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Planning Commission Agenda
Monday, April 10, 2023 – 6:00pm
Perry Events Center 1121 Macon Road, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from March 13, 2023, and work session March 27, 2023
5. Announcements
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place cell phones in silent mode.
6. Citizens with Input
7. Old Business
8. New Business
 - A. Public Hearing (Planning Commission decision)
 - **PLAT-0032-2023**. Preliminary Plat for the Encore at the Parkway. The applicant is Wingate Custom Homes.
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on May 2, 2023)
 - **SUSE-0037-2023**. Special exception for short-term rental for property at 1320 Keith Drive. The applicant is Elcia Holmes.
 - **SUSE-0041-2023**. Special exception for short-term rental of two units located at 1109 Third Street. The applicant is Scott Free.
 - **SUSE-0044-2023**. Special exception for short-term rental for property at 1100 Kenwood Drive. The applicant is Matt Dixon.
 - **RZNE-0046-2023**. Rezone for property located at 100 Washington Place Drive from R-3, Single Family Residential to C-2, General Commercial District. The applicant is Bryant Engineering.
 - **ANNX-0045-2023**. Annexation and zoning of property located at 2011 Elko Road. The applicant is John Story.
 - **TEXT-0043-2023**. Add 'Liquor store' as a permitted use in MUC. The applicant is the City of Perry.
9. Other Business
10. Commission questions or comments
11. Adjournment

All meetings of the Planning Commission are open to the public.

(478) 988-2720

<https://perry-ga.gov/business-services/community-development/planning-and-zoning>

Planning Commission
Minutes - March 13, 2023

1. Call to Order: Chairman Edwards called the meeting to order at 6:00pm
2. Roll Call: Chairman Edwards; Commissioners Butler, Ross, Jefferson, Moody, and Guidry were present. Commissioner Mehserle was absent.

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner and Christine Sewell – Recording Clerk

Guests: Brian Braun, Amanda Fiebig, Matt Widner, Teresa Clubb, Amy Shumaker, Cheryl Gillian and Matt Dixon.

3. Invocation- was given by Commissioner Moody
4. Approval of Minutes from February 13, 2023, and work session February 27, 2023

Commissioner Moody motioned to approve as submitted; Commissioner Butler seconded; all in favor and was unanimously approved.

5. Announcements – Chairman Edwards referred to the notices as listed.
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place cell phones on silent mode.
6. Citizens with Input – None
7. Old Business – None
8. New Business

Commissioner Jefferson arrived at 6:07pm.

A. Public Hearing (Planning Commission decision)

- **PLAT-0013-2023**. Preliminary plat for The Orchard subdivision on Kings Chapel Road. The applicant is Brian Braun, representing WCH Homes.

Mr. Wood advised the property was granted approval as a conservation subdivision in an R-1 zone in the mid-2000's and certain infrastructure was installed before the project was abandoned. In 2022 City Council granted rezoning of the property to PUD so the applicant's client could utilize the installed infrastructure. The approved PUD plan increased the minimum lot width and reduced the amount of open space to increase the lot sizes. The proposed preliminary plat is consistent with the approved PUD plan and the approved PUD standards,

except as identified in the recommendation. Staff recommends approval of the proposed preliminary plat with the following conditions: 1. Construction drawing shall include ADA-compliant sidewalks on at least one side of all internal streets; 2. One 3-inch caliper shade tree shall be installed in the right-of-way along both sides of all internal streets, spaced approximately 75 feet on-center; 3. The developer shall construct and furnish a pocket park consistent with plans approved by the Planning Commission; 4. Minimum house size shall be 1,300 square feet of heated area; 5. The stormwater management facility shall be deeded to the City of Perry for permanent maintenance; 6. Developer shall submit evidence of Houston County E911 approval of street names.

Chairman Edwards opened the public hearing at 6:08pm and called for anyone in favor of the request. Mr. Brian Braun representing the owner WCH Homes had nothing further to add and was agreeable to the staff conditions. Chairman Edwards called for anyone opposed; there being none; the public hearing was closed at 6:10pm.

Commissioner Butler motioned to approve the preliminary plat as presented along with staff conditions; Commissioner Guidry seconded; all in favor and was unanimously approved.

- **VAR-0025-2023.** Variance request for property located at 218 Hill Lane. The applicant is Widner & Associates.

Ms. Carson advised the request was for a variance to reduce the front yard setback from 30 feet to 15 feet and to straighten the rear yard setback to 35 feet from the line generally perpendicular to the west of the property line on the subject property. The request is due to the inability to fit the proposed home on the parcel while abiding by the required setback limits. In addition, the subject requires a variance because of the drainage/utility easement along the southern portion of the property. Staff was recommending approval with the condition that development shall occur substantially in compliance with the "Site Plan for St. Croix Manor Subdivision Lot(s) 13 – 218 Hill Road" prepared by Widner & Associates, Inc. and dated 02/09/2023.

Chairman Edwards opened the public hearing at 6:11pm and called for anyone in favor of the request. Mr. Matt Widner concurred with the staff report and presented a site plan that will follow the layout of the property. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:13pm.

Commissioner Butler motioned to approve the variance as submitted with the staff condition; Commissioner Jefferson seconded; all in favor and was unanimously approved.

B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on April 4, 2023)

- **SUSE-0017-2023.** Special exception for short term rental for property at 1107 Third Street. The applicant is JMJ Investment Group.

Ms. Carson read the applicants' request, which was for the property owners to offer the entire 2-bedroom/1-bath house for short-term rental for up to 7 guests. Offering the entire house for rent meets the definition of short-term residential rental, along with staff responses. Staff was recommending approval with the following conditions: The special exception is limited to the current owners of the subject property, JMJ Investment Group, and is not transferable; The special exception is limited to short-term rental of the existing house for up to seven (7) guests at any given

time; The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental; The property owner shall remit all required taxes and fees associated with the short-term rental as required by law; Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

Chairman Edwards opened the informational hearing at 6:18pm and called for anyone in favor of the request. The applicant, Ms. Amanda Fiebig had nothing further to add. Chairman Edwards called for anyone opposed. Ms. Amy Shumaker of 1105 Third Street was opposed as she had moved into the area because it was a nice family neighborhood and does not think it will be safe with short term rentals and there are others in the neighborhood who feel the same, but could not make the meeting. Ms. Teresa Clubb of 1110 Third Street bought in the area because it was an existing subdivision and everyone knows their neighbors and she does not want people coming and going and it should remain as a single family residence There being no further comments; Chairman Edwards closed the public hearing at 6:21pm.

Commissioner Moody discussed the article about a study showing a relationship between the density of short-term rentals and an increase in crime, which Mr. Gilmour provided to Council last month. He further stated he is not opposed necessarily, but does have a concern with a large number of transients in a neighborhood which could undue the “fabric” of the area.

Chairman Edwards inquired if there was any data for the area for previously approved applications. Mr. Wood advised there is one on Sunset Avenue, the application before the Commission this evening and another for April on Third Street. Mr. Wood also stated as it had been previously mentioned at the last Commission work session this would be reviewed to see if there is a concentration in an area. Commissioner Moody was concerned with the concentration in a neighborhood and being less than a twelve month rental.

Commissioner Moody motioned to recommend denial to Mayor and Council of the application as submitted; Commissioner Butler seconded; all in favor and was unanimously recommended for denial.

Ms. Fiebig asked to speak; Chairman Edwards granted her request. Ms. Fiebig advised the request came about as a way to assist military families trying to find housing, this would allow them a short term solution until secured housing is found. The area has no covenants and there is already one in the area; and the intent is not to be a detriment, but to provide a service.

- **SUSE-0027-2023.** Special exception for short term rental for property at 1304 Georgia Avenue. The applicant is Turnkey Dreams Consulting, LLC.

Ms. Carson read the applicants’ request, which was for the property owners to offer the entire 4-bedroom/2-bath house for short-term rental for up to 6 guests. Offering the entire house for rent meets the definition of short-term residential rental, along with staff responses. Staff was recommending approval with the following conditions: The special exception is limited to the current owners of the subject property, Turnkey Dreams Consulting, and is not transferable; The special exception is limited to short-term rental of the existing house for up to six (6) guests at any given time; The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental; The property owner shall remit all required taxes and fees associated with the

short-term rental as required by law; Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

Chairman Edwards opened the informational hearing at 6:32pm and called for anyone in favor of the request. Ms. Cheryl Gillian with Keller Williams and on behalf of the property owners advised they are provided a need for future buyers to the area. The property had been rundown and vacant for ten years and they have rehabbed and brought back to livable standards. Most rental clients will be those looking to purchase a home in the area; and the property will be secured with cameras.

Mr. Matt Dixon spoke in favor of the request advising he is also a real estate investor and there is a need for short term rentals, the market shows that. Real estate agents deal with specific clients who need this type of option. Perry is a great town and there is a misconception on Airbnb's. Homes are brought up to a higher standard and well managed; and it is not the owners' intention to bring something undesirable to the area; just trying to meet a need. Mr. Dixon stated he has had long term tenants and that is not always a desirable scenario.

Chairman Edwards called for anyone opposed. Ms. Clubb and Shumaker reiterated the same comments from the previous case. There being no further comments; Chairman Edwards closed the hearing at 6:43pm.

Chairman Edwards stated he appreciated those who spoke investors trying to revitalize a neighborhood and residents in those neighborhoods and as mentioned by Commissioner Moody and the information provided by the city manager. Commissioner Moody stated he can appreciate economic vitality and serving a population underserved, but it is his opinion a less than 30 day rental and not knowing who your neighbor may be less than desirable. Commissioner Ross voiced he could appreciate both sides, but feels there may need to be more thought or an ordinance change for these requests. Mr. Wood noted from the Commission's last work session this was briefly discussed with regard to density and clustering concerns, but will be discussed more in depth at the March work session. Mr. Wood recommended when deciding the Commission should be consistent and the two cases this evening are in the same neighborhood with similar situations. Mr. Wood noted there have already nine previously approved scattered throughout the city.

Commissioner Ross motioned to recommend approval of the application with the staff conditions as listed. Due to lack of a second motion died.

Commissioner Butler motioned to recommend denial of the application as submitted to Mayor & Council; Commissioner Moody seconded; all in favor with Commissioner Ross for approval; resulting vote was 5-1 for recommendation of denial. Commissioner Butler also recommended Council provide the Commission guidance on the issue.

RZNE-0022-2023. Rezone various multi-family properties on Sherwood Road, Morningside Drive, Oak Ridge Drive, and Keith Drive from R-2, Single-family Residential, to RM-1, Multi-family Residential. The applicant is the City of Perry.

Mr. Wood advised the subject properties are developed as two-family residential uses. With the recent amendment making the R-2 district a single-family only zone, these properties were rendered nonconforming. The proposed RM-1 zoning recognizes the existing development and will allow the use of the properties to continue as existing.

Chairman Edwards opened the informational hearing at 7:01pm and called for anyone in favor or opposed to the request; there being none the hearing was closed at 7:02pm.

Commissioner Butler motioned to recommend approval of the application as submitted to Mayor and Council; Commissioner Jefferson seconded; all in favor and was unanimously recommended for approval.

- **RZNE-0023-2023.** Rezone various multi-family properties on Alice Drive, Keith Drive, Morningside Drive, Sunset Avenue, Third Street, Fourth Street, and Whipple Street from R-3, Single-family Residential, to RM-1, Multi-family Residential. The applicant is the City of Perry.

Mr. Wood advised the subject properties are developed as two-family residential uses. With the recent amendment making the R-3 district a single-family only zone, these properties were rendered nonconforming. The proposed RM-1 zoning recognizes the existing development and will allow the use of the properties to continue as existing.

Chairman Edwards opened the informational hearing at 7:05pm and called for anyone in favor or opposed to the request; there being none the hearing was closed at 7:06pm.

Commissioner Jefferson motioned to recommend approval of the application as submitted to Mayor and Council; Commissioner Moody seconded; all in favor and was unanimously recommended for approval.

9. Other Business- None

10. Commission questions or comments – None

11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 7:08pm.

Planning Commission Work Session Agenda
Minutes - March 27, 2023

1. Call to Order: Vice Chairman Moody called the meeting to order at 12:00pm
2. Roll Call: Vice Chairman Moody, Commissioners Ross and Guidry were present.

Absent: Chairman Edwards; Commissioners Mehserle, Jefferson, and Butler

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner, Chad McMurrian – Engineering Services Manager, and Christine Sewell – Recording Clerk

3. Invocation- by Commissioner Ross
4. Citizens with Input- None
5. New Business

- Update of Capital Improvement Projects Mr. McMurrian advised requests have been received for sidewalks in the rural areas of the city and provided examples of a street profile and how stormwater runoff would be handled. There are issues with piping not being underneath the roadway and in some areas, that may not be done for many, many years down the road; an example would be Keith Drive.

Mr. McMurrian provided a draft checklist of the as-built requirements in the Design & Specification Manual proposed to be updated. The Commission asked staff to forward to the appropriate persons for comment and it will be brought back for discussion at the next work sessions.

- Discussion of Short-term Rental Density – Mr. Wood advised in follow-up to the memo that was provided by the City Manager referencing the study from the Boston market and Ms. Carson obtained the study and reviewed the memorandum provided on short term rental density. It was recommended that possible policy recommendations be considered as in researching other cities this has been done. Mr. Wood provided a map of the areas where applications have been approved. It would be necessary to look at the entire city and perhaps consider a buffer. Commissioner Guidry advised he searched the city area and surrounding area as well as those further south and showed Perry at eight; there are more listings but the majority was for hotels/motels. Mr. Wood pointed out the study was not saying renters were criminals. It was the consensus of the Commission that additional research on potentially establishing guidelines/standards would need to be done.

6. Other Business – None
7. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 1:00pm.



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STAFF REPORT

March 9, 2023

CASE NUMBER: PLAT-0032-2023
APPLICANT: Dylan Wingate for Wingate Custom Homes
REQUEST: Preliminary Plat – The Encore at the Parkway
LOCATION: 1904 Houston Lake Road; Tax Map No.: 0P0490 061000
ADJACENT ZONING/LANDUSES:

	Zoning Classification	Land Uses
North	RAG, Residential Agricultural (County)	Single-family residential
South	R-3, Single-family residential	Single-family residential (Sugar Loaf)
East	R-2A, Single-family residential	Single-family residential and Event venue
West	C-2, General Commercial	Self-service storage and Undeveloped

SPECIFICATIONS (per submitted plat):

1. Zoning of property: PUD, Planned Unit Development
2. Use: Single-family attached and detached residential
3. Number of Lots: 119 Townhouse lots; 166 single-family detached lots
4. Open Space: 28.97 acres

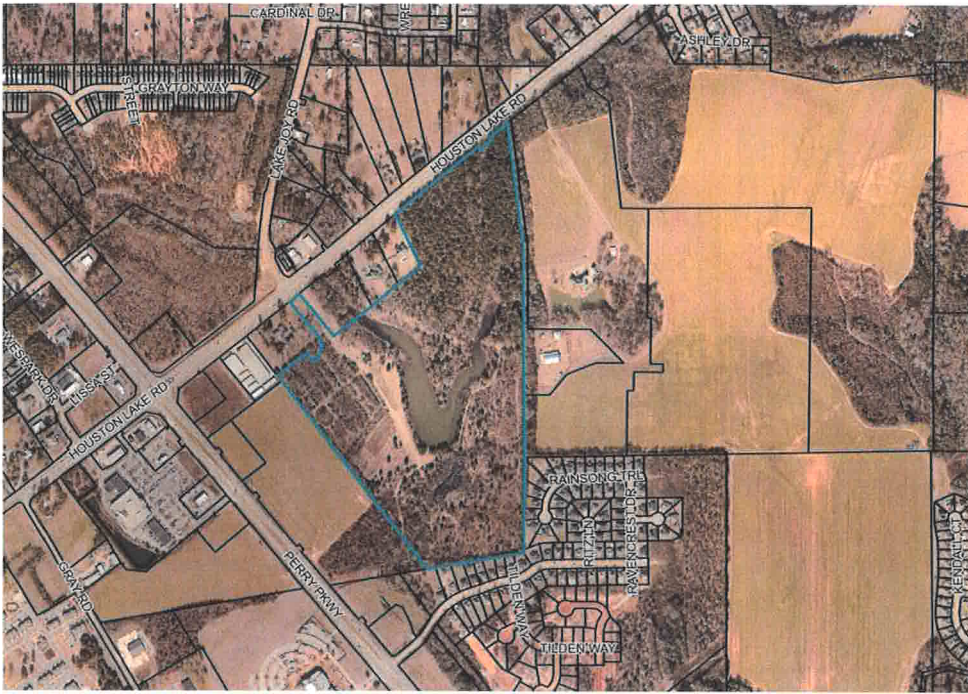
STAFF COMMENTS: The proposed preliminary plat is consistent with the approved PUD plan and the approved PUD standards, except as identified in the recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the proposed preliminary plat with the following conditions:

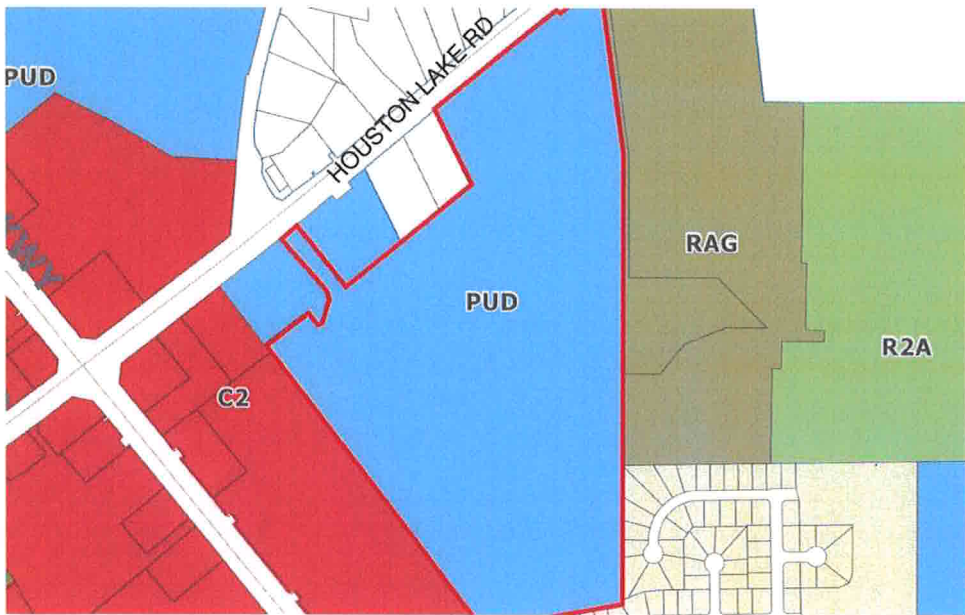
1. Rear setback for lots FL2 – FL17 and FL49 – FL53 shall be 35 feet.
2. The developer shall construct and furnish a pocket park consistent with plans approved by the Planning Commission.
3. Developer shall submit evidence of Houston County E911 approval of street names.

PLAT-00322023

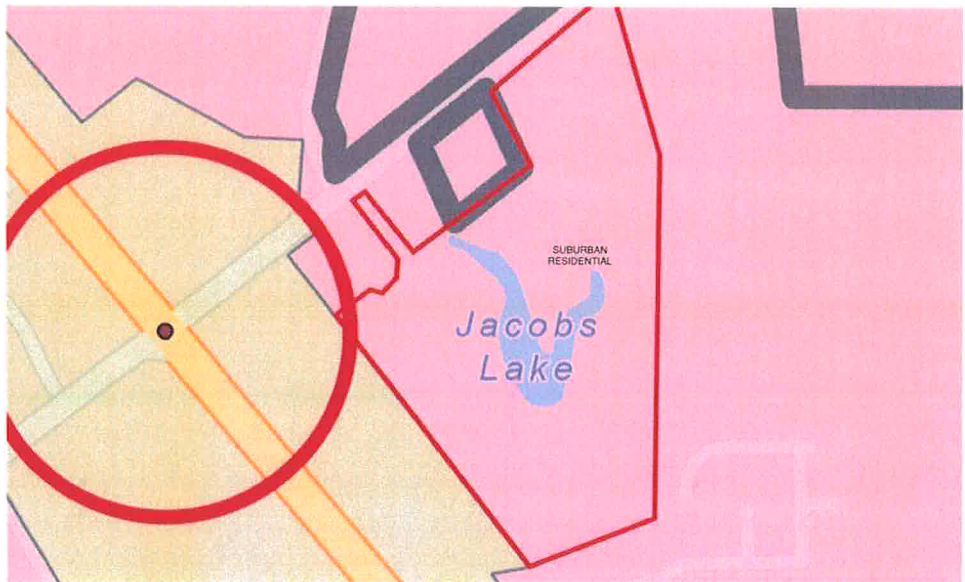
Major Preliminary Plat



Aerial



Zoning



Character Area

Site	
Site Area	84.78 Acres 3,693,152 SF
Zoning	
Existing	RAG - Residential Agriculture
Proposed	FUD - Planned Unit Development
Unit Type	
Commercial	45,000 SF
Townhouse - Rear Loaded	119 Units
Single Family Detached - Front Loaded	86 Units
Single Family Detached - Rear Loaded	79 Units
Density	
Total Residential Units	284 Units
Total Units Per Acre	3.3 Units per acre
Open Space	
Open Space Provided**	32.51 Acres
Open Space Percentage	38.34%

LEGEND

- Mixed Use
- SFD - Front Loaded
- SFD - Rear Loaded
- Townhouse

*Does not include areas within right-of-way, provided buffers, or proposed lots.

Parking: Residential Area

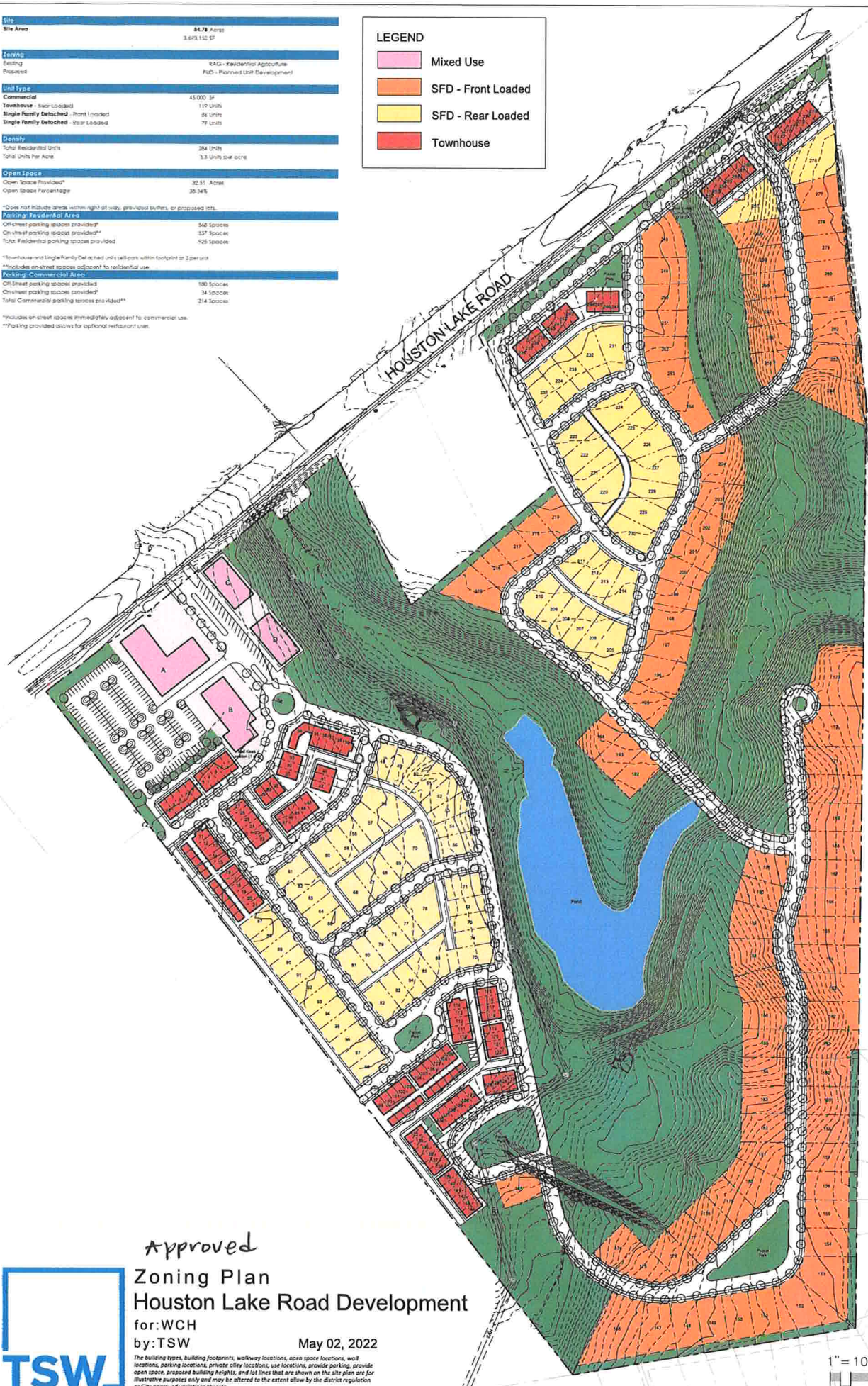
Off-street parking spaces provided* 548 Spaces
 On-street parking spaces provided** 357 Spaces
 Total Residential parking spaces provided 905 Spaces

*Townhouse and Single Family Detached units will have within footprint or 2 per unit.
 **Includes on-street spaces adjacent to residential use.

Parking: Commercial Area

Off-street parking spaces provided 180 Spaces
 On-street parking spaces provided* 34 Spaces
 Total Commercial parking spaces provided** 214 Spaces

*Includes on-street spaces immediately adjacent to commercial use.
 **Parking provided above for optional restaurant use.

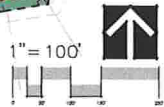


Approved
 Zoning Plan
 Houston Lake Road Development
 for: WCH
 by: TSW

May 02, 2022



The building types, building footprints, walkway locations, open space locations, wall locations, parking locations, private alley locations, use locations, provide parking, provide open space, proposed building heights, and lot lines that are shown on the site plan are for illustrative purposes only and may be altered to the extent allow by the district regulation or City-approved variations thereto.



Approved

Houston Lake Road Development // 04.18.2022
OP0490 061000 & 090490 062000 Rezoning Application
Perry, Georgia

1. Dimensional standards:

a. Minimum lot size for each type of use

- i. SFD – Rear Loaded
 - 1. 4,000sf lot
- ii. SFD – Front Loaded
 - 1. 5,500sf lot
- iii. TH
 - 1. 1,200sf lot

b. Minimum lot width for each type of use

- i. SFD – Rear Loaded
 - 1. 35' at ROW
- ii. SFD – Front Loaded
 - 1. 55' at ROW
- iii. TH
 - 1. 20' at ROW

c. Setbacks for each type of use

- i. SFD – Rear Loaded
 - 1. Front: 10'
 - 2. Side: 5'
 - 3. Rear: 5'
- ii. SFD – Front Loaded
 - 1. Front: 15'
 - 2. Side: 5'
 - 3. Rear: 15' ^{35'}
- iii. TH
 - 1. Front: 10'
 - 2. Side: 0'
 - 3. Rear: 5'

d. Minimum house size

- i. 1,300sf

e. Proposed building heights – commercial

- i. 1 floor / 20' max

2. Street and ROW widths

- a. Reference TYP section exhibit

3. Standards for proposed signs – height, location, character

- a. See attachment

4. Proposed allowable/restricted uses for commercial properties

- a. Allowable/restricted uses for commercial properties to match current C-3 regulation.

5. Proposed building materials and character for commercial properties

- a. Character: Mercantile
- b. TYP Material palette: Brick, stucco, hardy board, and stone

6. Location, height, and material of any fences, walls, screens, plants, and landscaping

- a. Landscape Plan to be determined. If required for rezoning, applicant request item be listed as a condition. Landscape plans to be submitted for approval once developed.



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STAFF REPORT

From the Department of Community Development
March 20, 2023

CASE NUMBER: SUSE-0037-2023

APPLICANT: 1320 Keith Dr Trust, A. Holmes as Trustee

REQUEST: A Special Exception to allow short-term residential rental

LOCATION: 1320 Keith Drive; Tax Map No. 0P0440 042000

REQUEST ANALYSIS: The subject property owners offer the entire 3-bedroom/1.5-bath house for short-term rental for up to 12 guests. Offering the entire house for rent meets the definition of “short-term residential rental.”

“Short-term residential rental means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. This use type is regulated under the “visitor accommodations” use category in article 4, use regulations.”

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

	Zoning Classification	Land Uses
Subject	R-2, Single family residential	Single-family residential
North	R-2, Single family residential	Single-family residential
South	R-2	Single-family residential
East	R-3, Single family residential	Single-family residential, attached
West	R-2	Single-family residential

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a “Traditional Neighborhood” character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not negatively impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than the normal occupancy of a single-family residence.

6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* Short-term rental of the residence should not increase the population density above that expected for the size of the house.
8. *Will the use create a health hazard or public nuisance?* Short-term rental of the residence should not create a health hazard, and normally should not create a public nuisance. Renters who may use the property as a “party house” or otherwise disturb the normal peace and quiet of the neighborhood may result in the special exception being suspended or revoked.
9. *Will property values in adjacent areas be adversely affected?* Short-term rental of the residence should not adversely affect the value of properties in the area.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property is developed as a permitted use, a single-family residence. The special exception is to allow rental of the property on a less than 30-day basis.

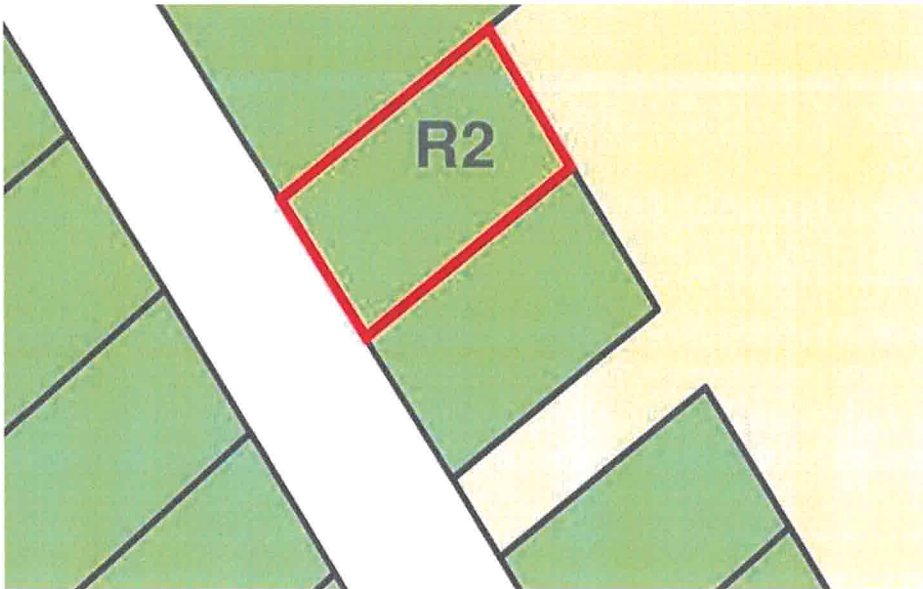
STAFF RECOMMENDATION: Staff recommends approval of the special exception, with the following conditions:

1. The special exception is limited to the current owners of the subject property, 1320 Keith Dr Trust, A. Holmes as Trustee, and is not transferable.
2. The special exception is limited to short-term rental of the existing house for up to twelve (12) guests at any given time.
3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental.
4. The property owner shall remit all required taxes and fees associated with the short-term rental as required by law.
5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

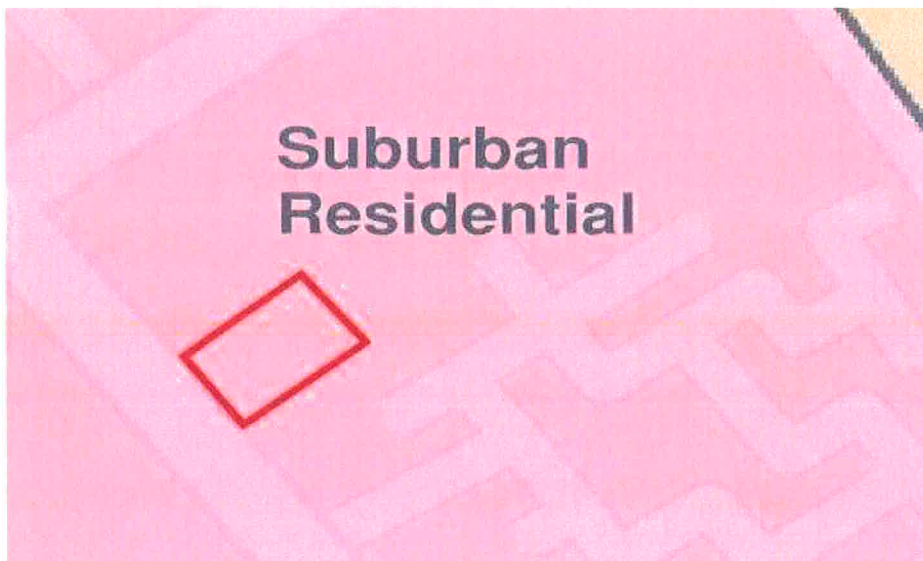


SUSE 0037-2023
1320 Keith Drive
Short-term rental

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # _____

Application for Special Exception

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	1320 Keith Dr. Trust, A. Holmes as Trustee	1320 Keith Dr. Trust, A. Holmes as Trustee
*Title	Elcia Holmes, manager & authorized agent	
*Address	2959 Chapel Hill Rd, Ste D, #121, Douglasville, GA 30135	
*Phone	678-304-9777	
*Email	renters.tusp@gmail.com	

Property Information

*Street Address	1320 Keith Dr, Perry, GA 30109 31069	
*Tax Map Number(s)	0P0440 042000	*Zoning Designation R2

Request

*Please describe the proposed use:	The number of guests per booking varies at any given time, but we expect to host up to 12 max, per booking, for overnight lodging.
The proposed use is a rental property to be rented on a short, mid, and/or long-term basis to help fulfill the needs of the local community.	

Instructions

- The application and ***\$300.00 fee** (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards).** See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- *For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.**
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.**
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
- *Signatures:**

*Applicant	1320 Keith Dr. Trust, A. Holmes as Trustee	*Date	03/01/23
*Property Owner/Authorized Agent	<i>Elcia Holmes, manager</i>	*Date	03/01/23

Standards for Granting a Special Exception

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? - None of these exist that I am aware of, except the new city requirement to obtain a special exception.

- (1) The existing land use pattern. - This will in no way be affected, to my knowledge.
- (2) Whether the proposed use is consistent with the Comprehensive Plan. - Yes. There are residential & commercial properties on Keith Dr, as well as in the immediate areas around Keith Dr, such as Houston Lake Rd & Perry Pkwy. In addition, several properties in the area are rentals.
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. - Yes, fire & police protection are already provided at this property and their services will not be affected.
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan. - Yes. This property has been greatly improved & will not be detrimental to other properties, nor deter property improvements, but it can encourage others to improve.
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
 - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and - No pedestrian or vehicular traffic will be made hazardous, inconvenient, or incongruous with the area, from the property's operations, nor conflict with normal neighborhood traffic.
 - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern. - This is a single story ranch home, just like majority of homes in the immediate area. Its landscaping nor anything else related to it will not hinder or discourage any development or use of other properties.
- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities. - No. The population density will not be increased, nor will overtaxing of public facilities be caused, & neither will approval encourage other properties or areas to increase density.
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water. - No, none of these things will be caused. We have policies regarding noise & disturbances. We also have security cameras. In addition, the nature of STRs allows for a much quicker resolution of any guests causing a nuisance vs a long-drawn out court process required for long-term tenants. Also, our target audiences are work & business travelers, fairground events' attendees, & out of town family/friend visitors.
- (8) Whether the proposed change will adversely affect property values in adjacent areas. - No. Values will not be adversely affected, but they will be positively affected from the home's improvements and proper upkeep.
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. - No substantial reasons exist as to why the property cannot be used for a STR.



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development
March 20, 2023

CASE NUMBER: SUSE-0041-2023

APPLICANT: Coldwell Banker Free Realty/Scott Free

REQUEST: A Special Exception to allow short-term residential rental

LOCATION: 1109 Third Street; Tax Map No. 0P0020 072000

REQUEST ANALYSIS: The subject property owners propose offering the entire duplex for short-term rental. Unit A features 2 bedrooms and 1.5 bathrooms for up to 4 guests. Unit B features 3 bedrooms and 1.5 bathrooms for up to 6 guests. There can be a total of 10 guests at a time on the property. Offering the units for rent meets the definition of “short-term residential rental.”

“Short-term residential rental means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. This use type is regulated under the “visitor accommodations” use category in article 4, use regulations.”

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

	Zoning Classification	Land Uses
Subject	R-M-1 (Pending)	Two-family residential
North	R-M-1 (Pending)	Multi-family residential
South	R-3, Single family residential	Single-family residential
East	R-3	Single-family residential
West	R-3	Single-family residential

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a “Traditional Neighborhood” character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than

the tenants changing on a more frequent basis, short-term rental should not be any different than a normal occupancy of a single-family residence.

6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* Short-term rental of the residence should not increase the population density above that expected for the size of the house.
8. *Will the use create a health hazard or public nuisance?* Short-term rental of the residence should not create a health hazard, and normally should not create a public nuisance. Renters who may use the property as a “party house” or otherwise disturb the normal peace and quiet of the neighborhood may result in the special exception being suspended or revoked.
9. *Will property values in adjacent areas be adversely affected?* Short-term rental of the residence should not adversely affect the value of properties in the area.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property is developed as a permitted use, a single-family residence. The special exception is to allow rental of the property on a less than 30-day basis.

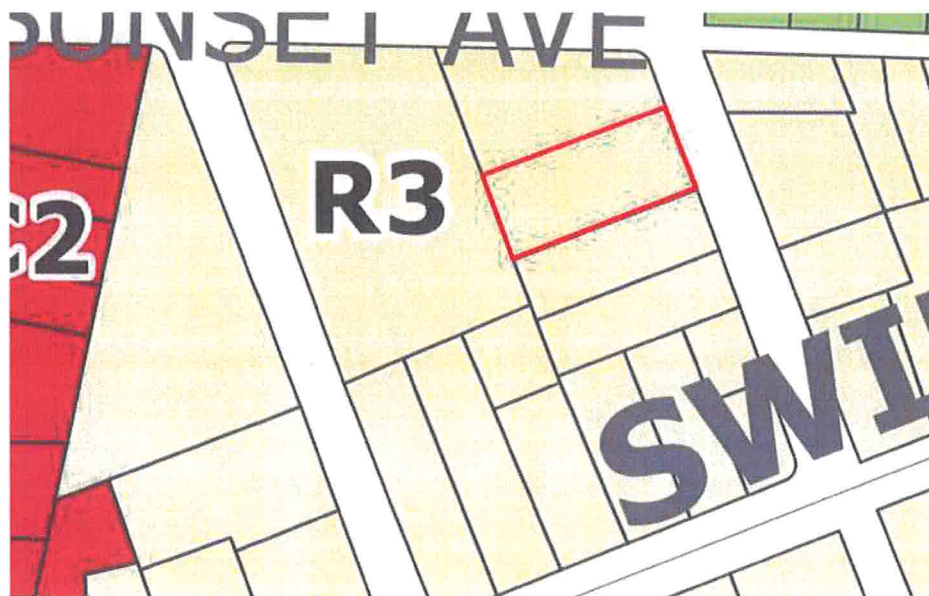
STAFF RECOMMENDATION: Staff recommends approval of the special exception, with the following conditions:

1. The special exception is limited to the current owners of the subject property, Roberto and Heidi Denis and is not transferable.
2. The special exception is limited to short-term rental of the existing house for up to 4 guests in Unit A and 6 guests in Unit B at any given time.
3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental.
4. The property owner shall remit all required taxes and fees associated with the short-term rental as required by law.
5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

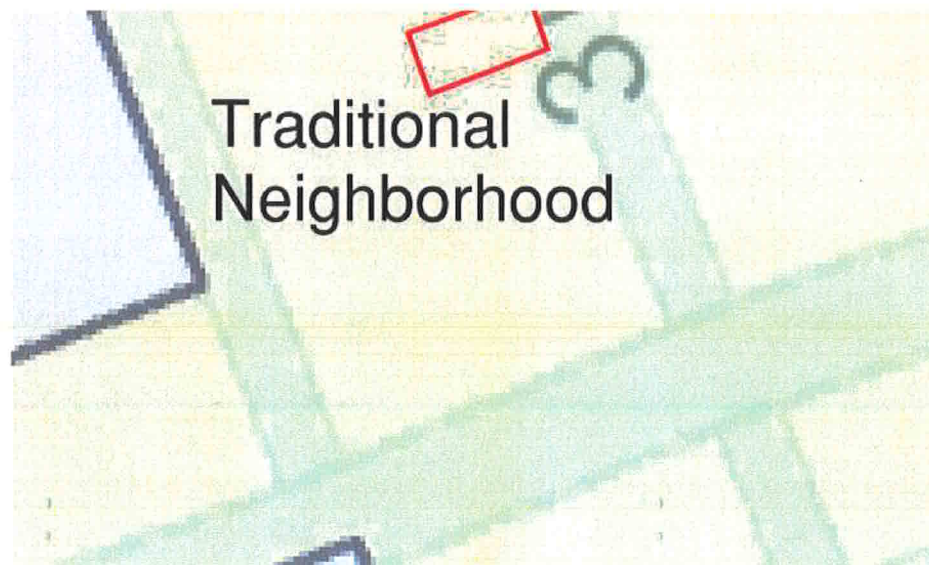


SUSE 0041-2023
1109 Third Street
Short-term Rental

Aerial



Zoning



Character Area



Where Georgia comes together.

Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUSE#0041-2023

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Coldwell Banker Free Realty/Scott Free	James S. Parks II + Cristi Parks
*Title	Owner / Broker	Owner
*Address	1101 Washington St. Perry Ga 31069	7049 Hwy 341 Ft. Valley Ga 31030
*Phone	478-218-2600	478-397-4802
*Email	scottfree@cbfree Realty.com	Cherokeepesca@gmail.com

Property Information

*Street Address	1109 Third Street	
*Tax Map Number(s)	0P0020 092000	*Zoning Designation R-3

Request

*Please describe the proposed use:	Short Term Rental Unit A - 2 bed 1 1/2 bath - 4 occupants Unit B - 3 bed 1 1/2 bath - 6 occupants
------------------------------------	---

Instructions

- The application and ***\$300.00 fee** (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards).** See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- *For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.**
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.**
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
- *Signatures:**

*Applicant	Coldwell Banker Free Realty/Scott Free	*Date	3/7/23
*Property Owner/Authorized Agent	DocuSigned by: James Parks	*Date	3/7/2023 5:30 PM
	Cristi Parks		

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Standards for Granting a Special Exception

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? *NO*

- (1) The existing land use pattern. *There are rental Properties on each side of Subject Property.*
- (2) Whether the proposed use is consistent with the Comprehensive Plan. *yes*
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. *yes*
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan. *It will comply.*
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
 - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and *will not affect any of the Above.*
 - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern. *will not affect any of the Above.*
- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities. *will Remain the Same.*
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water. *will not affect any of the above.*
- (8) Whether the proposed change will adversely affect property values in adjacent areas. *NO*
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. *NO.*



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STAFF REPORT

From the Department of Community Development

March 20, 2023

CASE NUMBER: SUSE-0044-2023

APPLICANT: MJLCC, LLC

REQUEST: A Special Exception to allow short-term residential rental

LOCATION: 1100 Kenwood Drive; Tax Map No. 0P0430 067000

REQUEST ANALYSIS: The subject property owners offer the entire 3-bedroom/1.5-bath house for short-term rental for up to 9 guests. Offering the entire house for rent meets the definition of “short-term residential rental.”

“*Short-term residential rental* means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. This use type is regulated under the “visitor accommodations” use category in article 4, use regulations.”

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

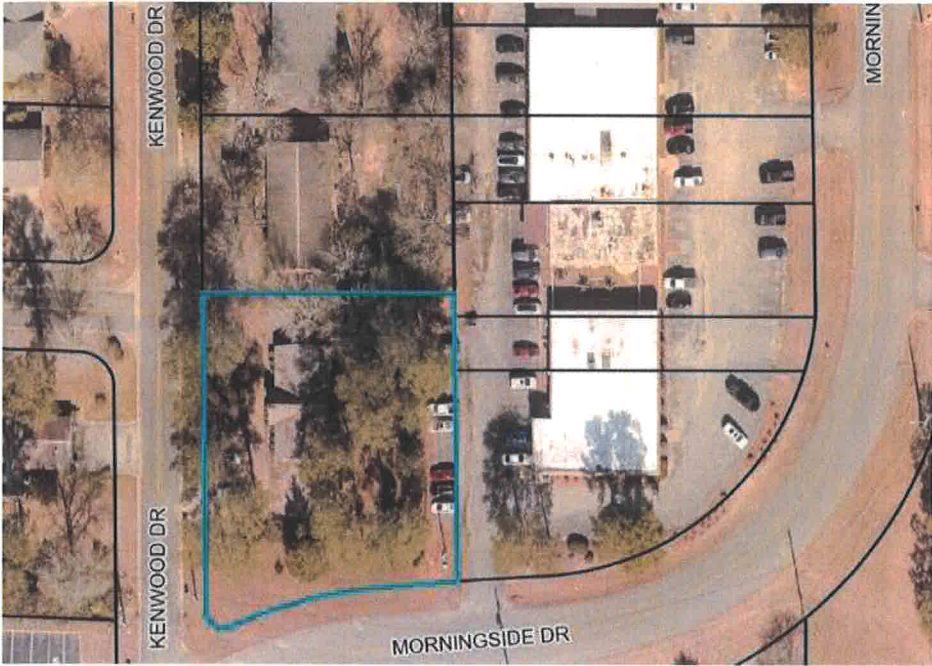
	Zoning Classification	Land Uses
Subject	R-3, Single family residential	Single-family residential
North	R-1, Single family residential	Single-family residential
South	R-3	Undeveloped
East	C-2, General Commercial	Professional Offices
West	R-1	Single-family residential

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a “Traditional Neighborhood” character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than the normal occupancy of a single-family residence.

6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* Short-term rental of the residence should not increase the population density above that expected for the size of the house.
8. *Will the use create a health hazard or public nuisance?* Short-term rental of the residence should not create a health hazard, and normally should not create a public nuisance. Renters who may use the property as a “party house” or otherwise disturb the normal peace and quiet of the neighborhood may result in the special exception being suspended or revoked.
9. *Will property values in adjacent areas be adversely affected?* Short-term rental of the residence should not adversely affect the value of properties in the area.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property is developed as a permitted use, a single-family residence. The special exception is to allow rental of the property on a less than 30-day basis.

STAFF RECOMMENDATION: Staff recommends approval of the special exception, with the following conditions:

1. The special exception is limited to the current owners of the subject property, MJLCC, LLC, and is not transferable.
2. The special exception is limited to short-term rental of the existing house for up to nine (9) guests at any given time.
3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental.
4. The property owner shall remit all required taxes and fees associated with the short-term rental as required by law.
5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

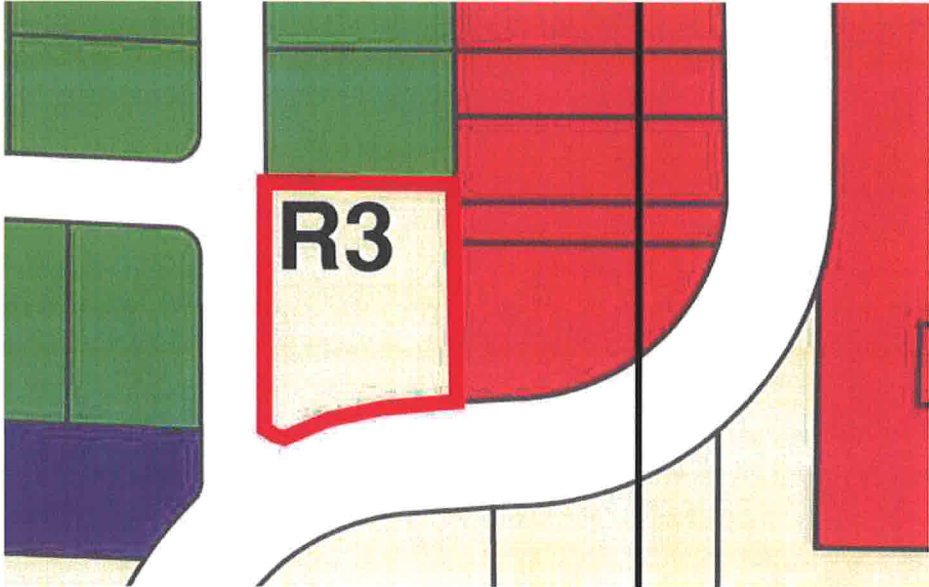


SUSE 0044-2023

1100 Kenwood Dr

Short-term Rental

Aerial



Zoning



Character Area



Where Georgia comes together.

Application for Special Exception

Contact Community Development (478) 988-2720

Application # SUDE
0044-
2023

*Indicates Required Field

	*Applicant	*Property Owner
*Name	MTLCC, LLC	Matt Dixon
*Title	CEO	
*Address	1105 Morningside Dr Perry	1105 Morningside Dr.
*Phone	478 957 8798	Perry 31069
*Email	dematdixon@gmail.com	

Property Information

*Street Address	1100 Kenwood Dr	
*Tax Map Number(s)	0P0430 067000	*Zoning Designation
		RS

Request

*Please describe the proposed use:

Special exemption to approve property for short term rentals -
MAX 9 people

Instructions

- The application and *\$300.00 fee (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- *For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
- *Signatures:

*Applicant		*Date	3/13/23
*Property Owner/Authorized Agent		*Date	

Standards for Granting a Special Exception

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

- (1) The existing land use pattern. *yes*
- (2) Whether the proposed use is consistent with the Comprehensive Plan. *yes*
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. *yes*
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan. *yes*
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
 - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and *yes*
 - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern. *yes*
- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities. *No*
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water. *No*
- (8) Whether the proposed change will adversely affect property values in adjacent areas. *No*
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. *No*

Request for Special Exemption 1100 Kenwood Dr.

Matt Dixon <drmattdixon@gmail.com>

Thu 3/16/2023 9:37 AM

To: Community Development <comm.development@perry-ga.gov>; Randall Walker <randall.walker@perry-ga.gov>; Bryan Wood <bryan.wood@perry-ga.gov>

I have included a flyer that we have made available to some of the neighbors near this home.

I would like to add the following...

- My home will be professionally managed to include proper screening of clients, noise monitoring and security.
- There should be no negative impacts on the neighborhood. No increase in traffic. We will not tolerate loud or unruly tenants.
- This will not be "air bnb" but a more high-end place for people who need more options for short term leasing such as tourists, local home buyers who are in between houses, itinerant workers such as doctors and nurses across the street at the hospital.
- Perry already hosts tourists and visitors daily and thousands of visitors already come and stay in hotels and other short term housing. These visitors also have economic impact as they eat and shop in Perry.
- If Perry does not have adequate housing in quality hotels or STRs they will simply seek other towns to visit or stay in other local cities.
- Tourism drives our Perry economy and our governor has established a tax on STR's which benefit the city more than a long term lease would do.
- Investors need clarity for what criteria must be met to gain approval of this special exemption.
- Here is an article from the Ga public policy foundation on the subject and it references a ruling by the Supreme Court of Connecticut re "right to rent". <https://www.georgiapolicy.org/news/short-term-rental-regulation-public-protection-or-party-poopers/>
- A healthy housing market includes STR's across the world and over 1.3 million STR's are currently available in the US.
- Fears about the inherent nature of "short-term" renters are unmerited.
- Investors and business owners in Perry have thrived with the support of our city government.
- For my home, we have upgraded the home significantly from the poor condition it was in after 8 years to a single tenant. We will have professional landscaping and home cleanings regularly. This home is better for the local neighborhood as a short term rental.
- My business is adjacent to this home and I will be the most concerned neighbor when it comes to who visits this home and the condition it is in.

Thank you for your consideration.

--

[My newest song! Here Comes You](#)



Dear Neighbor,

We are excited to inform you that the property located at 1100 Kenwood Drive is currently seeking a special exemption from the city of Perry that would allow us to accommodate short to mid-term travelers. This partnership between the owner, Dr. Matt Dixon, and the property management company, MASTR Homestays, LLC, means that, if approved, guests traveling into the Perry area will stay there.

As the managing company, we think it's important to let the neighbors adjacent to the property know about this change, and give you the opportunity to ask any questions or raise concerns.

So, what exactly is a short-term rental? Essentially, guests book the home based on a nightly rate, and can stay for as little as one night or up to several months. They could be traveling for many reasons such as visiting family, attending events or working locally. We take great care to ensure the safety of the neighborhood by thoroughly screening guests prior to booking, having noise monitors and Ring alarm cameras installed in the property, among other measures.



We know that you may still have questions/concerns, and we're happy to help. Please feel free to contact Andy Acosta at the number or email provided below.

Have a blessed day,

Andy & Malorie Acosta



478-954-1119

MASTRINVESTMENTS@GMAIL.COM

BOOKING.MASTRHOMESTAYS.COM



About The Team Donate

Issues ▾ Georgia Freedom Dinner The Latest Friday Facts

Authored by



Cindy Morley
Director Of Public Affairs

November 4, 2021

Short-Term Rental Regulation: Public Protection or Party Poopers?



Short-term rentals have become an increasingly popular option, across the country and in cities and towns across Georgia, as tourists, travelers and those seeking temporary, budget-friendly accommodations embrace home-sharing platforms such as Airbnb, Vrbo, Booking.com and others.

At the same time, these home-sharing platforms – and by extension, the owners of these rental properties – appear to be increasingly on the radar of municipalities, lawmakers and other interest groups.

On the positive side, short-term rentals provide a new and expansive category of accommodations in the hospitality industry. Options have soared for anyone looking to book a place to stay for vacation or travel.

So, too, have new regulations and restrictions on how short-term rentals can operate.

The short-term rental boom seems to have caught everyone by surprise, igniting debate in communities across Georgia about how local officials should approach this issue.

Citing concerns about preserving the welfare of neighbors and community members, some have even gone beyond debate and are enacting regulations. Among them are Hall County and the cities of Sandy Springs and Savannah.

On the popular Georgia vacation spot of Tybee Island, near Savannah, 1,575 of the 2,994 housing units are registered for short-term vacation rentals. Of those rentals, 214 were registered in the weeks before an August 26 vote by the Tybee Island City Council to implement a 90-day moratorium on issuing permits. Officials stress that not all the registered rentals are necessarily active; some remain owner-occupied.

On September 9, the city council voted in an ordinance that hiked fees for these rentals. The

previous annual renewal fee was \$100. The new ordinance establishes a \$200 base annual fee and an occupancy fee based on the rental's capacity. For occupancy of one to five people, the fee is \$10 per person. For six to 10 people, it is \$15 per person. For more than 10 people, the fee is \$20 per person.

City Manager Shawn Gillen said the fee structure was necessary "because when there's more people who stay overnight there's more need for police, code enforcement and fire services," WTOC News reported.

Asked whether Tybee officials have, in fact, experienced issues with excessive partying in short-term rentals or this has become a problem for local law enforcement, Gillen told the Georgia Public Policy Foundation, "We do not have this data. The city council is responding to concerns raised by the residents of Tybee."

The issue of short-term rentals has divided the island's residents, according to Savannah Morning News reports from local meetings. While rental owners cite the economic benefits, the rentals and the visitors they attract "have been a top concern among the island's permanent residents for years. They decry the industry as an encroachment on quality of life and the sense of community inherent in residential neighborhoods," the newspaper reported recently.

Hall County seems to have taken a more civil approach. The county is sending out notifications to neighbors, according to property owner Kevin Beasley, who received a letter on October 27.

“They notified me of a Short-Term Rental Business being operated within 500 feet of one of my homes,” said Beasley, who owns several long-term rentals.

“They identified the property owner, and made me aware of the county’s website on short-term rentals. It looks like they have a process in place to file complaints, I assume if the property owner’s tenants cause problems. There is a 24-hour hotline if there’s a complaint. I think it’s good that that this is available for other property owners in the neighborhood, in case there are rowdy short-term renters.”

Gone Too Far

Many opponents of these new restrictions have raised concerns about private property rights, as well as concerns that state and local governments are turning short-term rentals into a revenue source.

Michael Hendrix, Senior Fellow and Director of State and Local Policy at the Manhattan Institute, says he is “skeptical of any regulations on short-term rentals.”

“I think the trend should be going in the other direction,” Hendrix says. “I believe we should have fewer restrictions on housing right now as we are facing too much demand and too little housing across the country.

“We now have jurisdictions looking at placing limits on the number of visitors, limits on where short-term rentals can be located in a community and limits to how many properties can be turned over to short term

rentals. It seems that while some reasonable restrictions are being discussed, others may have gone too far.”

The Atlanta City Council passed new rules for the short-term rental industry in March 2021, effective September 1. In July, the council voted to delay the implementation of the regulations until March 1, 2022, saying the Department of City Planning needed more time to plan for the ordinance to go into effect.

Atlanta’s new regulations will allow homeowners to rent out rooms or entire houses for 30 days at most. The maximum occupancy is two adults per bedroom. Homeowners will have to apply for a \$150 certificate to operate rentals in the city, and the rentals will be taxed at the same 8% rate as hotels. Short-term rental properties will also be subject to \$500 fines for loud parties or other violations.

These and actions by other local jurisdictions are raising concerns about violations of private property rights.

A Right to Rent

A recent publication by the National Association of Realtors points out the core rights of property owners to lease or rent their property, citing a ruling by the Supreme Court of Connecticut that the “right to rent” is one of the important “sticks” in the bundle of property rights. That court wrote in a 2001 case:

“It is indisputable that the right of property owners to rent their real estate is one of the bundle of rights that, taken together, constitute the essence of ownership of

property. ... Owners of a single-family residence can do one of three economically productive things with the residence: (1) live in it; (2) rent it; or (3) sell it.”

As the National Association of Realtors reports, courts in other states have also ruled that residential rentals “no matter how long the term, are a residential use because the renter uses the home for the same purpose as the owner.”

As for restrictions on renting, [a ruling by the Maryland Court of Appeals](#) went so far as to state, “While the owner may be receiving rental income, the use of the property, is unquestionably ‘residential.’ The fact that the owner receives rental income is not, in any way, inconsistent with the property being used as a residence.”

Undermining Hotels

The [Georgia Municipal Association](#) (GMA), which represents 537 cities, has developed a policy position on short-term rental businesses, according to Thomas Gehl, Director of Governmental Relations. The association outlines its stance in its [2022 Legislative Policies](#) publication:

- Local control is “necessary for quality of life, public safety and a competitive lodging marketplace.”
- “GMA supports the recurring legal use of properties as short-term or vacation rentals by individuals licensed to do business.”
- “State law should define short-term rental lodging to differentiate such businesses from hotels, motels

and traditional bed and breakfasts.”

In the policy “Explanation” of its stance, GMA states that “Unregulated, unlicensed short-term rental providers are undermining the hotels, motels and traditional bed and breakfasts around the state by not paying taxes or following health and safety standards. Parking, noise and illicit substance abuse are documented, recurring issues with short-term rental properties in unregulated settings.”

Piling It On

Legislation passed during the 2021 session that took effect July 1 treats licensed short-term rentals like hotels. It requires licensed owners as well as short-term home rental companies like Airbnb and Vrbo to pay hotel taxes. That means Georgia Airbnb owners must collect a \$5 per night lodging tax and the local government’s excise tax (up to 8%) from their renters.

In an April report in Macon’s WMAZ, one Airbnb owner reacted to the new law.

“In the scheme of things, \$5 is not that much,” Trace Butler was quoted as saying. “I mean, it’s not a large percentage increase. There is a limit to how many fees we absorb before it distracts from our guests staying with us, but if it is distributed evenly between the hotels and motels, then we are at least on an even playing field with everyone else.”

Georgia State Rep. Joseph Gullett (R-Dallas), whose vote was one of 22 opposing the legislation, explained why: “I

try not to favor new taxes. I'd rather level the playing field by removing the current taxes than by adding another one to the group," he said.

Short-term rentals are playing a major role in the lodging market in Georgia, especially in popular tourist areas such as Atlanta, the north Georgia mountains and along the coast. A 2019 report from the Vacation Rental Management Association found spending on accommodation by these visitors (not including studios or one-bedrooms) totaled \$224.4 million the previous year. Additionally, their direct spending – on food and entertainment – was \$682.2 million and led to almost 18,000 jobs.

“To put these figures in context,” the report stated, “the economic activity attributable to [short-term rentals] is the equivalent of about 3 percent of the reported aggregate impact of travel to the state during 2018. As would be expected, the lion's share of the activity tends to be found in the consumer-driven segments of the economy such as food services, retail trade and arts and entertainment.”

So why all the new restrictions on short-term rentals?

The Mercatus Center at George Mason University reports that one reason is housing affordability advocates who “complain that home-sharing platforms are crowding out long-term rentals, thus limiting the supply of rental housing and increasing the rental rates for residents.

“They view the supply of housing as fixed, that any unit currently used as a short-term rental can't be used as a

long-term rental. In response to these concerns and other considerations, municipalities have implemented a variety of regulations that restrict the right of homeowners to rent out rooms or their whole houses to guests.”

This is an unwarranted characterization of the problem, according to Mercatus: “While home-sharing may reduce the supply of long-term rentals on markets with an inelastic supply, these practices are not nearly as problematic as zoning and other land use regulations that directly limit the construction of new housing.

“Blaming home-sharing platforms for being a key driver of high housing costs is a distraction from the more insidious problem of stringent zoning regulations.”

The author of the report is Emily Hamilton, Senior Research Fellow and Director of the Urbanity Project at Mercatus.

“There’s not always a bright line between short- and long-term rentals,” Hamilton says.

“In addition to tourists, people may use short-term rentals when they’re moving to a new location and looking for more permanent housing, going through a life transition, or if they can’t afford the security deposit and first month’s rent that long-term rentals often require.

“Housing is housing; there isn’t a specific lease term that separates tourists from others in need of shelter.”

States including Arizona, Florida, Idaho, Indiana and Tennessee have adopted laws that prevent localities from banning short-term rentals and protect the rights of property owners to lease their houses with rental lengths of their choice, Hamilton notes.

Scapegoat

The Manhattan Institute's Hendrix agrees with the Mercatus report. Airbnb does not appear to increase the costs, he says.

“The price increase is being driven by the restrictions of zoning. Airbnb is becoming the scapegoat. The only way Airbnb takes away any opportunity for long-term rentals if you assume no new units will be added to the market.”

In fact, Hendrix maintains, short-term rentals are an “incredible way to deal with the current housing crisis.”

“We have housing prices that are doubling. We have experienced the fastest increase this year in history. That result is higher property taxes, which forces some people away from neighborhoods they might like to live in.

“Suddenly, with Airbnb, people have a way to stay in their home, or even purchase a new home. They have a way to make money from their investments or save money for their kid's college education.”

The Mercatus report's conclusion reinforces the comments by Hendrix:

“Rather than focusing on restricting home-sharing platforms – which at worst have a modest effect on housing costs – advocates of housing affordability would better advance their cause by focusing on zoning reform, which is a key policy instrument in curbing the housing supply.”

[« Previous](#)

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Where Georgia comes together.

STAFF REPORT

From the Department of Community Development

April 3, 2023

CASE NUMBER: RZNE-0046-2023

APPLICANT: Chad Bryant for Bryant Engineering

REQUEST: RTH, Residential townhouse district, to C-2, General commercial district

LOCATION: 100 Washington Place Drive; Tax Map No. 0P0590 001000

BACKGROUND INFORMATION: The owner of the subject property and the owner of the adjacent property to the west intend to swap 0.3 acres with each other to straighten the property line between the two. The zoning of the subject property is RTH. It is being added to a parcel zoned C-2. This rezone is required to make the zoning of the added land consistent with the existing portion of the parcel.

STANDARDS GOVERNING ZONE CHANGES:

1. The existing land uses and zoning classification of nearby properties.

	Zoning Classification	Land Uses
North	RAG Residential-Agriculture (County)	Single-family residence
South	C-2, General Commercial	Undeveloped
East	RTH, Residential Townhouse	Townhouse
West	C-2	Undeveloped

- 2. The suitability of the subject property for the zoned purposes.** The subject portion of property is suitable for townhouse development.
- 3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The RTH district does not diminish the property value of the subject.
- 4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** The existing RTH zoning, and lack of diminished property value does not impact the health, safety, morals, or general welfare of the public.
- 5. The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The public does not appear to gain by changing the zoning from RTH district to PUD, planned unit development.
- 6. Whether the subject property has a reasonable economic use as currently zoned.** The subject property is an undeveloped portion of a lot currently developed with a townhouse. The property owner intends to swap a

portion of the property with the adjoining property owner to straighten the property line separating the two parcels.

7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject portion of property is currently used for residential purposes. The adjoining property is planned for commercial use.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The subject portion of property will be added to an existing property zoned C-2. A buffer will be required between commercial and residential properties. The land swap will make for a more logical development for both properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** A buffer will be required between commercial and residential uses.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject portion of the property is within the “Suburban Residential” character area in the 2022 Joint Comprehensive Plan Update. However, it will be combined with the adjacent parcel which is within the “Gateway Corridor” character area. Suggested land uses within the “Gateway Corridor” character area include commercial, residential, mixed-use, and public/institutional.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The land swap will not have any impact on existing streets, utilities, or schools.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** The land swap between adjoining property owners causes the need for this rezone.

STAFF RECOMMENDATION: Staff recommends approval of the application.

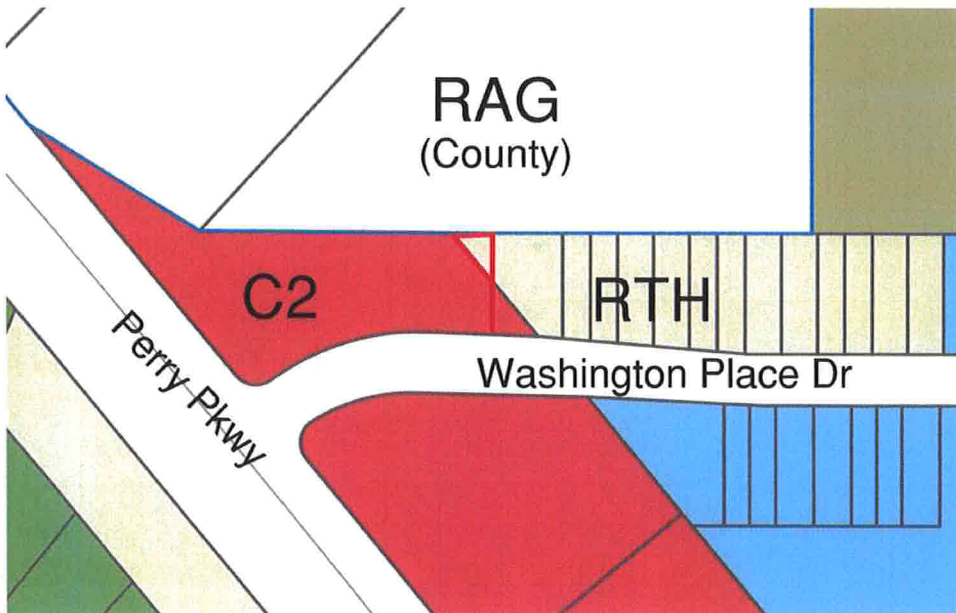
RZNE-0046-2023

Washington Place Drive

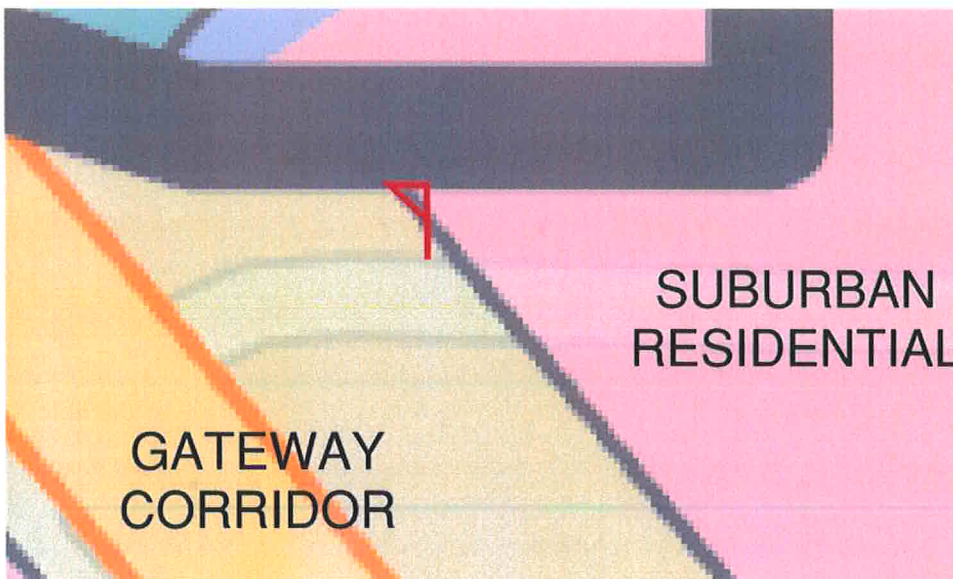
RTH to C-2 (portion)



Aerial



Zoning



Character Area



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Application # R2NE-0046-
2023

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Bryant Engineering, Chad Bryant	Annette Waites, Little Weoka Creek LLC
*Title	President	owner
*Address	11A Perimeter Road, suite A, PO Box 1821 Perry, GA 31069	PO Box 1263 Perry, GA 31069
*Phone	478-224-7070	31069 478-308-7987
*Email	ChadCBryantEngllc.com	elwaites@elwaitesins.com

Property Information

*Street Address or Location	0.30 acres
*Tax Map Number(s)	925900010
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a mete and bounds description of the land if a deed is not available; B. Provide a survey plat of the property;

Request

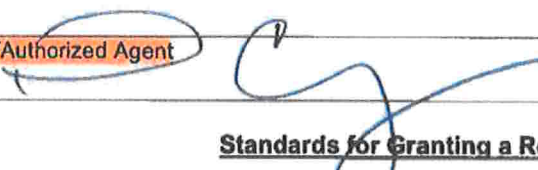
*Current Zoning District	R-3	*Proposed Zoning District	C-2
*Please describe the existing and proposed use of the property Note: A Site Plan or other information which fully describes your proposal may benefit your application. Parcel swap that is taking place off of Washington Street. Dena Barrow (Amici) and Annette Waites agree to swap parcels and rezone the properties.			

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than the date reflected on the attached schedule.
- *Fees:
 - Residential Zoning (R-Ag, R-1, R-2, R-3) - \$300.00 plus \$25.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$500.00 plus \$40.00/acre
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.
- *Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes No
If yes, please complete and submit a Disclosure Form available from the Community Development office.

8. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

9. Signatures:

*Applicant		*Date
*Property Owner/Authorized Agent		*Date 3/2/23

Standards for Granting a Rezoning

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

- (1) The existing land uses and zoning classification of nearby property; *The purpose of rezoning is a land swap between Amici & Waites. To lessen the burden for residents*
- (2) The suitability of the subject property for the zoned purposes; *The parcel will be added to an existing C-2 parcel*
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions; *none; due to the small impact of Land swap*
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public; *The intent is to straighten a property line out which currently crosses a residential driveway*
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner; *The purpose of rezoning to mitigate negative impacts to adjacent residential tract*
- (6) Whether the subject property has a reasonable economic use as currently zoned; *The property is an (partial) existing residential tract with the desire to achieve a land swap to eliminate*
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; *no since the prop. is occupied by a residential structure. Commercial tract in their front yard*
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property; *land swap will achieve this requirement*
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property; *land swap will achieve this requirement*
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan; *yes*
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and *no*
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. *This should be approved so the commercial tract doesn't cross on their property.*



Chad R. Bryant, P.E.
President-Perry

January 23, 2023

Bryan Wood
Community Development Director
City of Perry

RE: Parcel Exchange Approval
Amici's Restaurant
Perry, Ga

Dear Mr. Wood,

This letter is in regards to the parcel swap that is taking place off Washington Place, in Perry Ga. Dena Borrow and I agree to the swap of the parcels and the rezoning of the property. I understand the rezoning process will take place and will allow Bryant Engineering to represent myself in the rezoning process.

Please let me know if you have any questions.

Sincerely,

*Little Weoka Creek LLC
By Annette L. Waters*





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STAFF REPORT

From the Department of Community Development

April 3, 2023

CASE NUMBER: ANNX-0045-2023

APPLICANT: John W. Story

REQUEST: Annexation and Rezone from RAG (County) and R-Ag to R-3, Single-family Residential

LOCATION: 2011 Elko Road; Tax Map No. 000340 059000 (portion)
96 Hay Road; Tax Map No. 0P0340 057000 (portion)

BACKGROUND INFORMATION: The applicant proposes to annex a 1.5-acre portion of parcel 000340 059000 into the City of Perry. A 1.07 acre portion of parcel 0P0340 057000 will be subdivided and included with the 1.5 acre tract to create a lot with street frontage. The new lot is proposed to be zoned R-3, Single-family Residential.

There are no known covenants or restrictions on the subject property which would preclude the uses permitted in the proposed zoning district.

STANDARDS FOR ESTABLISHING A ZONING CLASSIFICATION:

1. The existing land uses and zoning classifications of nearby property.

	Zoning Classification	Land Uses
North	RAG, Residential Agriculture (County)	Single-family residential
South	R-Ag, Residential Agricultural	Single-family residential
East	RAG (County)	Single-family residential
West	R-Ag	Single-family residential

2. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties. The proposed zoning district allows only single-family residential uses by right. This is consistent with surrounding uses.

3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties. The proposed zoning district and the development of a single-family residence is not expected to adversely impact the use of surrounding properties.

4. Describe how the proposed zoning district is consistent with the Comprehensive Plan. The subject property is in the “Suburban Residential” character area in the 2022 Joint Comprehensive Plan. The Suburban Residential character area calls for a mix of housing densities and types.

5. **Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.** The proposed zoning district will not cause an excessive burden on existing public facilities.
6. **Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.** The property is contiguous to the existing city boundary on the south and west property lines.

STAFF RECOMMENDATION: Staff recommends approval of the annexation request and the proposed zoning classification of R-3, Single-family Residential.

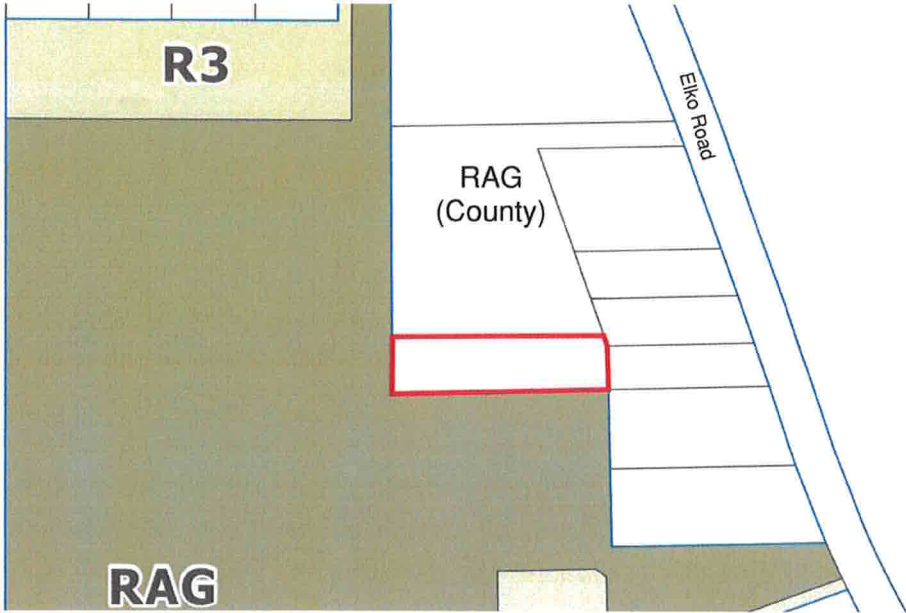


ANNX-0045-2023

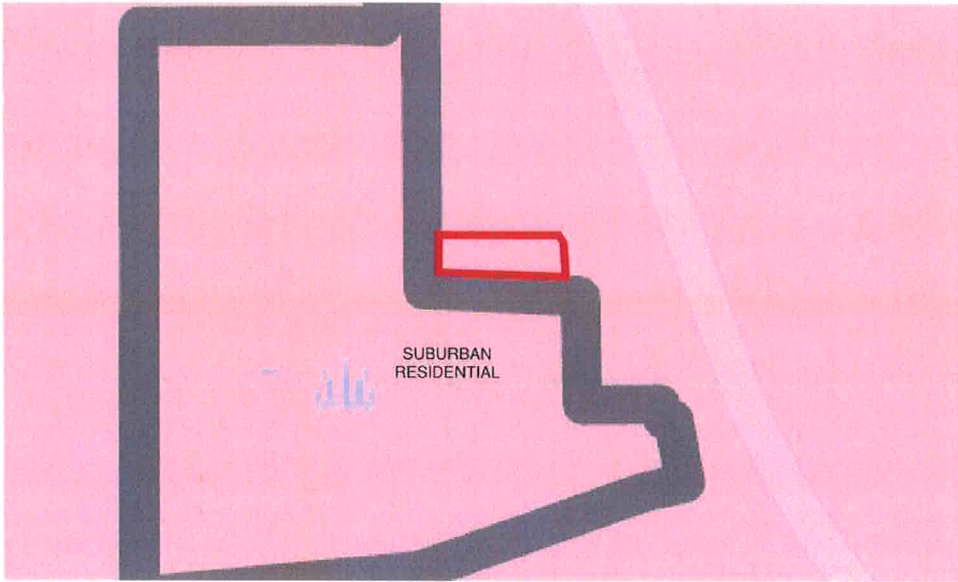
Elko Road/ S. Perry Pkwy

Annex and zone R-3

Aerial



Zoning



Character Area



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Application # Annex
0045-
2023

Application for Annexation

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	JOHN W. STORY	DENNIS & DOROTHY THOMAS
*Title		
*Address	96 HAY RD. PERRY GA.	2011 EIKO ROAD PERRY
*Phone	478-832-0704 / 478-662-6182	478-951-0158 -
*Email	john.story.7361@gmail.com	

Property Information

*Street Address or Location	2011 EIKO ROAD.
*Tax Map #(s)	PLAT BOOK 46 PAGE 189
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available; B. Provide a survey plat of the property, tied to the Georgia Planes Coordinate System. **If the property being annexed is a portion of a recorded parcel, the portion being annexed must be a separate recorded parcel before this application will be accepted as complete.**

Request

*Current County Zoning District	R-AG	*Proposed City Zoning District	R-3
*Please describe the existing and proposed use of the property <u>Note: A Site Plan and/or other information which fully describes your proposal may benefit your application.</u>			
RESIDENTIAL			

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than the date reflected on the attached schedule.
- *Fees:
 - Residential Zoning (R-Ag, R-1, R-2, R-3) - \$300.00 plus \$25.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$500.00 plus \$40.00/acre
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Annexation applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.
- *Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes No
If yes, please complete and submit a Disclosure Form available from the Community Development office.

8. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

9. *Signatures:

*Applicant <i>Alvin W Stony</i>	*Date <i>2-22-23</i>
*Property Owner/Authorized Agent <i>Henry A. Sherris / Dorothy L. Thomas</i>	*Date <i>2-23-23</i>

Standards for Granting a Zoning Classification

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? *NO*

1. Identify the existing land uses and zoning classification of nearby properties.
96 HAY ROAD RAG, 98 HAY ROAD. R3, 2029 EIKO ROAD R3,
2. Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property. *THE PROPERTY WILL BE FOR A SINGLE RESIDENT*
3. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property. *THE PROPERTY WILL COINCIDE WITH SURROUNDING PROPERTY.*
4. Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan. *CONFORMS WITH CITY OF PERRY ORDINANCE*
5. Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities; utilities, or schools. *WILL NOT CAUSE ANY BURDEN.*
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
NONE



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STAFF REPORT

From the Department of Community Development

April 3, 2023

CASE NUMBER: TEXT-0043-2023
APPLICANT: The City of Perry
REQUEST: Amend Section 4-1.2, Table of Uses to allow “liquor store” as a permitted use in the MUC, Mixed-Use Center district.

STAFF ANALYSIS: The MUC district is generally the form-based equivalent of the C-2, General Commercial District. Adding “liquor store” is consistent with the C-2 uses. An existing liquor store in the MUC district will become a conforming use.

STANDARDS FOR GRANTING A TEXT AMENDMENT:

- (1) Whether, and the extent to which the proposed amendment is consistent with the Comprehensive Plan.
This amendment is not inconsistent with these plans.
- (2) Whether, and the extent to which the proposed amendment is consistent with the provisions of this chapter and related city regulations.
The proposed amendment is consistent with the format of the Land Management Ordinance.
- (3) Whether, and the extent to which there are changed conditions from the conditions prevailing at the time that the original text was adopted.
Uses in the MUC district are similar to those in the C-2 district. “Liquor store” should be permitted in the MUC.
- (4) Whether, and the extent to which the proposed amendment addresses a demonstrated community need.
The amendment is necessary to correct an oversight in the original LMO document.
- (5) Whether, and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The Purpose and Intent of the LMO includes:

- Facilitate the creation of a convenient, attractive, and harmonious community.
- Ensure appropriate commercial development patterns along corridors.
- Regulate the density of land and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.

- (6) Whether, and the extent to which the proposed amendment will result in logical and orderly development pattern.

The amendment will allow uses consistent with the intent of the MUC district.

- (7) Whether, and the extent to which the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment in and of itself has no impact on the natural environment.

- (8) Whether, and the extent to which the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment in and of itself has no impact on public facilities and services.

STAFF RECOMMENDATION: Staff recommends approval of the proposed text amendment.



Where Georgia comes together.

Application # TEXT-0043-2023

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

Applicant	
*Name	Bryan Wood for the City of Perry
*Title	Director of Community Development
*Address	1211 Washington Street, Perry, GA 31069
*Phone	478-988-2714
*Email	bryan.wood@perry-ga.gov


Request

*Please provide a summary of the proposed text amendment:

Revise Table 4-1-1, Table of Uses in Section 4-1.2 by adding 'liquor store' as a permitted use in the MUC district.

Instructions

1. The application, fee (made payable to the City of Perry), and proposed text of the amendment must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. Fees: Actual cost of required public notice.
3. The applicant must state the reason for the proposed text amendment. See Sections 2-2 and 2-3.2 of the Land Management Ordinance for more information.
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
6. The applicant must be present at the hearings to present the application and answer questions that may arise.
7. Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No X
If yes, please complete and submit the attached Disclosure Form.
8. The applicant affirms that all information submitted with this application, including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
9. Signatures:

*Applicant	 Bryan Wood, Director of Community Development, for the City of Perry	*Date	3/13/2023
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