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STAFF REPORT

December 6, 2024

CASE NUMBER: TEXT-0143-2024

APPLICANT: The City of Perry

REQUEST: Amend Sec. 2-3.1 by deleting subsection (B) and revising subsection (A) to clarify and simplify standards for rezoning and annexation and zoning of land; Amend Sec. 2-3.5(A) to clarify and simplify standards for special exceptions; and Amend Sec. 2-3.7 to limit the types of standards for which a variance can be considered, clarify the standards for variance, and establish authority and standards for administrative variance.

STAFF COMMENTS: The amendment is meant to further clarify the decision-making process for several standards in the Land Management Ordinance. Doing so makes it easier for city officials, applicants, and the general public to understand the processes used to evaluate applications.

STANDARDS FOR GRANTING A TEXT AMENDMENT:

(1) Whether, and the extent to which the proposed amendment is consistent with the Comprehensive Plan.

The amendment is not inconsistent with the Comprehensive Plan.

(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.

Certain current standards are confusing and difficult to understand. Council has requested that variances not be allowed for certain design and development standards.

(4) Whether, and the extent to which the proposed amendment addresses a demonstrated community need.

Clarifying the standards for rezonings, annexations and zoning of land, and special exceptions allows applicants, city officials, and the public to better understand how these applications are evaluated. Modifications to variance provisions will eliminate variances that are not based on hardship and are instead based on an applicant's preference. This ensures city ordinances and standards are upheld equally for all. Changes to the variance ordinances will also allow administrative variances for minor modifications.

(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 proposed changes maintain or improve existing standards for certain application types and reduce the likelihood of an inappropriate variance impacting surrounding properties or granting special privileges.

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

The amendment will result in a logical and orderly development pattern by providing a clearer evaluation of proposed development applications.

- (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 has no direct 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 has no direct impact on public facilities and services.

STAFF RECOMMENDATION: Staff recommends approval of this application.

Delete Sec. 2-3.1(A) and (B) in its entirety and Replace as follows:

2-3.1. Official zoning district map amendments; annexation and zoning of land.

- (A) In reviewing and acting upon a proposed amendment to the official zoning district map or annexation and zoning of land, the planning commission and city council shall consider the following standards governing the exercise of the zoning power as adopted in accordance with O.C.G.A. § 36-66-5(b), giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:
- (1) Whether the proposed zoning classification complies with the Comprehensive Plan and other adopted plans applicable to the subject property;
 - (2) Whether all of the uses permitted in the proposed zoning classification are compatible with existing uses on adjacent and nearby properties;
 - (3) Whether any of the uses permitted in the proposed zoning classification will cause adverse impacts to adjacent and nearby properties;
 - (4) Whether any of the permitted uses and density allowed in the proposed zoning classification will cause an excessive burden on existing streets, utilities, city services, or schools;
 - (5) Whether there are existing or changing conditions in the area which support either approval or disapproval of the proposed zoning classification; and
 - (6) For zoning not associated with annexation, whether the subject property has a reasonable economic use as currently zoned.

Delete Sec. 2-3.5 in its entirety and Replace as follows:

2-3.5. *Special exceptions.*

- (A) In reviewing and acting upon a proposed application for a special exception, the planning commission and the city council shall consider the following standards governing the exercise of the zoning power as adopted in accordance with O.C.G.A. § 36-66-5(b), giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:
- (1) Whether the proposed use complies with the Comprehensive Plan and other adopted plans applicable to the subject property;
 - (2) Whether the proposed use would impact traffic volume or traffic flow and pedestrian safety in the vicinity;
 - (3) Whether the hours and manner of operation of the proposed use would impact nearby properties and uses in the vicinity;
 - (4) Whether parking, loading/service, or refuse collection areas of the proposed use would impact nearby properties and uses in the vicinity, particularly with regard to noise, light, glare, smoke, or odor;
 - (5) Whether the height, size, and/or location of proposed structures is compatible with the height, size, and/or location of structures on nearby properties in the vicinity;
 - (6) Whether the parcel is of sufficient size to accommodate the proposed use and the reasonable future growth of the proposed use; and
 - (7) Whether the proposed use will cause an excessive burden on existing streets, utilities, city services, or schools.

Delete Sec. 2-3.7 in its entirety and Replace as follows:

2-3.7. *Variances.*

- (A) *Purpose.* The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner, are not considered hardships justifying a variance. The power to grant a variance does not extend to use restrictions, minimum lot area, or minimum lot width established within a particular zoning district.

- (B) *Variance*. Variances shall be considered by the planning commission in accordance with procedures established in section 2-2.1.
- (1) Types of variances. A request for variance shall be limited to the following design and dimensional standards:
 - (a) Minimum front, side, or rear setbacks;
 - (b) Maximum lot coverage by buildings;
 - (c) Maximum building height;
 - (d) Dimensional standards for parking or loading spaces; or
 - (e) Number of queuing spaces.
 - (2) Standards for granting a variance. In reviewing a request for a variance, the planning commission shall not grant the request unless the application meets all of the following standards:
 - (a) Extraordinary and exceptional circumstances pertaining to the particular piece of property in question exist due to its size, shape, topography, or easements that are not found on other properties in the same zoning district;
 - (b) A literal interpretation of the provisions of this land management ordinance would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district;
 - (c) Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district;
 - (d) The extraordinary circumstances are not the result of actions of the applicant; and
 - (e) The variance is the minimum relief that will allow the legal use of the land, building or structure.
- (C) *Administrative variance*. In addition to explicit authority granted in other sections of this ordinance, the administrator shall be authorized to approve a variance from certain design and dimensional standards where the intent of this ordinance can be achieved, equal performance obtained, and the administrative variance would not override conditions of zoning assigned by city council. This authority to grant an administrative variance shall be limited to the following standards:
- (1) A reduction, up to a maximum deviation of 20 percent of the standard, in the minimum front, side, or rear setback for a single lot, provided the reduction is necessary due to the existence of any one of the following factors:
 - (a) Size or shape of the lot;
 - (b) Topography of the lot;
 - (c) Location of easements on the lot;
 - (d) Errors discovered after construction; or
 - (e) Inability to comply with tree protection standards set forth in Section 6-4.



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Application # TEXT-0143-2024

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:

Amend Sec. 2-3.1 by deleting subsection (B) and revising subsection (A) to clarify and simplify standards for rezoning and annexation and zoning of land; Amend Sec. 2-3.5(A) to clarify and simplify standards for special exceptions; and Amend Sec. 2-3.7 to limit the types of standards for which a variance can be considered, clarify the standards for variance, and establish authority and standards for administrative variance.

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	11/4/2024
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Standards for Amendments to the Text of the Land Management Ordinance

In reviewing an application for an amendment to the text of the ordinance and acting on said application, the planning commission and city council may consider the following standards:

(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.

Certain current standards are confusing and difficult to understand. Council has requested that variances not be allowed for certain design and development standards.

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Clear and easy to understand standards for rezonings, annexations and zoning of land, and special exceptions will allow applicants, city officials, and the public better understand how these applications are evaluated. Modification to variance provisions will eliminate variances that are not based on hardship and will allow administrative variances for minor modifications.

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