



Where Georgia comes together.

Planning Commission Agenda  
Monday, May 08, 2023 – 6:00pm  
Perry Events Center 1121 Macon Road, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from April 10, 2023 and work session April 24, 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 June 6, 2023)
    - **TEXT-0062-2023.** Amend the LMO to comply with changes to State law by modifying Sections 2-2 and 4-1.2, and by deleting Section 2-3.6. 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 – April 10, 2023

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

\*Commissioner Jefferson arrived at 6:04 p.m.

3. Invocation: was given by Commissioner Moody.
4. Approval of Minutes: from March 13, 2023, and March 27, 2023.

Commissioner Butler motioned to approve the minutes from the March 13, 2023, meeting as presented. Commissioner Ross seconded the motion, and it carried unanimously.

Commissioner Moody motioned to approve the minutes from the March 27, 2023, meeting as presented. Commissioner Ross seconded the motion, and it carried unanimously.

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 \$250.00 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.

a. Public Hearing (Planning Commission decision).

1. **PLAT-0032-2023**. Preliminary Plat for the Encore at the Parkway. The applicant is Wingate Custom Homes.

Mr. Wood stated the applicant had pulled this item to be moved to the Commission's May 8, 2023, meeting.

b. Informational Hearings. Planning Commission recommendation – Scheduled for a public hearing before City Council on May 2, 2023.

1. **SUSE-0037-2023**. Special exemption for short-term rental for the property located at 1320 Keith Drive. The applicant is Elicia Holmes.

Ms. Carson reviewed the applicants' request, which was for a short term rental. Ms. Carson stated staff recommends approval of the request with the following conditions: (1) The special exception is limited to the current owners of the subject property, Trust, A Holmes as Trustee, and is not transferrable, (2) The special exception is limited to the short-term rental of the existing house for up to twelve (12) guest 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, and (5) Failure of the property owner and its guest to comply with all applicable local, state, and federal laws may result in the suspension or revocation of the special exception.

Chairman Edwards opened the public hearing at 6:09 p.m. and called for anyone who would like to speak in favor of the request.

Elcia Holmes, the applicant, stated the property was being used for long-term rentals and wanted to change to short-term rentals. Ms. Holmes said she would happily answer any questions.

Chairman Edwards asked if anyone present would like to speak in opposition to the request.

JW Warren, 1317 Keith Drive, spoke in opposition stating if approved, it would turn into pay by a day, pay-by-week hotel. Mr. Warren asked there be more rules/regulations for short-term rentals.

Nicholas Curcuru – 136 Silverside Drive, asked for clarification on the difference between R-2, Single Family residential zoning, and R-3 (RN2). Mr. Wood stated that R-2 is for medium/low density and R-3 is for high density.

Chairman Edwards closed the public hearing at 6:14 p.m.

Chairman Edwards asked if the conditions are standard for short-term rentals. Mr. Wood stated they are. Chairman Edwards requested clarification about the square footage of the property. Ms. Holmes said she believed it to be 1,000 sq ft, three bedrooms, and 1 1/2 baths.

Commissioner Moody reviewed the past approvals of short-term rentals in the area and stated that would be a high concentration of short-term rentals in the area; and believed the number of guests allowed in the home seemed high.

Chairman Edwards stated that with the comments, the issue seems to be the density of the rental locations within a neighborhoods

Commissioner Moody asked if the City's moratorium on short-term rentals affects these requests. Mr. Wood stated it does not since these requests were submitted before the moratorium.

Commissioner Mehserle stated the City doesn't limit the number of family members in an R-2 district relative to the number of occupants. This is an issue of fairness; if we approve one, we should be consistent and fair to everyone.

Commissioner Mehserle motioned to recommend approval to Mayor & Council of the application with the five (5) conditions as outlined. Commissioner Jefferson seconded

the motion, which carried 4 to 3. Commissioners Moody, Guidry, and Butler voted against the application.

2. **SUSE-0041-2023. Special exemption for short-term rental of two units located at 1109 Third Street. The applicant is Scott Free.**

Ms. Carson reviewed the applicants' request, which was for a short term rental. Ms. Carson stated staff recommends approval of the request 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 transferrable, (2) The special exception is limited to the 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, and (5) Failure of the property owner and its guest to comply with all applicable local, state, and federal laws may result in the suspension or revocation of the special exception.

Chairman Edwards opened the public hearing at 6:27 p.m. and called for anyone who would like to speak in favor of the request.

Scott Free, the Applicant, stated that properties like this are needed on the market.

Nicholas Curcuru – 136 Silverside Drive, stated he agrees that properties like these are in need in Perry, and as a military member, these properties could be utilized by the military.

Chairman Edwards asked if anyone would like to speak in opposition to this request.

Cathy Lancaster, 1301 Swift Street, opposes the request, especially since the property is in the historic district. Ms. Lancaster stated there needs to be more rules and regulations for short-term rentals to protect the uniqueness of historic district properties.

Virginia Schafer, 1104 Third Street, spoke in opposition to the request stating she is a senior citizen and would like to keep our neighborhoods safe.

Theresa Clubb, 1110 Third Street, stated if passed, she will live within 200 feet of several short-term rentals and would like to see the City keep traditional neighborhoods. Ms. Clubb was in favor of the request being denied.

Elizabeth Baker, 1306 Swift Street, stated a high concentration of Vrbo and Airbnb in Perry and requested denial and there should be occupancy rules for short-term rentals.

Chairman Edwards closed the public hearing at 6:44 p.m.

Commissioner Butler motioned to deny the request as presented. Commissioner Moody seconded the motion.

Commissioner Masherle asked if the item could be tabled until the City can review during the moratorium. Mr. Wood stated the item could not be tabled due to the forty-

five (45) day turnaround time. Mr. Wood noted that once an item is denied, the applicant can reapply in six (6) months. Commissioner Jefferson asked if there are historic district guidelines. Mr. Wood stated at this time, there are none. Chairman Edwards noted the Commission should stay consistent with the decision making.

Commissioner Masherle motioned to approve the request. Commissioner Ross seconded. This motion died due to a lack of votes, with Chairman Edwards voting for the motion.

Commissioner Butler motioned to recommend denial of the request to Mayor & Council; Commissioner Moody seconded the motion with it passing a 4-3 vote. Commissioners Guidry, Jefferson, and Ross voted against it.

3. **SUSE-044-2023. Special exemption for short-term rental for the property at 1100 Kenwood Drive. The applicant is Matt Dixon.**

Ms. Carson reviewed the applicants' request, which was for short term rental. Ms. Carson stated staff recommends approval of the request with the following conditions: (1) The special exception is limited to the current owners of the subject property, MJLLC, and is not transferrable, (2) The special exception is limited to the short-term rental of the existing house for up to nine (9) guest 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, and (5) Failure of the property owner and its guest to comply with all applicable local, state, and federal laws may result in the suspension or revocation of the special exception.

Chairman Edwards opened the public hearing at 6:47 p.m. and called for anyone who would like to speak in favor of the request.

Matt Dixon, the Applicant, spoke in favor of the request. Mr. Dixon stated the property was used for long-term tenants but needed some upgrades and after the upgrades decided to make the property a short-term rental. Mr. Dixon said he would use a company to manage the property.

Andy Acosta, 2006 Carl Drive – Stated his property management business, Master Investments, would be managing the property for Dr. Dixon. Mr. Acosta stated this would not be an Airbnb property. Mr. Acosta's business has managed property for over three years and has never had a complaint. When an applicant requests one of his properties for rental, the guest goes through several steps before renting the property. The processes include a guest screening process, a Ring doorbell to monitor the property, and a soft background check.

Nicholas Curcuru – 136 Silverside Drive, stated he is military and short-term rentals are excellent for military that are in transition. The property Dr. Dixon has would be ideal for traveling nurses that need a location closer to the hospital.

James Creath, 37 Riverside Drive, wanted to give a testimonial of Mr. Acosta's company's professionalism and would fully support this request.



Rosston Smith, 700 MLK Dr, stated property owners have rights, and as long as the property owner uses their property without breaking any laws, it is entirely legal to use their property as they see fit and should continue to be.

Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 7:27 p.m.

Commissioner Moody asked Mr. Acosta how many properties were in question-based on his statement relative to having no complaints at this property. Mr. Acosta said it is over ten (10) properties. Mr. Acosta stated his business uses a monitor that monitors the decimal level that gives real-time results. Each rental has a curfew time for sound levels with a quiet time from 10 pm to 7 am.

Commissioner Ross motioned to recommend approval of the request to Mayor & Council as submitted, along with the conditions. Commissioner Mehserle seconded the motion, and it carried 5 to 2, with Commissioners Moody and Butler for denial.

4. **RNZE-0046-2023. Rezone the property at 100 Washington Place Drive from R-3, Single Family Residential, to C-2, General Commercial District. The applicant is Bryant Engineering.**

Mr. Wood advised the owner of the subject property and the owner of the adjacent property to the west intended 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. The rezoning is required to make the added land's zoning consistent with the parcel's existing portion.

Chairman Edwards opened the public hearing at 7:39 p.m. and called for anyone who would like to speak in favor of the request.

John Michael – Bryant Engineering stated he was present to answer any questions.

Kathy Drescher, 128 Washington Place Drive- asked for clarification on which portions of the property are being swapped and rezoned. Once all her questions were answered, Ms. Drescher supported the request.

Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 7:41 p.m.

Commissioner Butler motioned to recommend approval of the request as submitted to Mayor & Council. Commissioner Jefferson seconded the motion, and it carried unanimously.

5. **ANNX-0045-2023. Annexation and zoning of property located at 2011 Elko Road. The applicant is John Story.**

Mr. Wood reviewed the request from the applicant to annex a 1.5-acre portion of the parcel into the City of Perry, and a 1.07-acre portion will be subdivided and included with the 1.5-acre tract to create a lot with street footage. Staff recommends approval of the application.

Chairman Edwards opened the public hearing at 7:47 p.m. and called for anyone who would like to speak in favor of the request.

Mr. Andrew Tripp, 2023 Elko Road, spoke in favor of the request. Mr. Tripp stated the applicant Mr. Story, is a great neighbor.

Mr. Andrew Thomas stated he was in favor of the request.

Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 7:47 p.m.

Commissioner Guidry motioned to recommend approval of the request as submitted to Mayor & Council. Commissioner Mehserle seconded the motion, and it carried unanimously.

6. **TEXT-0043-2023. Add 'Liquor store' as a permitted use in MUC. The applicant is the City of Perry.**

Mr. Wood stated a 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 conforming use. Mr. Wood stated staff recommends approval of the proposed text amendment.

Chairman Edwards opened the public hearing at 7:49 p.m. and called for anyone in favor of the request. There were none. Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 7:50 p.m.

Commissioner Ross motioned to recommend approval to Mayor & Council of the text amendment as presented, Commissioner Moody seconded the motion, and it carried six to one with Commissioner Jefferson opposed.

9. Other Business. None.

10. Commission questions or comments. Commissioner Jefferson asked how the City identifies short-term rentals. Mr. Wood stated the City looks at various sites to see who has their property listed. Commissioner Jefferson also asked Mr. Wood to look into her neighbor running a business out of their home.

Commissioner Moody reiterated his opinion that short-term rentals undermine the fabric of neighborhoods where people work for what they have and are not given handouts.

Commissioner Guidry stated property owners have rights but must comply with City regulations.

11. Adjournment. There being no further business to come before the Commission, the meeting was adjourned at 7:57 p.m.

Planning Commission Work Session  
Minutes - April 24, 2023

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

Staff: Emily Carson – Community Planner and Brooke Newby – City Attorney

3. Invocation- was given by Commissioner Guidry
4. Citizens with Input- None
5. New Business
  - Discussion of Short-term Rental regulations – Ms. Carson reviewed with the Commission the research from various communities which included Alamosa, CO, Savannah, GA, Charleston, SC and Columbus GA. The information provided detailed out the regulations and enforcement measures. During discussion the following was suggested:
    - Must be registered with the voting address
    - Set a finite number of units across the city
    - Density radius
    - Maximum number of occupants- two people per bedroom plus one with a limit.
    - Waiting list and interactive map of locations
    - Specify exact number of homes allowed per zone
    - No renovations or exterior alterations to create a short term rental

Staff will continue with revisions of ordinance.

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:**

	<b>Zoning Classification</b>	<b>Land Uses</b>
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):**

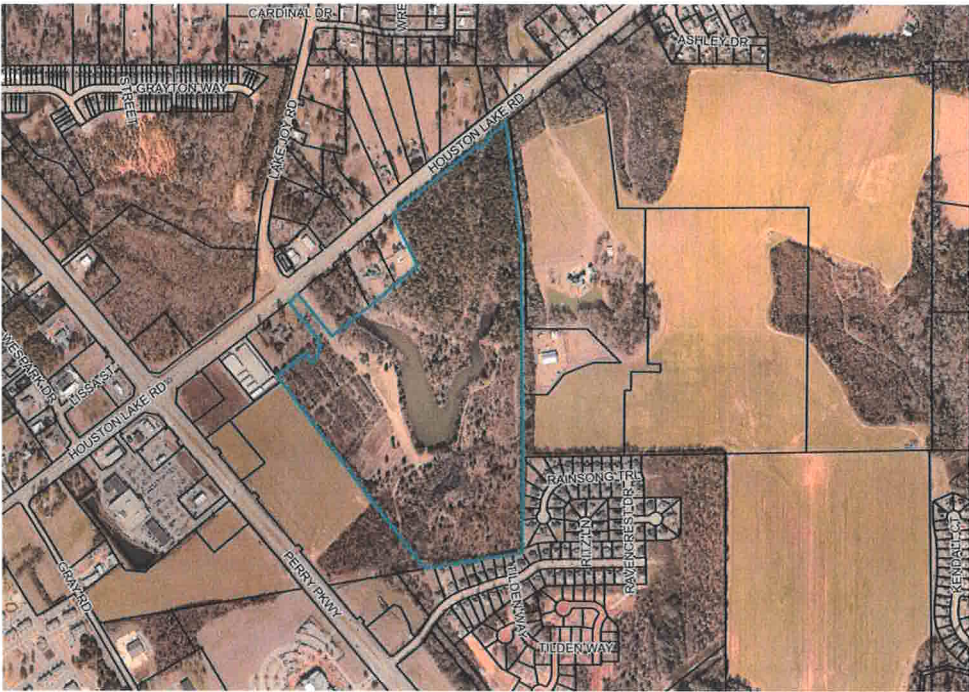
1. Zoning of property: PUD, Planned Unit Development
2. Use: Single-family attached and detached residential
3. Number of Lots: 119 Townhouse lots; 166 single-family detached lots
4. Open Space: 28.97 acres

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

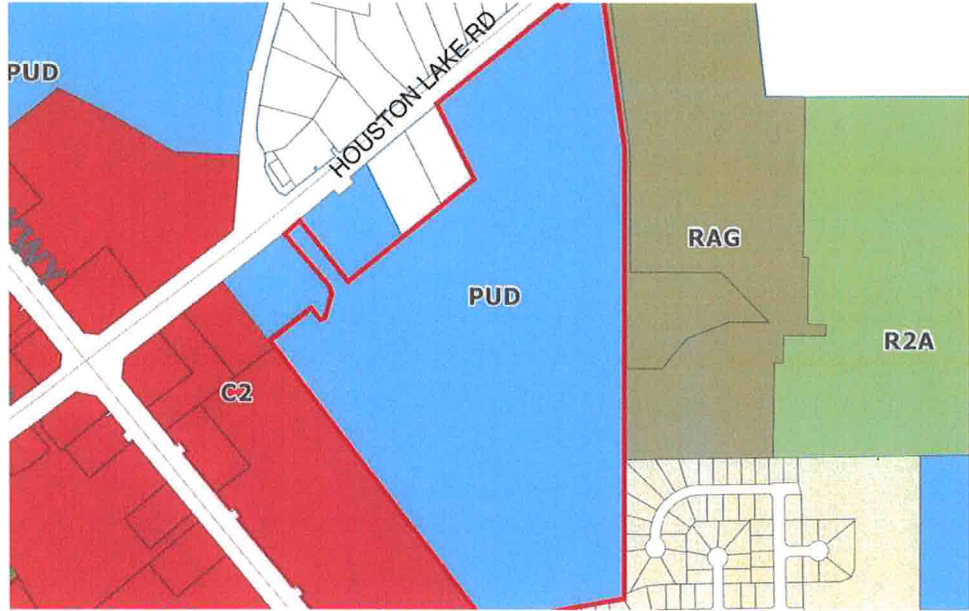
**STAFF RECOMMENDATION:** Staff recommends approval of the proposed preliminary plat with the following conditions:

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. The street named “Union Court” shall be a continuation of “Bridgeway Road”.
4. Developer shall submit evidence of Houston County E911 approval of street names.

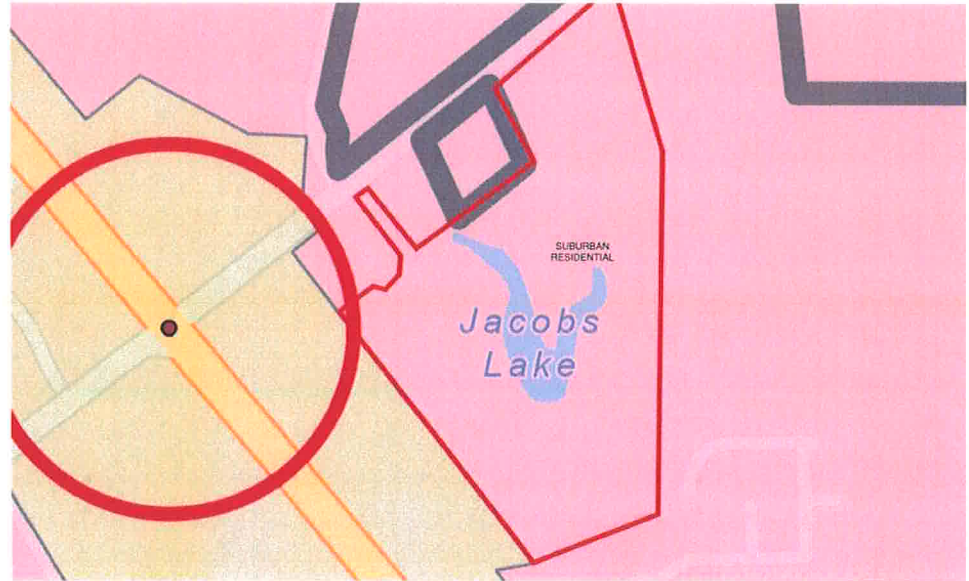
PLAT-00322023  
Major Preliminary Plat



Aerial



Zoning



Character Area



<b>Site</b>	
<b>Site Area</b>	84.78 Acres 3,493,152 SF
<b>Zoning</b>	
Existing	SAG - Residential Agriculture
Proposed	FUD - Planned Unit Development
<b>Unit Type</b>	
<b>Commercial</b>	45,000 SF
<b>Townhouse - Rear Loaded</b>	119 Units
<b>Single Family Detached - Front Loaded</b>	86 Units
<b>Single Family Detached - Rear Loaded</b>	79 Units
<b>Density</b>	
Total Residential Units	284 Units
Total Units Per Acre	3.3 Units per acre
<b>Open Space</b>	
Open Space Provided*	32.51 Acres
Open Space Percentage	38.34%

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

<b>Parking - Residential Area</b>	
On-street parking spaces provided**	562 Spaces
On-lot parking spaces provided**	337 Spaces
Total Residential parking spaces provided	925 Spaces

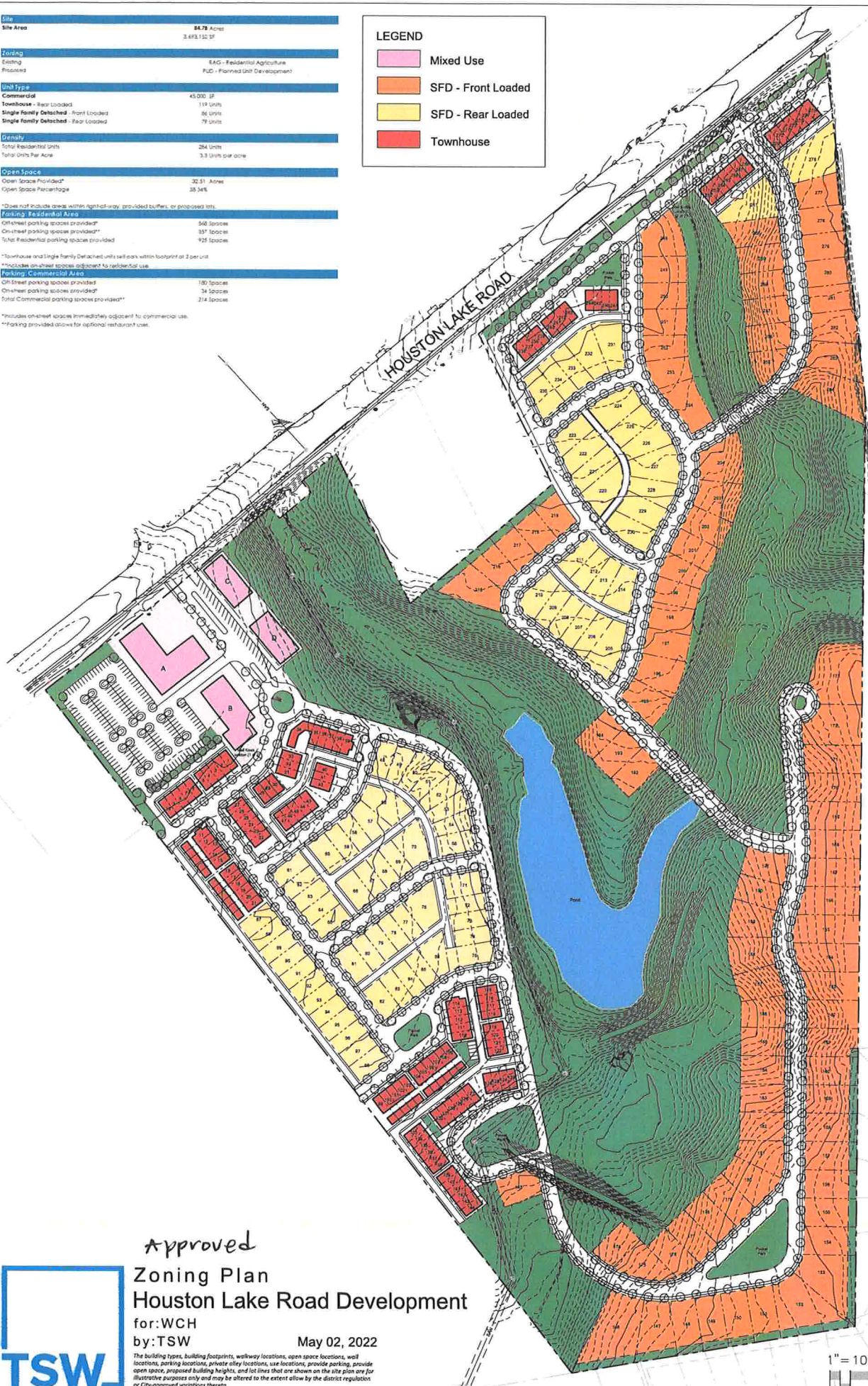
\*\*Townhouse and Single Family Detached units will park within footprint of 2 per unit.  
\*Includes on-lot spaces adjacent to residential use.

<b>Parking - Commercial Area</b>	
On-street parking spaces provided	160 Spaces
On-lot parking spaces provided**	34 Spaces
Total Commercial parking spaces provided**	234 Spaces

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

**LEGEND**

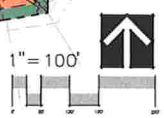
- Mixed Use
- SFD - Front Loaded
- SFD - Rear Loaded
- Townhouse



Approved  
**Zoning Plan**  
**Houston Lake Road Development**  
 for: WCH  
 by: TSW  
 May 02, 2022

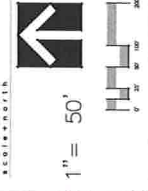


The building types, building footprints, walkway locations, open space locations, wall locations, parking locations, private alley locations, use locations, provide parking, provide open space, proposed building heights, and lot lines that are shown on the site plan are for illustrative purposes only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





**Houston Lake Road  
 Development  
 Zoning Plan - North**  
 Perry, Georgia

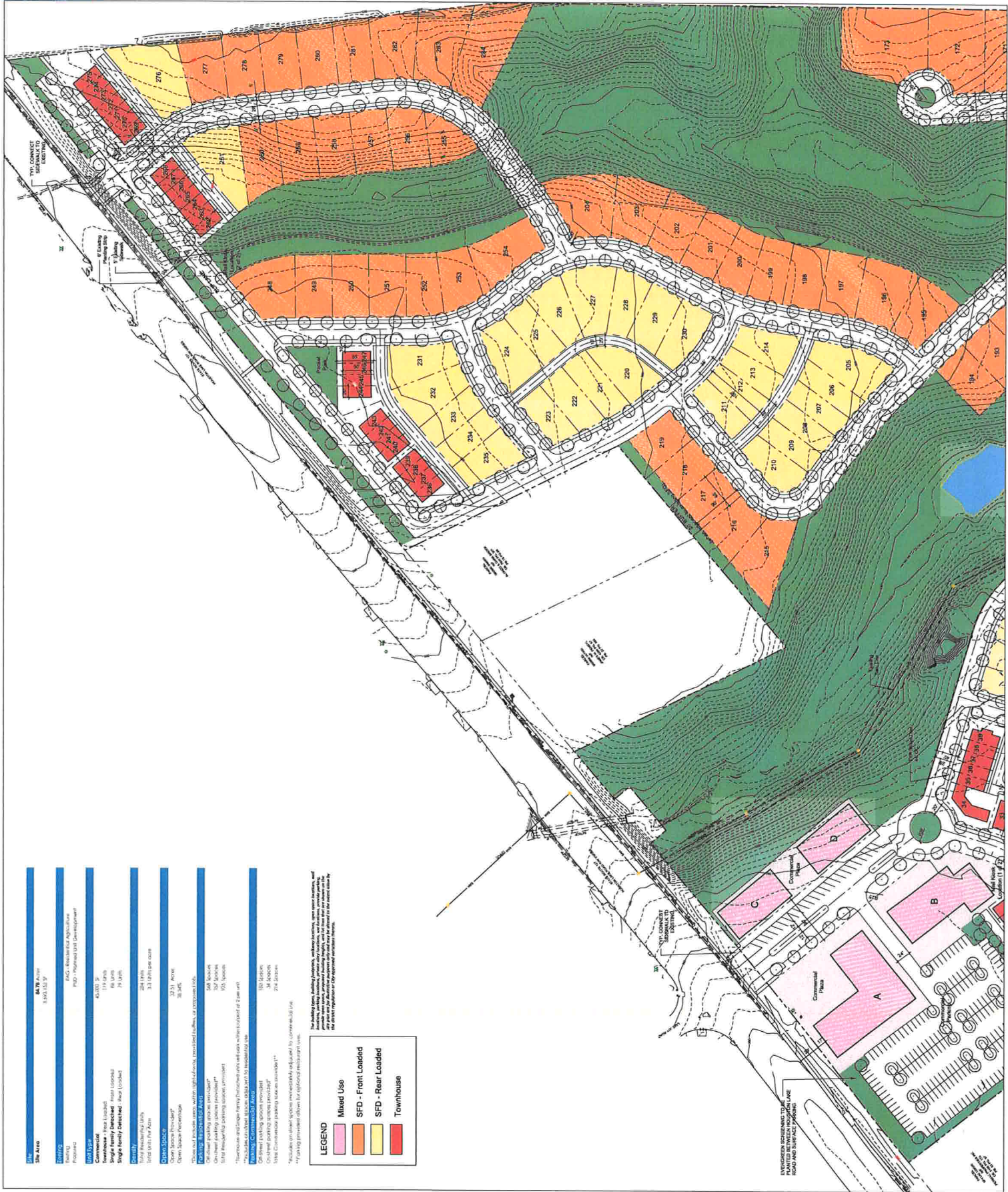


1" = 50'  
 SCALE: THE SHOWN DISTANCES ARE APPROXIMATE. THE EXACT DISTANCES WILL BE DETERMINED BY THE SURVEYOR. THE SURVEYOR'S REPORT WILL BE FILED WITH THE PERMITS DEPARTMENT OF THE CITY OF PERRY. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION THEREON. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION THEREON.

CONTRIBUTORS

Project Title:  
**Houston Lake Rd  
 Development; Zoning Plan  
 Perry, Georgia**  
 WCH

DRAWING INFORMATION  
 project number:  
 contact:  
 drawn by:  
 checked by:  
 scale:  
 drawing date:  
 sheet title:



<b>Site Area</b>	64.78 Acres 3,895,533 sq'
<b>Use</b>	R-10 - Residential Agriculture PUD - Planned Unit Development
<b>Lot Size</b>	40,000 sq'
<b>Lot Area</b>	19,000 sq'
<b>Single Family Detached</b>	Front Loaded 16 Units Rear Loaded 79 Units
<b>Capacity</b>	234 Units 13,100 sq' lot area 38,000 sq'
<b>Open Space</b>	10.71 Acres 38,000 sq'
<b>Open Space Percentage</b>	16.5%
<b>Notes:</b>	1. All lots are subject to the City of Perry, Georgia, Zoning Ordinance, as amended. 2. All lots are subject to the City of Perry, Georgia, Zoning Ordinance, as amended. 3. All lots are subject to the City of Perry, Georgia, Zoning Ordinance, as amended. 4. All lots are subject to the City of Perry, Georgia, Zoning Ordinance, as amended. 5. All lots are subject to the City of Perry, Georgia, Zoning Ordinance, as amended. 6. All lots are subject to the City of Perry, Georgia, Zoning Ordinance, as amended. 7. All lots are subject to the City of Perry, Georgia, Zoning Ordinance, as amended. 8. All lots are subject to the City of Perry, Georgia, Zoning Ordinance, as amended. 9. All lots are subject to the City of Perry, Georgia, Zoning Ordinance, as amended. 10. All lots are subject to the City of Perry, Georgia, Zoning Ordinance, as amended.

**LEGEND**

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

INVESTOR'S RESPONSIBILITY TO MAKE SURE ROAD AND SURFACE IMPROVEMENTS ARE COMPLETED PRIOR TO THE START OF CONSTRUCTION.





1447 Peachtree Street NE,  
Atlanta, Georgia 30309  
phone: 404.873.6720

www.tsw-design.com

# Houston Lake Road Development - South Perry, Georgia

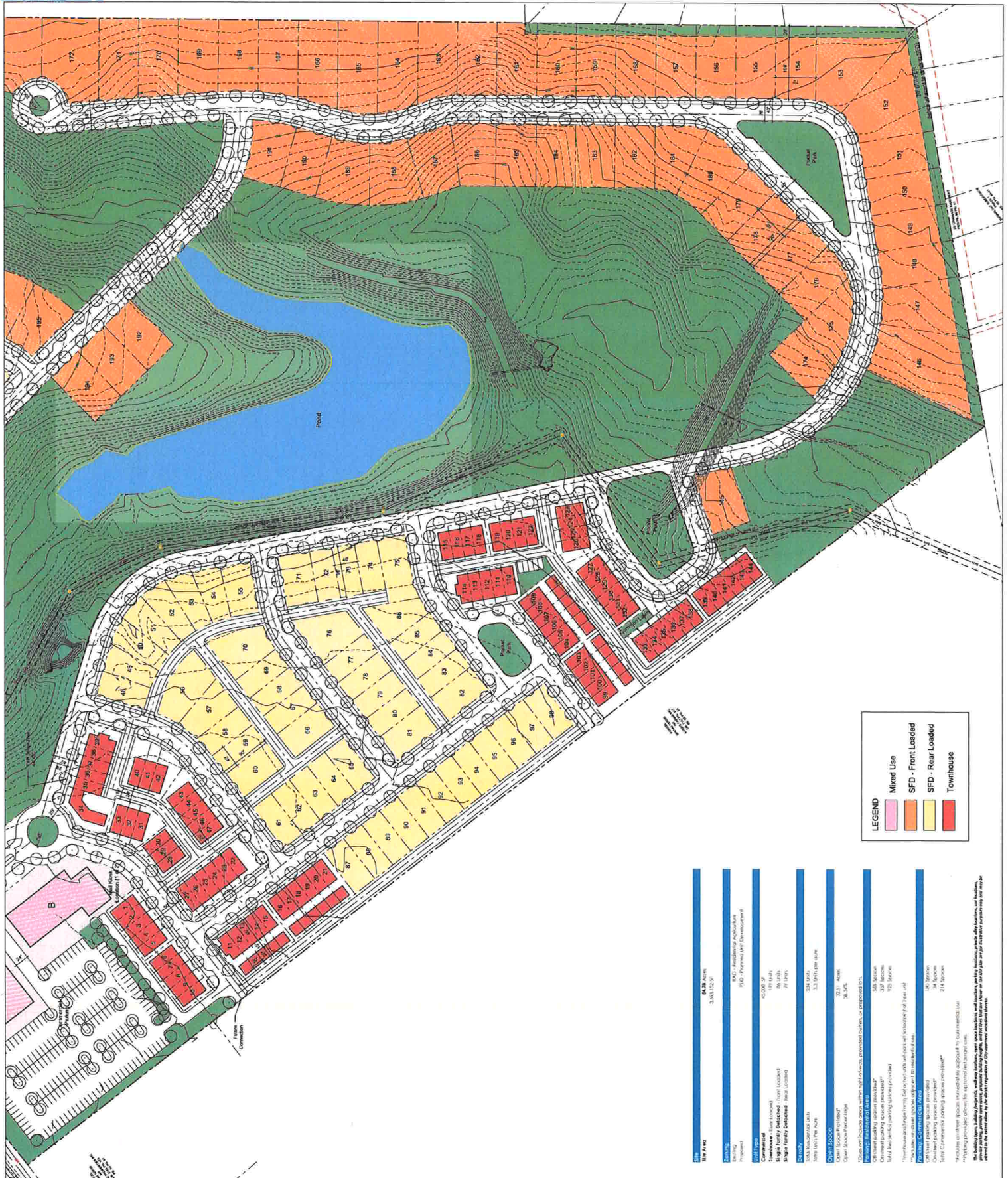


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REVISIONS

PROJECT TITLE  
Houston Lake Rd  
Development; Zoning Plan  
Perry, Georgia  
WCH

DRAWING INFORMATION  
PROJECT NUMBER: 1234  
DRAWN BY: TSW  
CHECKED BY: TSW  
SCALE: 1" = 50'  
DATE: May 02, 2022



**LEGEND**

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

<b>Site Area</b>	64.76 Acres 3,981,134 SF
<b>Category</b>	Residential Agriculture PUD - Planned Unit Development
<b>Code</b>	45.000.00
<b>Lot Type</b>	45.000.00
<b>Single Family Detached - Front Loaded</b>	86,141 SF
<b>Single Family Detached - Rear Loaded</b>	77,181 SF
<b>Open Space</b>	284,149 SF 3.3319% site area
<b>Open Space Percentage</b>	3.3319% 36.5%
<b>Other</b>	188,000 SF 2.28% site area
<b>Other</b>	188,000 SF 2.28% site area
<b>Other</b>	188,000 SF 2.28% site area
<b>Other</b>	188,000 SF 2.28% site area

\*Including commercial parking spaces adjacent to commercial use.  
\*\*Including commercial parking spaces adjacent to residential use.  
\*\*\*Including commercial parking spaces adjacent to residential use.

Approved

Houston Lake Road Development // 04.18.2022  
0P0490 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' <sup>35'</sup>
- 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

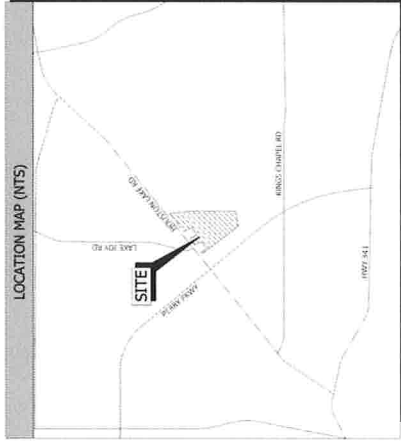
**6. Location, height, and material of any fences, walls, screens, plants, and landscaping**

- 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.



# PRELIMINARY PLAT ENCORE AT THE PARKWAY

CITY OF PERRY, HOUSTON COUNTY, GEORGIA  
LAND LOT 110, 114, 115, 10TH LAND DISTRICT



**SITE DATA**

OWNER: WINGATE CUSTOM HOMES  
 817 HIGHLANDS DRIVE, SUITE 10  
 WASHINGTON, GEORGIA 30687

ENGINEER/DEVELOPER: LAND ENGINEERING, INC.  
 1001 S. 2400, PERRY, GEORGIA 30567  
 (770) 973-1434  
 WWW.LANDENGINEERING.COM

PROJECT: WINGATE CUSTOM HOMES AND SERVICES  
 817 HIGHLANDS DRIVE, SUITE 10  
 WASHINGTON, GEORGIA 30687

TOPOGRAPHY: AS SHOWN

SITE AREA: 81.59 ACRES

NUMBER OF LOTS: 284

ZONING: R20

LOT TYPE: COMMERCIAL - 400 SQ. FT. MIN. (10 LOTS)  
 SINGLE-FAMILY RESIDENTIAL (FRONT LOTTED) - 47 UNITS  
 SINGLE-FAMILY RESIDENTIAL (FRONT LOTTED) - 75 UNITS  
 TOTAL RESIDENTIAL UNITS = 122 UNITS  
 TOTAL LOTS PER ACRE = 1.54 UNITS PER ACRE  
 OPEN SPACE PROVIDED: 24.59 ACRES  
 OPEN SPACE PERCENTAGE: 30.13%  
 PARKING (RESIDENTIAL): 120 SPACES PROVIDED: 146 SPACES  
 ON-STREET PARKING SPACES PROVIDED: 257 SPACES  
 TOTAL RESIDENTIAL PARKING SPACES PROVIDED: 383 SPACES  
 OFF-STREET PARKING SPACES PROVIDED: 126 SPACES  
 TOTAL PARKING SPACES PROVIDED: 509 SPACES  
 OFF-STREET PARKING SPACES PROVIDED: 126 SPACES  
 TOTAL PARKING SPACES PROVIDED: 509 SPACES

**ENVIRONMENTAL**

FLOODPLAIN: THE SITE IS NOT IN A FLOODPLAIN AS SHOWN ON THE FLOODPLAIN MAP NUMBER 131520323Z, LAST REVISED 9/2002.

WETLANDS Delineation: THE DESIGN PROFESSIONAL, WHOSE SEAL APPEARS HEREON, HAS CONDUCTED A VISUAL WETLANDS DELINEATION. THE DELINEATION MAPS HAVE BEEN CONSULTED AND, TO THE APPROPRIATE PLAIN SIGHT, THE WETLANDS ARE NOT INDICATED ON THE DELINEATION MAPS. THE WETLANDS ARE NOT INDICATED ON THE DELINEATION MAPS AND, TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THERE ARE NO WETLANDS ON THE SITE. THE DESIGN PROFESSIONAL HAS CONDUCTED A VISUAL WETLANDS DELINEATION AND HAS DETERMINED THAT THE SITE DOES NOT CONTAIN WETLANDS AS DEFINED IN FEDERAL WETLANDS AT RISK (SECTION 404) PERMIT HAS BEEN OBTAINED.

STREAMS: THERE ARE STREAM BUFFERS ON THIS PROPERTY. STATE WATERS ARE NOT PRESENT WITHIN 200 FEET OF THE SITE.

WATER QUALITY: THE DESIGN PROFESSIONAL HAS CONDUCTED A VISUAL WETLANDS DELINEATION AND HAS DETERMINED THAT THE SITE DOES NOT CONTAIN WETLANDS AS DEFINED IN FEDERAL WETLANDS AT RISK (SECTION 404) PERMIT HAS BEEN OBTAINED.

STORMWATER MANAGEMENT: STORMWATER MANAGEMENT WILL BE PROVIDED BY CONSTRUCTING A STORMWATER PIPE NETWORK WHICH WILL FULFILL PROPRIETARY WATER QUALITY CRITERIA THAT WILL BE INCREASED VIA EARTHWORK OPERATIONS TO ENSURE ADEQUATE VOLUME FOR EXTREME FLOOD EVENTS.

Line Table			Line Table		
Line #	Division	Length	Line #	Division	Length
L1	MP44317E	222.78	L14	NP12W547W	25.50
L2	58P1E237E	35.56	L15	NP12W547W	22.60
L3	NP44957E	99.94	L16	58P1E237E	86.25
L4	NP25217W	34.75	L17	50P29467W	100.69
L5	MP44317E	108.27	L18	50P25217W	60.15
L6	58P1E237E	414.16	L19	58P1E237W	703.38
L7	MP44227E	609.44	L20	NP12W547W	175.37
L8	NP25217W	143.85	L31	NP12W547W	415.00
L9	NP25217E	174.77	L32	NP12W547E	63.84
L10	NP25217E	297.90	L33	52P29427E	339.56
L11	NP12W547E	358.18	L34	NP29467E	404.03
L12	58P1E237E	24.80	L35	NP12W547W	335.24
L13	NP122307E	99.21			

**LAND ENGINEERING**  
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 LICENSE NO. 10000  
 EXPIRES 12/31/2023



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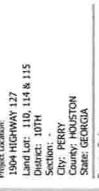
Project Number: 1141004  
 Date: 01/24/2023  
 Submittal: 1  
 Description: 114100417 - 110TH LAND DISTRICT

Owner / Developer: WINGATE CUSTOM HOMES  
 817 HIGHLANDS DRIVE, SUITE 10  
 WASHINGTON, GEORGIA 30687

24 Hour Contact:  
 DYLAN WILKINS  
 PHONE: (770) 973-1434

ENCORE AT THE PARKWAY

Project Location:  
 1904 HIGHWAY 127  
 LAND LOT: 110, 114 & 115  
 DISTRICT: 10TH  
 COUNTY: PERRY  
 STATE: GEORGIA



Sheet Title: COVER

Drawing Number: 1  
 Total Sheets: 4  
 Revision:



1601 S 24th Nelson Parkway  
 McDonough, Georgia 30253  
 Tel: 404.488.8888  
 www.land-engineering.com

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Jan. 24, 2023

Project Number: 1123-804  
 Owner: W. G. Wingate  
 Submitter: W. G. Wingate  
 Date: 1/13/2023  
 Description: PRELIMINARY PLAT

Project Location:  
 1009 HIGHWAY 127  
 HOUSTON LAKE, GA 30141  
 District: 10TH  
 Section: 10TH  
 City: HOUSTON  
 State: GEORGIA

Project Name:  
**WINGATE  
 CUSTOM HOMES**

ENCORE AT THE PARKWAY

Project Location:  
 1009 HIGHWAY 127  
 HOUSTON LAKE, GA 30141  
 District: 10TH  
 Section: 10TH  
 City: HOUSTON  
 State: GEORGIA

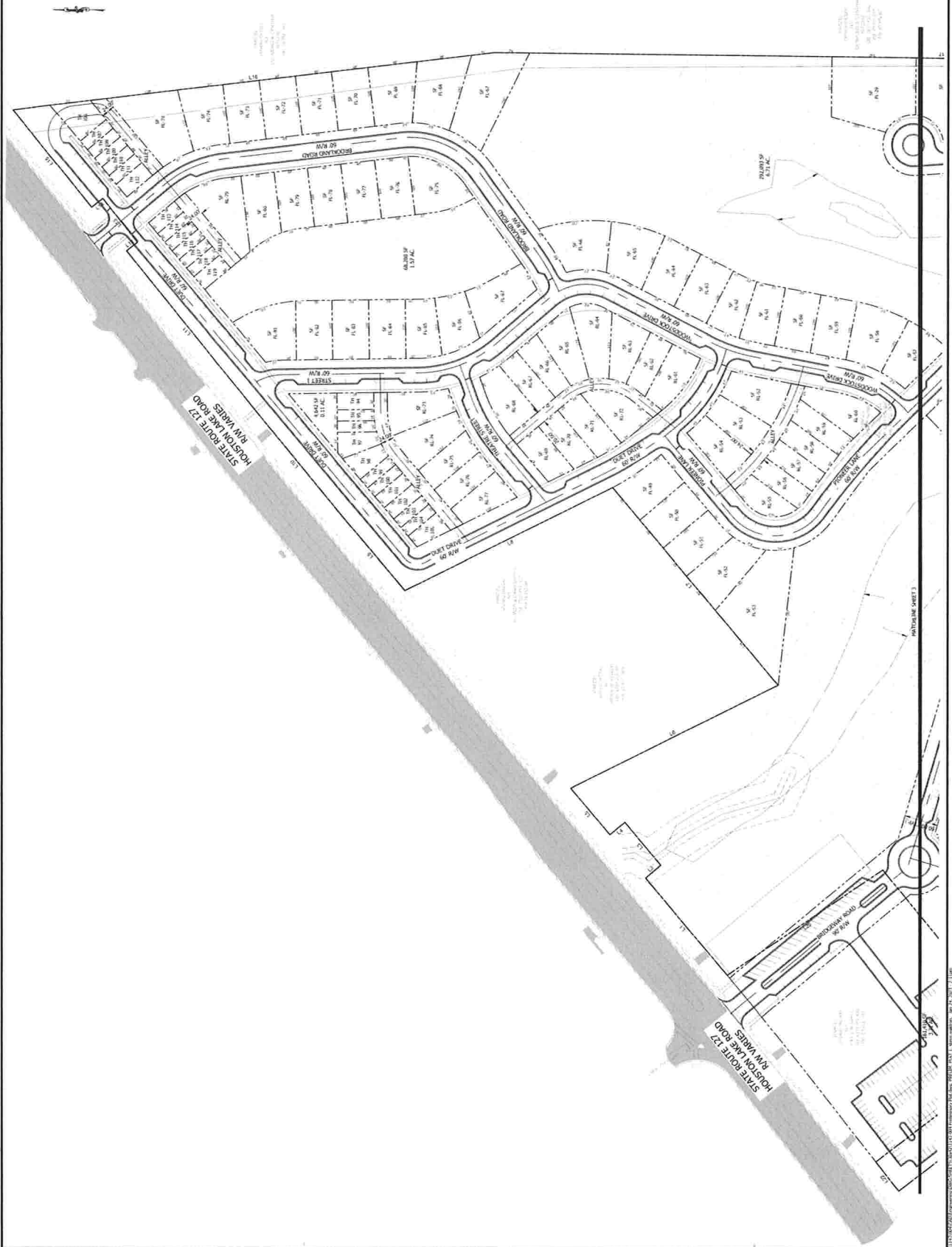
Project Name:  
**WINGATE  
 CUSTOM HOMES**

ENCORE AT THE PARKWAY

Project Location:  
 1009 HIGHWAY 127  
 HOUSTON LAKE, GA 30141  
 District: 10TH  
 Section: 10TH  
 City: HOUSTON  
 State: GEORGIA

Project Name:  
**WINGATE  
 CUSTOM HOMES**

ENCORE AT THE PARKWAY



PRELIMINARY PLAT

Sheet Title:

Drawing Number: 2  
 Total Sheets: 4

1123-804-2023-01-24-1009-HIGHWAY-127-HOUSTON-LAKE-GA-30141-DIST-10-SECTION-10-CITY-HOUSTON-STATE-GEORGIA-1009-HIGHWAY-127-HOUSTON-LAKE-GA-30141-DIST-10-SECTION-10-CITY-HOUSTON-STATE-GEORGIA-1009-HIGHWAY-127-HOUSTON-LAKE-GA-30141-DIST-10-SECTION-10-CITY-HOUSTON-STATE-GEORGIA

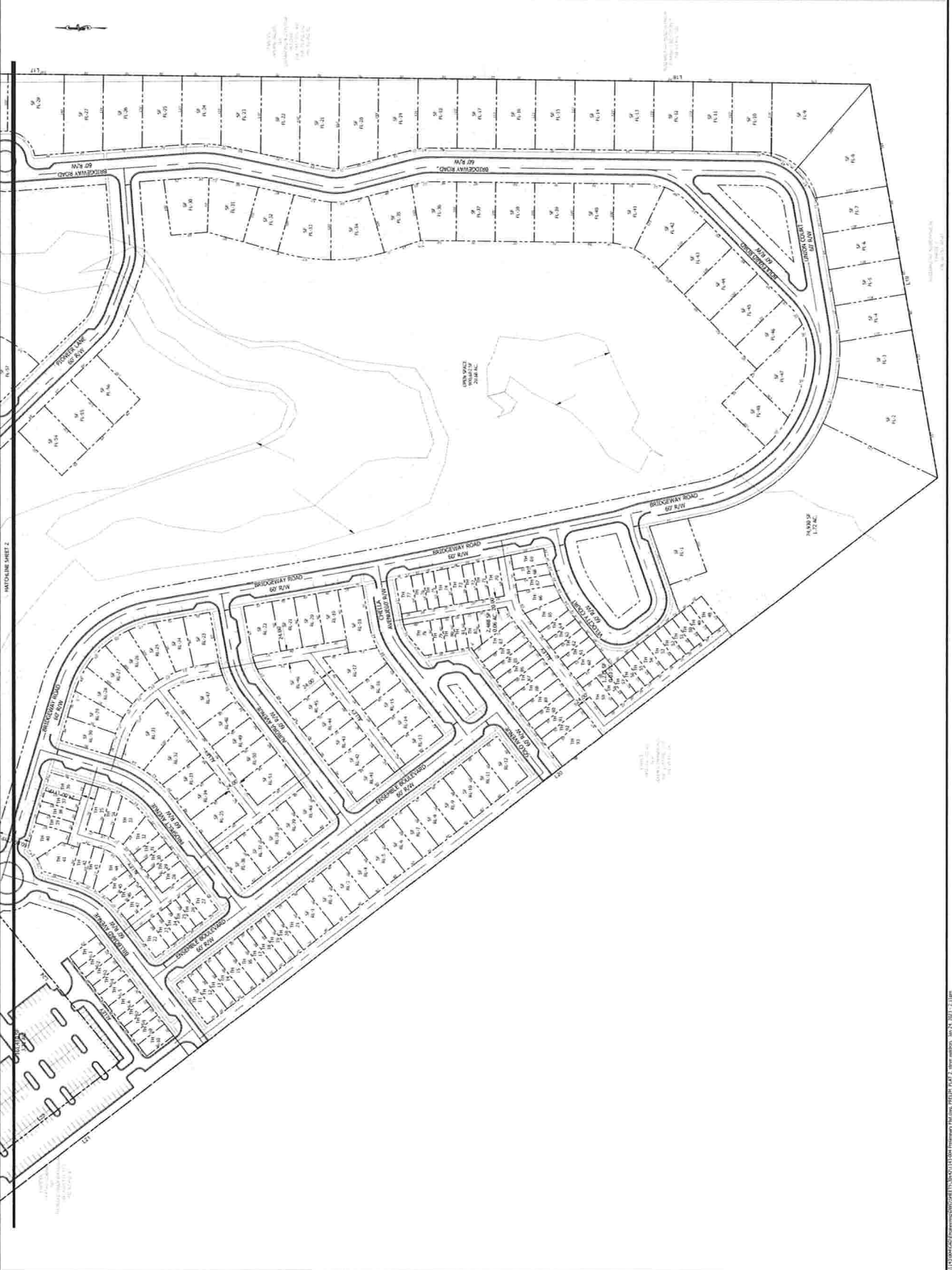
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 JUN 24, 2023

Project Number: 1143-1004  
 Date: 01/13/2023  
 Submittal:  
 No. Date Location  
 1 01/13/2023 FIRST SUBMITTAL  
 Revisions:  
 No. Date Location  
 Designer / Developer:  
**WINGATE  
 CUSTOM HOMES**  
 811 HIGHWAY 297 S, UNIT 10  
 ROCK HILL, SC 29732  
 24 Hour Contact:  
 CRAIG WINGATE  
 Phone: 478-957-9623  
 Project Name:  
**ENCORE AT THE PARKWAY**

Project Location:  
 Label: 110, 114 & 115  
 District: 10TH  
 Section:  
 County: HUNTON  
 State: GEORGIA  
 Drawing Scale:  
 1" = 75'  
 Graphic Scale in Feet

Sheet Title:  
**PRELIMINARY PLAT**  
 Drawing Number: 3  
 Total Sheets: 4  
 Revision:



ENCORE AT THE PARKWAY  
 PRELIMINARY PLAT  
 110, 114 & 115  
 DISTRICT 10TH  
 COUNTY HUNTON  
 STATE GEORGIA  
 1" = 75'  
 SHEET 3 OF 4  
 DATE: JUN 24, 2023





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**STAFF REPORT**

From the Department of Community Development  
May 4, 2023

**CASE NUMBER:** TEXT-0062-2023  
**APPLICANT:** The City of Perry  
**REQUEST:** Amend Article 2, Procedures, and Section 4-1.2, Table of Uses to comply with changes to the Zoning Procedures Law.

**STAFF ANALYSIS:** The State of Georgia adopted modifications to the Zoning Procedures Law which defines the City’s Planning Commission as a “Quasi-Judicial” board. As such notice of the Planning Commission hearings was increased from 15 days to 30 days prior to the hearing. The City’s “Conditional Use” category would fall under the Commission’s purview, rather than being an administrative review. The amendment deletes the procedures for conditional use permits and changes all conditional uses in the Table of Uses to permitted uses. The same conditions, or additional requirements, still apply.

The change to the Zoning Procedures Law also imposes additional public notice and hearing requirements when the city proposes to amend the zoning map or the Land Management Ordinance in a manner that would allow multi-family uses in an existing single-family residential zone.

This text amendment addresses these changes by separating the notice requirements for informational and public hearings from the other procedures for conducting such hearings.

**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.  
The State of Georgia revised the Zoning Procedures Law.
- (4) Whether, and the extent to which the proposed amendment addresses a demonstrated community need.  
The amendment is necessary to comply with state law.

- (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 amendment is not inconsistent with the purpose and intent of the Land Management Ordinance.

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

The amendment has no impact on the development pattern of the city.

- (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.



- 2-2.1. *Variances and appeals of administrative decisions.* Applications for variances and appeals of administrative decisions shall be considered at a public hearing held by the Planning Commission for such purposes, following the adopted policies and procedures governing zoning hearings.
- (A) *Initiation of application.* An application for variance or appeal of an administrative decision may be initiated by the owner(s) of the subject property or their authorized agent(s). Any person aggrieved or affected by a decision or interpretation of the administrator may also initiate an appeal.
- (B) *Application requirements.*
- (1) An application for variance or appeal of an administrative decision must be submitted in writing to the administrator on the form provided by the administrator.
  - (2) The application shall be accompanied by plans, plats, photographs, or other documents as may be required by the administrator to fully understand the extent of the proposed variance or the grounds of the appeal.
  - (3) An application for appeal shall be filed within ten business days of the date of the decision/interpretation being appealed.
  - (4) No application shall be scheduled for a public hearing until it is deemed complete by the administrator, including payment of any required fees established by council.
- (C) *Notice of planning commission public hearings.* The administrator shall cause to have posted in a conspicuous place on the property in question a minimum of one "public hearing" sign for every 1,000 feet of road frontage, each of which shall not be less than six square feet in area, and which shall state the date, time, place, and purpose of the public hearing. Such signs shall be placed on the subject property at least 30 days prior to but not greater than 45 days before the public hearing. Notice of the hearing shall be mailed to the owner of the property that is the subject of the application at least 30 days prior to the public hearing.
- (D) *Planning Commission Public hearings.*
- (1) The administrator shall cause to have posted in a conspicuous place on the property in question a minimum of one (1) "public hearing" sign for every 1,000 feet of road frontage, each of which shall not be less than six (6) square feet in area, and which shall state the date, time, place, and purpose of the public hearing. Such signs shall be placed on the subject property at least fifteen (15) days prior to but not greater than forty five (45) days before the public hearing.
  - (2) The commission shall fix a reasonable time for the hearing of appeals or variances and shall decide the same within 45 days from the date of such public hearing at which the application was first heard.
  - (3) The applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards of this chapter.
  - (4) Any person may appear at a hearing and submit testimony, either individually, or as a representative of a person or an organization.
  - (5) When considering a variance, the commission shall approve, approve with conditions, approve with modifications, or deny the application.
  - (6) When considering an appeal of an administrative decision, the commission shall, in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the administrator, and to that end, shall have all the powers of the administrator and may issue or direct the issuance of a zoning compliance permit.
  - (7) The planning commission may continue a hearing to a fixed date, time, and place, subject to the time restriction for deciding an application listed above in section ~~(C)(2)~~ (D)(1).
- (D) *Stay of legal proceedings.* An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the administrator certifies to the commission after the

notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and/or property. In such case, a proceeding shall not be stayed other than by a restraining order which may be granted by said commission or by a court of record, on application, on notice to the official from whom the appeal is taken and on due cause.

- (E) *Withdrawal of application.* Any petition for a hearing before the planning commission may be withdrawn prior to action thereon by said commission at the discretion of the person, firm or corporation initiating such a request upon written notice to the administrator. The fee for a withdrawn application shall not be refunded once public notice of the application has been initiated.
- (F) *Time for reconsideration following denial.* When an application for variance is denied by the Commission, another application for variance on the same property shall not be considered for six (6) months from the date of the denied application.
- (G) *Appeal to Superior Court.* Any person or persons severally or jointly aggrieved by any decision of the planning commission may take an appeal to the superior court.

2-2.2. *Amendments to the official zoning map, annexation and zoning of land, de-annexation of land, text amendments, and special exceptions.* Applications for amendments to the official zoning map, annexation and zoning of land, de-annexation of land, text amendments, and special exceptions shall be considered by the Planning Commission at an informational hearing to provide a recommendation to City Council. City Council shall conduct a public hearing on each application. Informational hearings and public hearings shall follow the adopted policies and procedures governing zoning hearings.

(A) *Initiation of application.*

- (1) Amendments to the official zoning map and special exceptions may be initiated by the owner(s) of the subject property, the authorized agent(s) of the owner(s) of the property, by the city council, by the administrator, or by recommendation of the planning commission.
- (2) Annexation and zoning of land may be initiated by the owner(s) of the subject property, their authorized agent(s), or by the city council through resolution and referendum or pursuant to a local act passed by the General Assembly.
- (3) De-annexation of land may be initiated by the owner(s) of the subject property or their authorized agent(s).
- (4) Amendments to the text of the ordinance may be initiated by city council, by the administrator, or by recommendation of the planning commission.

(B) *Application requirements.*

- (1) An application must be submitted in writing to the administrator on the form provided by the administrator.
- (2) An application shall be accompanied by plans, plats, photographs, or other documents as may be required by the administrator to fully understand the extent of the proposal.
- (3) All applications shall be submitted to the administrator pursuant to established application submittal schedules included in the administrative manual.
- (4) No application shall be scheduled for an informational or public hearing until it is deemed complete by the administrator, including payment of any required fees established by Council.

(C) *Notice of planning commission* Informational hearings.

- (1) For an informational hearing, except for amendments to the official zoning map initiated by the City, the administrator shall cause to have posted in a conspicuous place on the property involved in an application a minimum of one "informational hearing" sign for every 1,000 feet of road frontage, each of which shall be not less than six square feet in area and shall include the date, time, place, and purpose of the informational hearing. Such signs shall be posted on the subject property at least 30 days prior to but not greater than 45 days before the informational hearing.



- (2) Notice of the informational hearing shall be mailed to the owner of the property that is the subject of the application at least 30 days prior to the informational hearing.
- (3) For amendments to the official zoning map initiated by the City, the administrator shall mail written notice to the property owner(s) of record affected by the amendment at least 30 days prior to the informational hearing. The notice shall include the date, time, place, and purpose of the informational hearing. Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The administrator shall certify that notice meeting the content requirements was mailed. A copy of the mailed notice shall be maintained in the office of the administrator for public inspection during normal business hours.
- (4) Informational hearings for a text amendment to the ordinance are not subject to the sign posting requirements outlined in section (C)(1) above.
- (5) Map amendments and text amendments affecting single-family residential zoning districts may be subject to additional notice requirements per O.C.G.A. § 36-66-4 (h).

(D) Planning Commission Informational Hearings.

- (1) The planning commission shall hold an informational hearing and shall make a recommendation to city council. A report of the planning commission's recommendation accompanying a summary of the proceedings of the hearing shall be submitted to mayor and council.
- (2) The applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards of this chapter.
- (3) Any person may appear at a hearing and submit testimony, either individually, or as a representative of a person or an organization.
- (4) The planning commission's recommendation shall be for approval, approval with conditions, approval with modifications, or denial of the application. For zoning amendments, the commission may include recommendations for conditions or limitations on uses appropriate to ameliorate the impact on the surrounding area and may recommend a less intense use or intermediate zoning classification. Where the applicant does not agree to such conditions or limitations on uses, the recommendation shall be interpreted as a recommendation for denial.
- (5) The commission shall have 45 days from the date of the informational hearing at which the application was first heard within which to submit a report to the council. If the commission fails to submit a report within the 45 day period, it shall be deemed to have recommended approval of the application.
- (6) The planning commission may continue a hearing to a fixed date, time, and place, subject to the time restriction for submitting a report on an application to city council as listed above in section (C)(7) (D)(5).

(E) Notice of City Council Public hearings.

- (1) The council shall hold a public hearing thereon provided that legal notice has been Notice of a public hearing shall be published in a newspaper of general circulation in the city no less than 15 days and no more than 45 days prior to the public hearing. Such published notice shall comply with the provisions of O.C.G.A. §36-66-4.
- (2) For a public hearing, except for amendments to the official zoning map initiated by the City, the administrator shall cause to have posted in a conspicuous place on the property involved in an application, a minimum of one "public hearing" sign for every 1,000 feet of road frontage, each of which shall be not less than six square feet in area and shall include the date, time, place, and purpose of the public hearing. Such signs shall be posted on the subject property at least 15 days prior to but not greater than 45 days before the public hearing.
- (3) For amendments to the official zoning map initiated by the City, the administrator shall mail written notice to the property owner(s) of record affected by the amendment at least 15 days prior to the public hearing. The notice shall include the date, time, place, and purpose of the public hearing.

Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The administrator shall certify that notice meeting the content requirements was mailed. A copy of the mailed notice shall be maintained in the office of the administrator for public inspection during normal business hours.

- (4) Map amendments and text amendments affecting single-family residential zoning districts may be subject to additional notice requirements per O.C.G.A. § 36-66-4 (h).

(F) City Council Public Hearings.

- (1) The council shall hold a public hearing at the earliest possible time under the time limits spelled out above provided herein to consider the application.
- (2) The recommendations of the commission shall be read aloud into the minutes at the public hearing.
- (3) The applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards of this chapter.
- (4) Any person may appear at a hearing and submit testimony, either individually, or as a representative of a person or an organization.
- (5) The council shall act on the application within 45 days from the date of the public hearing by approving or disapproving the recommendation, by approving it with conditions, by approving it with modifications, by approving a less intense use or intermediate zoning classification, or by remanding the matter with instructions to the planning commission. For zoning amendments, the council may include conditions or limitations on uses appropriate to ameliorate the impact on the surrounding area and may approve a less intense use or intermediate zoning classification. Where the applicant does not agree to such conditions or limitations on uses, the application will be denied.
- (6) Map amendments and text amendments affecting single-family residential zoning districts may be subject to additional public hearing and actions by council per O.C.G.A. § 36-66-4 (h).
- (7) Following remand, upon resubmission by the commission, the council shall hold a public hearing as described above and take final action on the request.
- (8) City council may continue any hearing to a fixed date, time, and place, subject to the time restriction for acting on an application as listed above in section ~~(D)(7)~~ (F)(7).
- (9) Upon final action taken by city council on an amendment to the official zoning map, annexation and zoning of land, de-annexation of land, or special exception, the administrator shall provide written notification to the applicant, or affected property owner(s) in the case of an amendment initiated by the city, of the action taken by city council. Written notification may be provided by first class United States mail or by email.

(G) *Modification of application by applicant.*

- (1) *Prior to public hearing.* An application may be modified by the applicant any time prior to the administrator submitting the required notice for the public hearing for publication to the newspaper of general circulation. Such modification request must be in writing from the applicant and submitted to the administrator.
- (2) *During the public hearing.* In response to questions or comments by persons appearing at the public hearing, or in response to suggestions or recommendations from the reviewing body, the applicant may agree to modify his application, including the plans and specifications submitted. Unless such modifications are so substantial or material that the reviewing body cannot reasonably perceive the nature and impact of the proposed modifications without having revised plans before it, the reviewing body may approve the application contingent upon receiving plans reflecting the agreed-upon changes. Any required permit will not be issued until the plans reflecting the agreed-upon modifications are verified by the administrator.



- (H) *Withdrawal of application.* Any application may be withdrawn prior to final action at the discretion of the person, firm or corporation initiating such request upon written notice to the administrator. The fee for a withdrawn application shall not be refunded once public notice of the application has been initiated.
- (G) *Time for reconsideration following denial.* When an application is denied by city council, the same type of application on the same property shall not be considered for six months from the date of the denied application.

2-3.6. *Conditional use permit Reserved.*

- (A) *Purpose.* Conditional uses are uses that are generally compatible with the other uses permitted in a zoning district, but require individual review of their location, design, configuration, and density and intensity of use, and usually require the imposition of conditions to ensure the appropriateness of the use at a particular location.
- (B) *Authority.*
  - (1) *General.* The administrator is authorized to review and decide on an application for a conditional use permit pursuant to this section.
  - (2) *Uses authorized.* Only those uses identified as conditional uses in subsection 4-1.2, table of uses, are authorized to be considered for conditional use permits under this section. The designation of a use as a conditional use in subsection 4-1.2, table of uses, does not constitute authorization that such use shall be approved as a conditional use permit pursuant to this section. Rather, each proposed conditional use shall be evaluated by the administrator for compliance with the standards set forth in this section, and the standards for the use in section 4-3, standards for specific uses.
- (C) *Procedure.*
  - (1) *Initial submission of application and staff review.* Application for conditional use permit shall be submitted in the form established by the administrator.
  - (2) *Review and action by administrator.* The administrator shall review and take action on the application consistent with the procedures and requirements of subsection 2-1.4, duties and powers of the administrator.
- (D) *Standards.* A conditional use permit shall be approved only upon a finding that the applicant has demonstrated all of the following standards are met:
  - (1) *Complies with use specific regulations.* The proposal must comply with the goals, policies, and standards of this chapter and, in particular, with the standards in section 4-3, standard for specific uses.
  - (2) *Facilities and services.* There is adequate infrastructure capacity available to serve the proposed conditional use (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).
- (E) *Conditions of approval.* In approving a conditional use permit, the administrator may impose restrictions and conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as are required to ensure compliance with the general goals and policies of this chapter or with particular standards of this chapter to prevent or minimize adverse effects from the proposed development on surrounding lands. The restrictions and conditions imposed must be related in both type and scale to the impact that the proposed development would have on the public and surrounding development. All conditions imposed shall be expressly set forth in the permit approval.
- (F) *Inspection.* Upon completion of the development authorized by the permit, the applicant shall contact the administrator to inspect and verify compliance with the provisions of the ordinance and the conditions of the permit.
- (G) *Effect.* Issuance of a conditional use permit shall authorize only the particular conditional use that is approved in the permit. Unless limited by a condition of approval, a conditional use permit, including any conditions, shall run with the land and not be affected by a change in ownership.
- (H) *Expiration.* The administrator may prescribe a time limit within which the activity authorized by the permit shall begin or be completed, or both.
- (I) *Appeal.* An applicant may appeal the decision of the administrator with respect to the issuance of a conditional use permit pursuant to the provisions of subsection 2-3.7.
- (J) *Amendment.* A conditional use permit may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval.









		Residential								Nonresidential							Form Based Code <sup>2</sup>				Regulations (Sections)		
		RAG	R1	R2	R3	RTH	RM1	RM2	RMH	OI	C1	C2	C3	LC	M1	M2	GU	IMU	MUC	NMU		FBR	
Self-Service Storage	All Uses										P	S			P	P		P					6-6.2
	Automobile rental										P	P <sup>1</sup>			P				P	S			4-3.3(F)
Vehicle Sales and Services	Automobile sales										P	P <sup>1</sup>			P				P	S			4-3.3(F)
	Automobile repair										P	S <sup>1</sup>			P				P	S			4-3.3(A & F)
	Automobile service										P	P <sup>1</sup>							P	P	S		4-3.3(A & F)
	Automobile wash and detailing										P	P <sup>1</sup>							P	S	S		
	Boat/ recreational vehicle rental & sales										P				P				P	S			
	Taxicab service										P					P							
	Tire sales and installation										P	P <sup>1</sup>			P				P	P	P		
	Towing service														P	P							
	Truck and trailer rental and sales														P								
Visitor Accommodations	Bed and breakfast inn	S	S	S	S	S	S	S	S	S	S	P											
	Campground											S											4-3.3(B)
	Hotel or motel										S	P	P	P					P	P	S		
	Recreational vehicle park											S											
	Short-term Residential Rental	S	S	S	S	S	S	S	S	S	P	P	P	P					P	P	P	S	
<b>Service and Industrial Uses</b>																							
Agricultural Operations	Farm winery	S																					
	Riding stable/academy	P										S	P <sup>1</sup>		P	P					S	S	4-3.4(A)
Industrial Services	All other uses	P	S	S	S							S	S <sup>1</sup>		P	P							4-3.4(A)
	Contractor's office with on-site storage/fabrication											S	P			P	P				P	P	S
	Truckstop or travel plaza											P			P	P							
	All other uses											P			P	P							
Manufacturing and Production	Artisan production establishment											S	P		P	P					P		
	Brewery, distillery															P	S				P		
	Heavy manufacturing																						
	Light manufacturing, general											P											
Mining Operations	All uses																						

