

**AN ORDINANCE TO AMEND THE
PEACHTREE CITY ZONING ORDINANCE
ARTICLE XII, VARIANCES AND APPEALS,
TO AMEND THE PEACHTREE CITY CODE OF ORDINANCES
SECTIONS 1203 THROUGH 1205,
AND FOR OTHER PURPOSES**

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, AND IT IS HEREBY ORDAINED by authority of the same that:

Section 1. The Peachtree City Zoning Ordinance Article XII, Section 1203, Variance type, be revised as follows:

The zoning administrator shall determine the type of variance required, and shall classify the request as:

- (a) Administrative variance.
- (b) Variance.

Section 2. The Peachtree City Zoning ordinance Article XII, Section 1204, Administrative variance, be revised as follows:

Review and approval of a request for an administrative variance shall be administered by a special administrative variance committee consisting of the zoning administrator, the city manager and a member of city council. Applications may be considered only if the following requirements are met:

- (a) The request pertains to either an existing zoning setback violation provided that the property owner making the request is not the same property owner who was responsible for the violation; or;
- (b) The request is for a rear setback encroachment that would not exceed 50 percent of the required setback per the zoning district ordinance, provided that the following conditions are satisfied:
 - (1) The proposed structure uses similar building and roof materials, roof pitch, and color scheme as the primary structure; and
 - (2) The applicant provides written consent of the Home Owners' Association, if applicable, and all property owners adjacent to the requested property; or
- (c) The request is for a decrease of not more than 25 percent of the minimum building setback, provided that the property line in question and the associated building setback adjoins a publicly-owned property and there is no other possible location on the property that would accommodate the proposed building expansion without encroaching into the established building setback, provided that the following conditions are satisfied:
 - (1) The proposed structure uses similar building and roof materials, roof pitch, and color scheme as the primary structure; and

- (2) The applicant provides written consent of the Home Owners' Association, if applicable, and all property owners adjacent to the requested property; or
- (d) The request is for a decrease of not more than 25 percent in the minimum number of parking spaces required by the city's parking ordinance' provided the applicant identifies on the site plan where this parking would be located if needed in the future; or
- (e) The request is for an increase in the maximum height of a fence or wall; provided that:
 - (1) Such wall or fence is justified by reason of safety and security pertaining to pool barriers or other International Building Code standards as adopted by the city, and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the surrounding neighborhood; or
 - (2) Such greater height is justified for topographic reasons, and is not more than a 25 percent increase in maximum height standards per Chapter 18 of the city's code of ordinances, and is not incompatible with the surrounding neighborhood.

In no case shall an administrative variance be granted from the conditions of approval imposed on a parcel through a zoning change granted by the city council.

In reviewing the application, the administrative variance committee shall analyze the application to determine whether granting the request would cause substantial detriment to other property owners in the surrounding area or would impair the purposes of the zoning ordinance. If it is found that the request is in conformance with these requirements and does not adversely affect the area, the administrative variance committee shall issue an official determination in writing approving the request. The property owner, the city clerk, and the building official shall be provided with a copy of this determination.

If it is found that the request is not in conformance with these requirements or may possibly have an adverse effect on the surrounding area, the administrative variance committee shall deny the appeal in writing, stating the reasons for the denial.

The administrative variance committee shall act on all appeals within 15 working days after the application is deemed complete by the zoning administrator.

If a request for an administrative variance is denied by the administrative variance committee, the property owner may appeal this decision to the city council in accordance with the procedures identified herein.

Section 3. The Peachtree City Zoning ordinance Article XII, Section 1205 – Special exception variance, shall be repealed in its entirety.

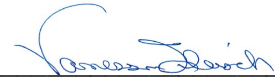
Section 4. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 5. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 6. This ordinance shall be in full force and effect upon its official adoption by the City Council.

Done, Ratified, and Passed this 16th day of December 2021.

(Signatures on next page)



Vanessa Fleisch, Mayor



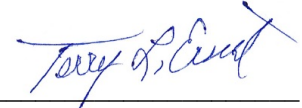
Phil Prebor, Post 1



Mike King, Post 2

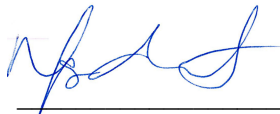


Kevin Madden, Post 3



Terry Ernst, Post 4

Attest:



City Clerk