

Permitted residential uses within the TR- districts are set forth in Sec. 5.4, Principal Use Table. The permitted housing types are also set forth set forth below.

Housing Type [1]	TR-1	TR-2	TR-3
Single-family detached	✓	✓	✓
Single-family attached	✓	<u>L</u>	<u>L</u>
Two-family (over-under)	✓	✓	<u>L</u>
Two-family (side-by-side)	✓	<u>L</u>	<u>L</u>
Three-Four Family	L	<u>L</u>	--

[1] Housing types marked as 'L' are subject to use standards in Sec. 8.1.1 and Sec. 8.1.11.

- 5.9.9 Additional Requirements Applicable to Traditional Residential Districts

**a. All TR- districts**

- i. Where lane access is utilized, vehicular access to residential uses shall only be from the lane. Where lane access is not available (e.g., the lane is not open), ribbon strip driveways may be permitted. Driveways shall be at least nine (9) feet but no wider than 12 feet. Grass shall be planted between the ribbon strips.
- ii. When a lot does not have vehicular access from a lane or side street and the lot width is 30 feet or less, the maximum front yard setback may be increased to 22 feet to allow for vehicle parking.
- iii. Principal use dwellings shall be a minimum of 450 square feet.

**b. TR-1 District**

[Reserved]

- i. When a development has access from both a lane and a street and affordable housing, as defined and quantified by the City of Savannah, is provided within the development, and so certified by the City Manager or their designee, the following modifications to standards may be applied.
  1. The minimum lot area per unit may be reduced by 50%.
  2. The minimum lot width per unit may be reduced by 5 feet.
  3. The maximum building coverage may be increased by 10 percentage points.
  4. Required vehicle parking shall be 0.5 spaces per dwelling unit.
  5. The modifications shall not be applicable to Single-family Detached development.
  6. A special exception shall be required for any variation of these standards.

**c. TR-2 District**

[Reserved]

- i. When a development has access from both a lane and a street and affordable housing, as defined and quantified by the City of Savannah, is provided within the development, and so certified by the City Manager or their designee, the following modifications to standards may be applied.
  1. All housing types permitted in TR-1 may be permitted.
  2. The minimum lot area per unit may be reduced by 50%.
  3. The minimum lot width per unit may be reduced by 5 feet.
  4. The maximum building coverage may be increased by 10 percentage points.
  5. Required vehicle parking shall be 0.5 spaces per dwelling unit.
  6. For those housing types with no standards, the development standards for the TR-1 zoning district shall serve as the base standards to which the modifications may be applied.
  7. The modifications shall not be applicable to Single-family Detached development.
  8. A special exception shall be required for any variation of these standards.

**d. TR-3 District**

[Reserved]

- i. When a development has access from both a lane and a street and affordable housing, as defined and quantified by the City of Savannah, is provided within the development, and so certified by the City Manager or their designee, the following modifications to standards may be applied.
  1. All housing types permitted in TR-1 may be permitted with the exception of Three-Four-Family.
  2. The minimum lot area per unit may be reduced by 50%.
  3. The minimum lot width per unit may be reduced by 5 feet.
  4. The maximum building coverage may be increased by 10 percentage points.
  5. Required vehicle parking shall be 0.5 spaces per dwelling unit.
  6. For those housing types with no standards, the development standards for the TR-1 zoning district shall serve as the base standards to which the modifications may be applied.
  7. The modifications shall not be applicable to Single-family Detached development.
  8. A special exception shall be required for any variation of these standards.



**5. Section 5.12: Traditional Neighborhood**

- *5.12.8 Additional Requirements Applicable to the Traditional Neighborhood Districts*

**a. All TN- districts**

- i. Deliveries shall be restricted to the hours of 8:00 a.m. to 8:00 p.m., any day of the week.
- ii. Hours of operation for commercial uses shall be limited to:
  - i. 6:00 a.m. until 10:00 p.m., Sunday through Thursday; and
  - ii. 6:00 a.m. until 11:00 p.m., Friday and Saturday.
- iii. Drive-thru service is not permitted.
- iv. Accessory structures with a roof must be located in the rear yard.
- v. Principal use dwellings shall be a minimum of 450 square feet.
- vi. On interior lots, permitted nonresidential uses are allowed only on the ground floor.
- vii. When a lot does not have vehicular access from a lane or side street and the lot width is 30 feet or less, the maximum front yard setback may be increased to 22 feet to allow for vehicle parking or the minimum building frontage may be reduced to 50% to allow for vehicle parking. The standard shall not be applicable to nonresidential uses.

**b. TN-1 District**

- i. Nonresidential uses shall be located on a corner lot and abut a street that is classified as a collector or greater.
- ii. Lots of record existing as of the Effective Date of this Ordinance shall be utilized to determine the extent to which the corner lot provision of this Section shall be allowed. The recombination of parcels is permitted but shall not be used as the basis for the expansion of non-residential usage beyond a distance of 60 feet as measured from the property line beginning at the corner.
- iii. When a development has access from both a lane and a street and affordable housing, as defined and quantified by the City of Savannah, is provided within the development, and so certified by the City Manager or their designee, the following modifications to standards may be applied.
  1. The minimum lot area per unit for Two-family and Three-Four-Family may be reduced by 50%.
  2. The minimum lot width per unit may be reduced by 5 feet.
  3. The minimum rear yard setback may be reduced by 10 feet.
  4. The maximum building coverage may be increased by 10 percentage points.
  5. The required vehicle parking shall be 0.5 spaces per dwelling unit.
  6. The modifications shall not be applicable to Single-family Detached development.
  7. A special exception shall be required for any variation of these standards.



**c. TN-2 District**

- i. A building with all of the following characteristics shall be permitted to establish any use allowed in the TC-1 District, subject to the development standards of the TN-2 District. The specific characteristics of the site must include:
  1. Located on a corner lot in the TN-2 District over 5,000 square feet in area;
  2. Originally constructed primarily for commercial purposes; and
  3. Located abutting one of the following arterial streets:
    - a. Barnard Street;
    - b. Bull Street;
    - c. Abercorn Street; or
    - d. Habersham Street.
- ii. Lots of record existing as of November 20, 2007, shall be utilized to determine the extent to which the corner lot provision of this Section shall be allowed. The recombination of parcels is permitted but shall not be used as the basis for the expansion of nonresidential usage beyond a distance of 60 feet as measured from the property line beginning at the corner.
- iii. When a development has access from both a lane and a street and affordable housing, as defined and quantified by the City of Savannah, is provided within the development, and so certified by the City Manager or their designee, the following modifications to standards may be applied.
  1. The minimum lot area per unit for Two-family and Three-Four-Family may be reduced by 50%.
  2. The minimum lot width per unit for Two-family and Three- Four-Family may be reduced by 5 feet.
  3. The minimum rear yard setback may be reduced by 5 feet.
  4. The maximum building coverage may be increased by 10 percentage points.
  5. Required vehicle parking shall be 0.5 spaces per dwelling unit.
  6. The modifications shall not be applicable to Single-family Detached development.
  7. A special exception shall be required for any variation of these standards.

6. Section 5.13: Traditional Commercial

- *5.13.8 Additional Requirements Applicable to the Traditional Commercial Districts*

**Sec. 5.13.8 Additional Requirements Applicable to the Traditional Commercial Districts**

**a. All TC- Districts**

- i. Principal use dwelling shall be at least 450 square feet.
- ii. When a lot does not have vehicular access from a lane or side street and the lot width is 30 feet or less, the maximum front yard setback may be increased to 22 feet to allow for vehicle parking or the minimum building frontage may be reduced to 50% to allow for vehicle parking. This standard shall not be applicable to nonresidential uses.
- iii. When a development has access from a street and affordable housing, as defined and quantified by the City of Savannah, is provided within the development, and so certified by the City Manager or their designee, the following modifications to standards may be applied.
  1. The minimum lot area per unit for Two-family and Three- Four-Family may be reduced by 50%.
  2. The minimum lot width per unit for Two-family (over-under) and Three-family/Four-family may be reduced by 5 feet.
  3. Required vehicle parking shall be 0.5 spaces per dwelling unit.
  4. A special exception shall be required for any variation of these standards.

7. Section 8.1: Residential Use Standards for Limited and Special Uses

- *8.1.8 Housing Types Allowed in Affordable Housing Developments*

**Sec. 8.1.8 Housing Types Allowed in Affordable Housing Developments**

**a. Applicability**

Additional requirements of Article 5.0 shall be applicable to the following zoning districts when affordable housing, as defined and quantified by the City of Savannah, is provided within the development, and so certified by the City Manager or their designee.

- i. Sec. 5.9.9 Additional Requirements Applicable to Traditional Residential Districts
- ii. Sec. 5.12.8 Additional Requirements Applicable to Traditional Neighborhood Districts
- iii. Sec. 5.13.8 Additional Requirements Applicable to Traditional Commercial Districts

## **BACKGROUND**

According to the Housing Savannah Task Force *affordable housing* is housing in good condition that can typically be rented or purchased without households paying more than 1) 30% of gross income or 2) Fair Market Rents. Fair Market Rents (FMR) for the Savannah MSA (HUD 2021) and the household income required to rent dwellings without being cost burdened are shown below.

Rents/Incomes	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
FMR Rents	\$921	\$1,050	\$1,442	\$1,671
Annual Incomes	\$36,840	\$42,000	\$57,680	\$66,840
Hourly Full Time	\$17.70	\$20.20	\$27.70	\$32.10

In Savannah, about 45% of renters are cost-burdened, spending over 30% of their income on housing (Savannah Affordable Housing Fund Report, 2021), with the fair market rent for a two-bedroom apartment around \$1,000 per month (HUD, 2021). Additionally, there is a considerable shortfall in affordable rental units, indicating a need for thousands more to meet the current demand (Chatham-Savannah Authority for the Homeless). The City faces a significant affordable housing deficiency, with thousands of additional rental units needed to accommodate low-income residents and alleviate cost burdens.

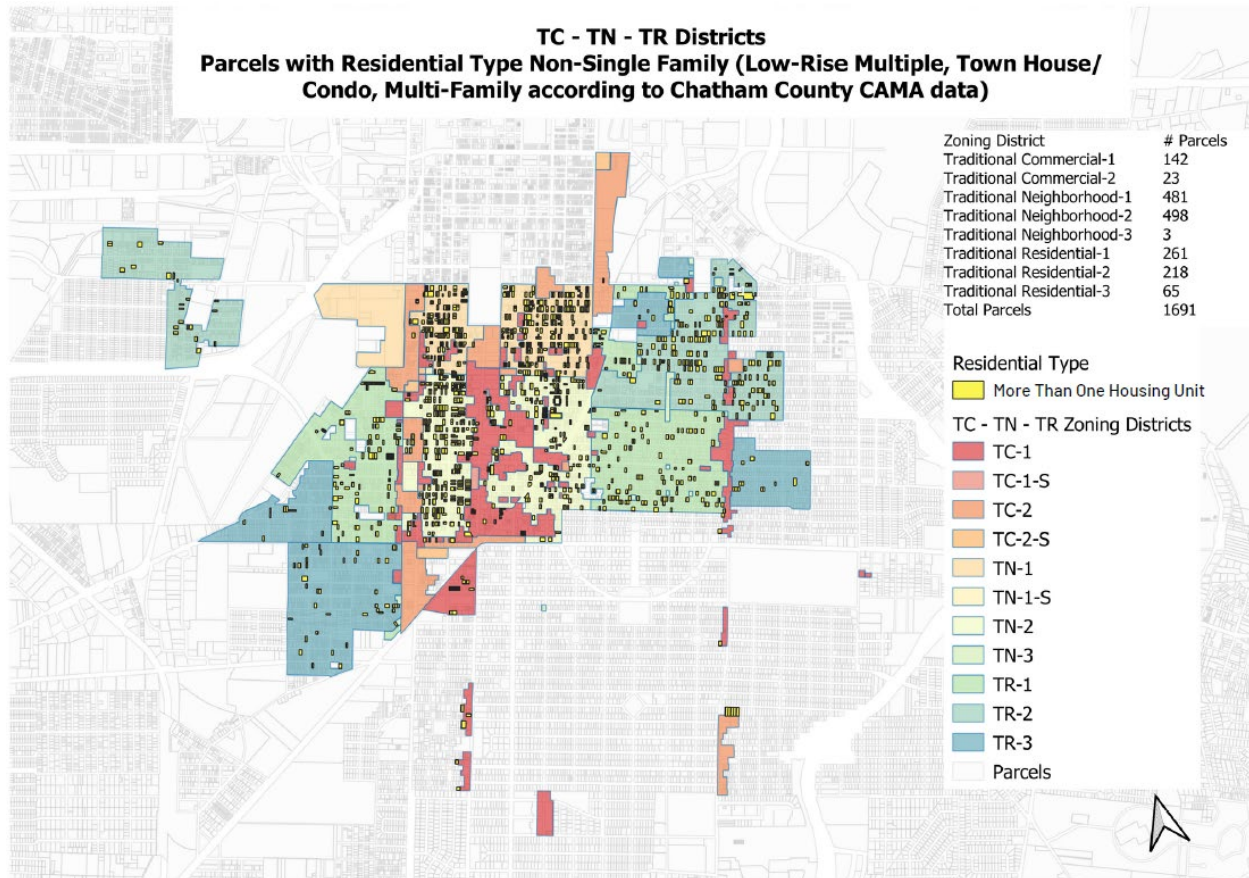
A strategy highlighted by the Housing Savannah Action Plan (July 2021) for facilitating affordable housing includes the following recommendation:

*“5A.4 Support, where appropriate and possible, zoning, development standard, licensing and similar ordinance amendments and/or new ordinances that promote housing affordability*

- *Define affordable housing in City Code*
- *Provide flexibility in affordable housing development standards including in PD districts*
- *Provide bonuses or incentives for affordable housing*
- *Allow increased density and dwelling units per lot/parcel*
- *Allow smaller, narrower, lot widths and lot areas*
- *Allow smaller building setbacks*
- *Allow larger lot coverage for buildings*
- *Reduce off-street parking requirements when alternatives exist, or none is necessary*
- *Encourage development of “missing middle” housing in neighborhoods*
- *Provide incentives for smart growth, mixed use, transit oriented and walkable development”*

However, the current Zoning Ordinance lacks comprehensive integration of these strategies to effectively address affordable housing. With the proposed text amendment, The Applicant proposes revisions to the Ordinance that would permit variances incentivizing higher densities tied to provision of covenanted affordable housing in select *traditional* zoning districts. Ultimately, this would create a pathway within the existing regulatory framework for implementation of the strategy outlined by Housing Savannah above.

The proposed text amendment complements a density bonus program for affordable housing (Affordable Rental Housing Density Bonus Program) currently in the proposal stage, led by Community Housing Services Agency, Inc. (CHSA), the Savannah Affordable Housing Fund (SAHF), and the City of Savannah’s Housing Department. The program, while not codified within the text of the Zoning Ordinance, is a necessary companion to effectively tie the financial components of the strategy with contextual development standards to ensure the compatibility of a proposed development with the character of the receiving neighborhood.



*Parcels impacted by the proposed text amendment*

**FACTS AND FINDINGS:**

**Public Notice:** In accordance with the City of Savannah Zoning Ordinance, a public notice advertisement was published in the *Savannah Morning News* on September 30th and October 1st, announcing that a hearing for the subject petition will be held before the Metropolitan Planning Commission on Tuesday, October 15, 2024.

**Neighborhood Meeting:** The applicant conducted multiple meetings with both neighborhood and local activist groups to inform the community and solicit perspectives about housing needs and goals of the proposed Zoning Ordinance text amendment and associated density bonus program.

**Relevant Definitions:**

Affordable housing – not defined in the City of Savannah Code of Ordinances

### **ORDINANCE ANALYSIS:**

Per Section 3.7.7 of Article 3, Savannah's Zoning Ordinance offers four (4) review criteria for 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 Comment:** *The present amendment was conceived in an effort to avoid misuse of the Ordinance's provision for variance relief from development standards granted by the MPC and ZBA. The need for affordable housing is a recognized priority for the jurisdiction, and codification of the proposed modified development standards reflects the acknowledged public benefit which ultimately drives the relaxation of development standards where there is an intent to provide covenanted affordable housing within the scope and meaning of the density bonus program.*

*The proposed text amendment brings the Zoning Ordinance into closer alignment with the Comprehensive Plan, Housing Savannah Action Plan, and other adopted policies of the City. Every effort has been made to reconcile potentially conflicting standards within the text.*

- 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 Comment:** *The proposed amendment represents a novel response to the increasing demand for affordable housing in a City with a distinct and renowned architectural heritage. The urgent need for flexible development standards permitting the creation of 'missing middle' housing types was not adequately conceived during the creation of Savannah's NewZO, and such units are not easily accommodated within the current regulatory framework without significant variance relief. The proposed amendment is a revision necessitated by changing circumstances over time.*

- 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 Comment:** *The proposed amendment is not intended to correct any error or improve upon existing requirements or standards of the Zoning Ordinance.*

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

**MPC Comment:** *The proposed amendment is not a revision to bring a local ordinance into conformance with state or federal law.*



## **POLICY ANALYSIS:**

At present the Zoning Ordinance inadequately accommodates the development of affordable housing typologies and lacks incentives for developers to prioritize affordability (*density bonus for Cluster Development in Sec 8.10.2 excluded*). The present text amendment aims to relax relevant development standards for explicit allowance of affordable housing creation through thoughtfully targeted provisions.

Unfortunately, the proposed text still does not include a clear definition of affordable housing, nor does the City's Code of Ordinances provide one. This omission can lead to ambiguity regarding which developments qualify as affordable housing through the density bonus program. The proposal also does not define a specific period of affordability or establish a minimum time period for which the incentivized units must be covenanted for affordability. If structures built under the density bonus allowance are not deed-restricted for affordability, it may result in contradictions between development standards and use standards. Finally, the proposed text lacks a defined method for monitoring ongoing compliance with the affordable housing designation. MPC Staff recommends that forthcoming refinements of the program make inclusion of these elements a top priority.

While a portion of the impacted properties is situated within protected local historic districts, which ensures a COA is required for new construction, 61% of the affected properties lie outside these districts. Without further amendment, over 628 acres currently zoned for Traditional Development currently lacks protections against potentially incompatible development.

In the absence of an 'infill development overlay' or other limiting mechanisms, the proposed changes to the *traditional* districts could lead to map amendment requests in areas not initially anticipated, and potentially resulting in unanticipated developments. Although many impacted zoning districts align with specifically designated historic districts, the TC-1 and TC-2 districts are not confined to specific geographic areas of the City, raising concerns about housing proposals in outlying regions that may not be prepared to receive them.

Zoning districts are designed to promote orderly and patterned development, with means such as maximum permitted densities, setback standards and maximum lot coverage established to create a comfortable and hygienic built environment. Without contextual guidelines for introducing new housing typologies and forms, as well as standards to limit the height and bulk of new developments adjacent to smaller, less dense residential areas, the proposal risks altering the character of well-established neighborhoods. A pre-approved plan book or design manual featuring existing (organic/locally grown) 'missing middle' housing types could help mitigate this risk.

To conclude, the relationship between the standards guiding development of residential structures and the specific demographic groups they are intended to support cannot be overlooked or understated. This text amendment is prompted by the needs of key groups of stakeholders without whom our region cannot function socially or economically, and whom the current *laissez faire* approach to housing policy has allowed to fall through the cracks. It is vital to create occupancy standards in relation to the proposed policies which will ensure clarity and alignment in the proposed text, so that each incentivized housing development is effectively tailored to meet the needs of Savannah's diverse community.

Proposed affordable housing developments should adhere to the Georgia Department of Community Affairs (DCA) standards for multifamily housing and prioritize diverse unit types with explicit emphasis on two and three bedroom configurations.

**ALTERNATIVES:**

1. Recommend approval of the request or an alternate amendment.
2. Recommend denial of the request.

**MPC STAFF RECOMMENDATION:**

MPC Staff recommends **approval** of the proposed text amendment with the following condition:

The following four (4) updated programmatic elements shall be presented to the Planning Commission by the Department of Planning and Urban Design within 180 days of the date of City Council adoption in support of its competent future disposition of requests for Special Exceptions pursuant to the proposed text amendment:

1. A definition of affordable housing;
2. A defined period of affordability;
3. Nomination of an ombudsman and a documented explanation of the intended mechanism for ongoing compliance monitoring;
4. Delineation and establishment of an ‘infill development boundary’ to prevent adverse rezonings and development in locations lacking adequate infrastructure.

MPC Staff also recommends creation of the following programmatic elements for future refinement of the density bonus program:

1. Contextual guidelines for missing middle housing typologies such as a pre-approved plan book or design manual;
2. Occupancy standards to ensure incentivized housing developments are effectively tailored to meet the needs of Savannah’s diverse community.

**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.