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Application # TEXT-0127-2024

## Application for Text Amendment

Contact Community Development (478) 988-2720

### Applicant Information

\*Indicates Required Field

	*Applicant
*Name	Emily Carson, City of Perry
*Title	Community Planner
*Address	741 Main Street, Perry, GA 31069
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### Request

\*Please provide a summary of the proposed text amendment:

Amend Table 4-1.1 (Table of Uses) to add the use "Animal shelter and adoption service" as permitted in the M-1, Wholesale & Light Industrial zoning district and add the use Data Center as use permitted by a special exception in the M-2, Industrial zoning district. Add a definition and use description for Data Center to Sec. 1-13 and Sec. 4-2.5 (B).

### 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/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 2-3.2 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.
4. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
5. \*The applicant must be present at the hearings to present the application and answer questions that may arise.
6. 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.
7. \*Signatures:

\*Applicant

\*Date

**Standards for Amendments to the Text of the Land Management Ordinance**

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

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

The proposed amendments are 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 amendments are 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.

Animal shelter and adoption services are already allowed in the M-2 district; uses in the M-1 zoning district are similar to those in M-2. Therefore, shelters should be allowed in the M-1 district. In the 2023-2027 Strategic Plan, the Council recognized the technology industry as one of the emerging opportunities to diversify the local economy. Creating and defining the 'data center' use category further aligns the city's practices with strategic planning efforts.

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

The amendments are necessary to create opportunities for new industries within the city limits and support small businesses.

- (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.

- 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.

These amendments will allow uses consistent with both zoning districts.

- (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 amendments themselves have 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 amendments themselves have no impact on public facilities and services.

Revised 7/6//21

**Add the following to Section 1-13 Definitions:**

*Data Center:* A facility of one or more buildings that can be exclusively owned and used by a private company or owned by a cloud storage service wherein IT infrastructure is housed for building, running, and delivering applications, or housing large amounts of data.

**Delete Section 4-2.5 (B) (1) and (2) in its entirety and replace as follows:**

(B) *Industrial Services*

- (1) *Characteristics.* Industrial services firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or byproducts. They may also provide technological services such as data storage, running and delivering applications for themselves or other businesses. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- (2) *Examples.* Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; data centers; heavy equipment sales, rental, repair, or storage; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, trades contractors with on-site storage/fabrication; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

**Delete Table 4-1-1 in Sec. 4-1.2 in its entirety and replace as follows:**

**Table 4-1.1: Table of Uses**

Key: "P" = Permitted Use; "S" = Special Exception Use; Blank Cell = Prohibited Use

Use Category	Use Type	Zoning Districts																		Additional Regulations (Sections)				
		Residential								Nonresidential								Form Based Code <sup>2</sup>						
		RAG	R1	R2	R3	RTH	RM1	RM2	RMH	OI		C1	C2	C3	LC	M1	M2	GU	IMU		MUC	NMU	FBR	
Residential Uses																								
Household Living	Single Family dwelling, detached	P	P	P	P		P		P	P			P		P					S	P	P		
	Single Family dwelling, attached		P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P							P <sup>4</sup>	P					P	P	P	P	4-3.1(A)	
	Two Family dwelling						P	P		P			P		P				P	P	P	P		
	Multi-family dwelling < 7 units						P	P		P		P	P	P	P				P	P	P	P		
	Multi-family dwelling > 6 units							S				S	S	S					P	S	S			
	Manufactured home	P							P															
	Manufactured home park								P														4-3.1(B)	
	Manufactured home subdivision								P															
	Dwelling in a commercial building									P		P	P	P	P	P	P		P	P	P		4-3.1(C)	
Group Living	Family personal care home	P	P	P	P		P		P	P			P		P					P	P	P		
	Boarding house											P	P <sup>1</sup>											
	All other uses						S	S		P		P	P				P	P	P				4-4.3(D)	
Accessory Use	Residential Business	S	S	S	S	S	S	S	S	P		P	P	P	P				P	P	P	S	4-4.3(D)	
Public and Institutional Uses																								
Community Service	All Uses	S	S	S	S		S	S	S	P		P	P	P	P			P	P	P	P	S		
Day Care	Child learning center (19+ persons)	S					S	S	S	P			P						P	P	P			
	Group daycare home (7-18 persons)	S					S	S	S	P			P		P				P	P	P			
	Preschool	S					S	S	S	P		P	P	P	S			P	P	P	P			
Education	Business school									S		P	P	P				P	P					
	College or university									P		P	P					P	P	P	P			
	School, public or private	S	S	S	S		S	S	S	P		P	P					P	P	P	P			
	Trade school											P				P	P	P	P	P	P			
Government	Detention facility																	P						
	Emergency response facility									P		P	P			P	P	P	P					
	Maintenance, storage, and distribution facility														P	P	P							
	Police substation											P	P	P	P	P	P	P	P	P				
	Post office									P		P	P					P						

Use Category	Use Type	Zoning Districts																				Additional Regulations (Sections)		
		Residential								Nonresidential										Form Based Code <sup>2</sup>				
		RAg	R1	R2	R3	RTH	RM1	RM2	RMH	OI		C1	C2	C3	LC	M1	M2	GU	IMU	MUC	NMU		FBR	
Health Care	Hospital									P		P												
	Medical facility other than hospital									P		P	P	P	P				P	P	P			
Institutions	Religious institution	S	S	S	S		S	S	S	P		P	P	P	S				P	P	P	S		
	Congregate personal care home									P			P							P				
	Alternative/post incarceration facility											S						P						
	Rehabilitation facility											P	P <sup>1</sup>					P	P					
	All other uses									P		P	P					P	P					
Parks and Open Space	Cemetery, columbarium, mausoleum	S								P		P	P	P				P	P	P			4-3.2(A)	
	Community Garden	P	S	S	S	S	S	S	S	P		P	P	S	P	P		P	P	P	P	P		
	Golf course	S	S									P						P	P					
	Park	P	P	P	P	P	P	P	P	P		P	P	P	P			P	P	P	P	P		
Transportation Terminals	Airport/heliport/landing strip																P	P						
	All other uses											P				P	P		P					
Utilities	Communication tower, freestanding	S								S		P	S			P	P	P	P				4-3.2(B)	
	Communication tower on existing structure									P		P	P	P	P	P	P	P	P	P	P		4-3.2(B)	
	Utility, major	S	S	S	S	S	S	S	S			P				P	P	P	P	P	P	S		
	Utility, minor	S	S	S	S	S	S	S	S			P	P			P	P	P	P	P	P	S		
Commercial Uses																								
Eating Establishments	Brewpub											P	P	P					P	P	P			
	Drive-in restaurant											P												
	Restaurant with drive-through window											P	P						P	P	S			
	Restaurant with indoor and outdoor seating and/or food service areas											P	P	P	S				P	P	P			
	Restaurant with indoor seating only									S		P	P	P	S				P	P	P			
	Restaurant with no seating											P	P	P					P	P	P			
Offices	All uses									P		P	P	P	S			P	P	P				
Outdoor Entertainment	All uses											P	S <sup>1</sup>						P	P				
Parking, Commercial	Parking lot									P		P	P	P				P		P	S			
	Parking structure									S		P	P	P				P	P	P	S			

Use Category	Use Type	Zoning Districts																				Additional Regulations (Sections)	
		Residential								Nonresidential								Form Based Code <sup>2</sup>					
		RAG	R1	R2	R3	RTH	RM1	RM2	RMH	OI		C1	C2	C3	LC	M1	M2	GU	IMU	MUC	NMU		FBR
Retail Sales and Service	Animal shelter and adoption service														P	P	P						
	Automobile parts store										P	P						P	P	P			
	Bank, financial institution, ATM								S		P	P	P	S	P			P	P	P			
	Bar, nightclub										P	P	P					P	P	P			
	Barber shop, beauty shop								P		P	P	P	P				P	P	P			
	Casino or gambling establishment										P											4-3.3(C)	
	Civic club								P			P	P					P	P				
	Convenience store										P	P						P	P	S		4-3.3(A)	
	Convention and exhibition facility										P						P	P					
	Event venue	S									P	P	P					P	P	P			
	Farmers' market	S									P	P	P	S				P	P	S			
	Flea market										P				P								
	Fortune telling										P												
	Funeral home, mortuary								P			P						P	P	P			
	Grocery store										P	P						P	P	P			
	Health club, spa								P		P	P	P					P	P	P			
	Indoor entertainment facility, general								S		P	P	S					P	P	P			
	Kennel, pet boarding										P	P						P	P				
	Landscape nursery										P				P								
	Liquor store										P	P <sup>1</sup>						P	P				
	Photography, art, dance studio or gallery								P			P	P	S				P	P	P	S		
	Personal services, all other								S		P	P <sup>1</sup>	P <sup>3</sup>	S <sup>3</sup>				P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>			
	Pet grooming, indoor only								S			P	S							P	P		
	Prefabricated building display and sales										P				P			P	S				
	Retails sales and services, all other										P	P <sup>1</sup>	P <sup>3</sup>	S <sup>3</sup>	P	P		P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>			
	Retail tenant exceeding 35,000 square feet										P	S						P	P			6-6.2	
	Sexually oriented business										P				P	P						4-3.3(E)	
	Shopping center exceeding 50,000 square feet										P	P						P	P			6-6.2	
Tattoo and body piercing establishment										P													
Veterinary clinic or hospital								P			P								P	P			

Use Category	Use Type	Zoning Districts																				Additional Regulations (Sections)	
		Residential								Nonresidential									Form Based Code <sup>2</sup>				
		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
Vehicle Sales and Services	Automobile rental											P	P <sup>1</sup>			P			P	S			4-3.3(F)
	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				P			P	S			
Visitor Accommodations	Campground											S											
	Hotel or motel									S		P	P	P					P	P	S		
	Recreational vehicle park											S											4-3.3(D)
	Short-term rental unit	S	S	S	S	S	S	S	S	P		P	P	P					P	P	P	S	4-3.5
Service and Industrial Uses																							
Agricultural Operations	Farm winery	S										S	S <sup>1</sup>			p	p				S	S	
	Riding stable/academy	P										S	P <sup>1</sup>			P	P						4-3.4(A)
	All other uses	P	S	S	S				S			S	S <sup>1</sup>			P	P						4-3.4(A)
Industrial Services	Contractor's office with on-site storage/fabrication									S		P				P	P		P	P	S		
	Truckstop or travel plaza											P				P	P						
	Data Center														S								
	All other uses											P				P	P						
Manufacturing and Production	Artisan production establishment									S		P				P	P		P				
	Brewery, distillery												P	S		P			P				
	Heavy manufacturing																P						
	Light manufacturing, general											P				P	P		P				
Mining Operations	All uses																S						



Use Category	Use Type	Zoning Districts																				Additional Regulations (Sections)		
		Residential								Nonresidential										Form Based Code <sup>2</sup>				
		Rag	R1	R2	R3	RTH	RM1	RM2	RMH	OI		C1	C2	C3	LC	M1	M2	GU	IMU	MUC	NMU		FBR	
Research and Development	R & D with outdoor storage															P	P						6-3.7(A)	
	R & D with no outdoor storage									P			P			P	P			P	P			
Testing Laboratory	Testing Lab with outdoor storage															P	P						6-3.7(A)	
	Testing Lab with no outdoor storage									P			P			P	P			P	P			
Warehouse and Freight Movement	Outdoor storage lot											P				P	P		P	S			6-3.7(A)	
	Truck or freight terminal											P				P	P		P					
	Warehouse															P	P							
Waste Services	Junk yard																S						6-3.7(A)	
	Recycling drop-off center															P	P	P						
	Waste disposal or treatment operation															S	S	P						
Wholesale Sales	All uses															P	P		P					

1 – These uses are not permitted in the Downtown Development Overlay District. For "Personal services, all other" and "Retail sales and services, all other", the limitation applies only to massage parlors that are not part of a "health club/spa" or "medical facility other than hospital" and tattoo establishments.

2 – Uses in the Form Based Code districts are subject to standards of the Form Based Code in Appendix A of this chapter.

3 – Massage parlors that are not part of a "health club/spa" or "medical facility other than hospital" and tattoo establishments are not permitted.

4 – Townhouses are permitted only within the Downtown Development Overlay District within these base zoning districts.