

AGENDA
REGULAR MEETING OF THE PERRY CITY COUNCIL
May 3, 2016
6:00 P.M.

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer.
2. Roll.
3. Invocation and Pledge of Allegiance to the Flag: Mayor James E. Faircloth, Jr.
4. Community Partner(s) Update(s):
 - 4a. Update on 21st Century Partnership –Rob Brooks
5. Citizens with Input.
6. Consent Agenda Items: Mayor James E. Faircloth, Jr.
 - 6a. Council’s Consideration – Minutes of the April 18, 2016 work session, April 19, 2016 pre council meeting and April 19, 2016 council meeting.
7. Old Business: Mayor James E. Faircloth, Jr.
 - 7a. Ordinances for Second Readings and Adoption:
 1. **Second Reading** of an ordinance amending the Perry Land Development Ordinance – Addition to Article VIII – Use Requirements by District -Section 86 General Courtney Hodges Boulevard.
 2. **Second Reading** of an ordinance amending the Perry Land Development Ordinance - Appendix B Standards of the Downtown Development District of the City of Perry – Architectural and Signage Control Standards for Certificate of Appropriateness Permits.
 3. **Second Reading** of an ordinance amending the Perry Land Development Ordinance - Section 83.2.3 District Boundaries to remove General Courtney Hodges Boulevard Corridor from the boundaries of the Downtown Development District.
 - 7b. Consider relief for COA service charge fees for Ibalz Marketing.
8. Any Other Old Business Matters:
 - 8a. Mayor James E. Faircloth, Jr.
 - 8b. Council Members
 - 8c. City Manager Lee Gilmour

- 8d. City Attorney David Walker
- 9. New Business: Mayor James E. Faircloth, Jr.
 - 9a. Matters referred from May 2, 2016 work session and May 3, 2016 pre council meeting.
 - 9b. Alcohol License(s) for First Reading and Introduction:
 - 1. **First Reading:** Application for Alcohol License (Beer & Wine – Packaged To Go) at new location, 100 Hampton Court. Name of business is Bran Hospitality Perry LLC d/b/a Hampton Inn; Manager’s name is Jaishree Amrit Patel.
 - 9c. Resolution(s) for Consideration and Adoption.
 - 1. Resolution amending the City of Perry Fee Schedule.
 - 9d. Selection of a voting delegate for GMA Annual Membership Business Meeting, June 26, 2016.
 - 9e. Approval of proposal for landscaping design services on General Courtney Hodges Boulevard.
 - 9f. Request from Perry Downtown Merchants Association for the following street closures relative to the 4th Annual Wine Tasting event on June 3rd from 5:00 p.m. until 8:00 p.m. Jernigan Street from Main Street to Carroll Street and Carroll Street from the 700 block thru the 900 block.
- 10. Department Head Items.
- 11. Council Members Items:
- 12. General Public Items:
- 13. Mayor Items:
- 14. Adjourn.

MINUTES
WORK SESSION MEETING
OF THE PERRY CITY COUNCIL
APRIL 18, 2016
5:00 P.M.

1. Call to Order: Mayor James E. Faircloth, Jr. called to order the work session meeting held April 18, 2016 at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor James E. Faircloth, Jr.; Mayor Pro-Tempore Randall Walker, Council Members Phyllis Bynum-Grace, Robert Jones, Riley Hunt, Willie King and William Jackson.

Elected Official Absent: None

Staff: City Manager Lee Gilmour, City Attorney David Walker and Recording Clerk Annie Warren

City Departmental Staffing: Chief Joel Gray – Fire and Emergency Services Department, Chief Steve Lynn – Police Department, Decius Aaron – Director of Public Works, Kevin Dye – Director of Leisure Services, Brenda King – Director of Administration and Robert Smith – Economic Development Director.

Guest(s) / Speaker(s): Steve Rodgers, Reba Cole and Bob Moore.

Media: Cheri Adams and Jake Jacobs - Houston Home Journal, Wayne Crenshaw – Macon Telegraph

3. Items of Review/Discussion: Mayor James E. Faircloth, Jr.

3a. Presentation from Servants Task Force – Mr. Steve Rodgers. Mr. Rodgers presented to Mayor and Council an overview of the fundraiser event “Heed the Call” to honor military personnel and local disabled veterans and asked for the City’s support. Mayor Faircloth advised Mr. Rodgers that Council would take his request under consideration and follow up with Mr. Rodgers.

3b. Request from Legacy Park Homeowners Association for “No Soliciting, No Peddling” signage – Ms. Reba Cole. Ms. Cole presented for Mayor and Council’s consideration a request to install signage at the entrance of Legacy Park Homeowners Association stating “No Soliciting, No Peddling”. Mayor Faircloth advised Ms. Cole the individual homeowner’s association has the right to install “No Soliciting, No Peddling” signage. Mr. Gilmour explained to Ms. Cole that solicitors who purchase permits from the City can come into the subdivision but the City will not enforce the no soliciting, no

peddling because the streets in the neighborhood are public property. Attorney Walker will research this matter and advise Council of his findings.

- 3c. Discussion of lighting options for City Hall parking lot. Mr. Gilmour recommended waiting on the lighting options for City Hall parking lot until the City can get the best cost option. Council concurred with Administration's recommendation.
 - 3d. Consider extension of city water to lot in Devonwood Subdivision. Administration's recommendation to Mayor and Council to concur with allowing the extension of the water service to this lot and not require annexation. The homeowner will pay for the extension. Council concurred to proceed with Administration's recommendation.
 - 3e. Consider adjusting fee requirement and length of permit for banners. Administration's recommendation to Mayor and Council to not require payment of the fee and if an organization came in, the permit would be good for a year subject to the conditions.
 - 3f. Consider contracting for design of Calhoun Park tennis courts improvements. Mr. Dye presented for Mayor and Council's consideration a contract for a design proposal for Calhoun Park tennis courts improvements. It was the consensus of Council to take no action at this time.
 - 3g. Review role of Perry Arts Center Advisory Committee. Administration presented to Mayor and Council its concern about the committee and its direction. Administration recommended dissolving the Perry Arts Center Advisory Committee. Council concurred with Administration's recommendation to dissolve the Perry Arts Center Advisory Committee.
 - 3h. Discussion of transportation for senior citizens – Councilmember W. King. Council Member King stated he was approached by a senior citizen relative to transportation for senior citizens. Council Member Hunt advised Mr. Frank Shelton of Perry Volunteer Outreach has a vehicle and driver to transport senior citizens. Administration recommended staff look at some options and follow-up with Council.
 - 3i. Request to waive late fees – Ms. B. King. Mr. Moore appeared before Mayor and Council and requested a waiver for late fees. Mayor and Council reviewed Mr. Moore's request and concurred the fees would stand based on City policy.
 - 3j. City's Continuity Of Operations Plan – Chief J. Gray. Chief Gray reported on the City's Continuity of Operations Plan including the logistics and cost. It was the consensus of Council to refer this item over to Council's April 19th agenda.
4. Council Member Items:

Council Members Jackson, Jones, Bynum-Grace, King and Hunt had no reports.

Mayor Pro Tempore Walker inquired about a special event alcohol permit or street closure request for First Friday in May.

Mr. Gilmour and Attorney Walker had no reports.

5. Department Head Items:

Chief Lynn reported there will be a Child Safety Seat Check and Stuff the Cruiser Food Drive on May 14th at the Perry Walmart. Also there was a traffic fatality at the 247Spur this afternoon.

Mr. Smith reminded everyone of the Perry Housing Team Clean-Up on April 30th, 8:30 a.m. in Creekwood Subdivision.

Mr. Aaron reminded everyone of Clean-Up Week, April 25th – 29th.

Mr. Dye reported on the upcoming activities in Leisure Services:

- April 22nd, Movie in the Park
- April 23rd, Kids Fishing Rodeo

Chief Gray had no report.

Mayor Faircloth entertained a motion to enter into an executive session for real estate acquisition.

6. Executive Session entered at 7:03 p.m.: Council Member King moved to adjourn the work session and enter into executive session for the purpose of real estate acquisition. Council Member Jones seconded the motion and it carried unanimously.
7. Executive Session adjourned; Council work session reconvened. Council adjourned the executive session held April 18, 2016 and reconvened into the council's work session.
8. Adopted Resolution No. 2016-19 stating purpose of executive session held April 18, 2016 was to discuss real estate acquisition. Mayor Pro-Tempore Walker moved to adopt a resolution stating the purpose of the Executive Session held on April 18, 2016 was to discuss real estate acquisition. Council Member Jackson seconded the motion and it carried unanimously. No action was taken. (*Resolution 2016-19 has been entered in the City's official book of record*).
9. Adjournment: There being no further business to come before Council in the reconvened work session held April 18, 2016 Council Member Bynum-Grace motioned to adjourn the meeting at 7:05 p.m. Council Member Hunt seconded the motion and it carried unanimously.

MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
April 19, 2016
5:00 P.M.

1. Call to Order: Mayor James E. Faircloth, Jr. called to order the pre council meeting of the Perry City Council held April 19, 2016 at 5:00 p.m.

2. Roll.

Elected Officials Present: Mayor James E. Faircloth, Jr.; Mayor Pro Tempore Randall Walker; Council Members Willie King, William Jackson, Phyllis Bynum-Grace and Riley Hunt.

Elected Official(s) Absent: Council Member Robert Jones

Staff: City Manager Lee Gilmour, City Attorney David Walker, and Recording Clerk, Cyndi Houser

City Departmental Staffing: Major Bill Phelps – Perry Police Department, Chief Joel Gray – Fire and Emergency Services Department, Robert Smith – Economic Development Director, and Kevin Dye – Director of Leisure Services

Guest(s)/Speaker(s): None

Media: Jake Jacobs – Houston Home Journal

3. Items of Review/Discussion: Mayor James E. Faircloth, Jr.

3a. Discussion of April 19, 2016 council meeting agenda.

6a. Amendment to Perry Land Development Ordinance – Article VII – Use Requirements by District – Section 86 General Courtney Hodges Boulevard Corridor District. Mr. Gilmour explained this would be the form based zoning.

6b. Amendment to Perry Land Development Ordinance appendix B Standards of the Downtown Development District of the City of Perry. Mr. Gilmour stated this is a housekeeping amendment because the new sign ordinance replaces this section.

6c. Amendment to Perry Land Development Ordinance – Section 83.2.3 District Boundaries to remove General Courtney Hodges Boulevard Corridor from the boundaries of the Downtown Development District. Administration is recommending this corridor be removed from the Downtown Development District, but they will still be eligible for grants and loans.

Mayor Faircloth was advised by Attorney Walker that one these three items could be covered in one public hearing, but one at a time.

9a. Matters referred from April 18, 2016 work session and April 19, 2016 pre-council meeting.

1. Consider City's endorsement of "Heed the Call" by Servants' Task Force. Attorney Walker noted the Servants' Task Force had provided information this group was a non-profit, but not a 501(c)(3); City Manager recommended not endorsing the group; Mayor Faircloth noted the mayors of Centerville and Warner Robins have done public service announcements, but was unaware if they had endorsed the group. It was the consensus to not endorse, but if employees want to participate on their own time they would be free to do so.

2. Consider approval of continuity of operations plan. Chief Gray explained what the agreement entailed and recommended approval. Council asked if there were other vendors and could the agreement be in line with the calendar year. Chief Gray stated there are two other vendors, but they use the company being recommended for portions of the agreement, there is a disaster response team, but there are currently no provisions for continuity of operations.

9c.(1) Certificate of Appropriateness appeal – Mr. G. L. Dawson. Administration recommended denying the refund of charges.

9d. Well request from Lane Southern Orchards. Lane Southern Orchards revised their request for placement of a well. Mr. Deal reviewed the revised request and suggested approval subject to certain conditions which also included installation of a meter to monitor the water flow. The meter would be installed at Lane Southern Orchards' expense. If approved, the conditions would be a part of the permit issued by the State.

3. Department Head Items

Mr. Smith announced that Classic Main Street Board had submitted their annual assessment and passed with flying colors; Main Street Advisory Board will be hosting downtown tours on May 5 and May 9th at 5:30 pm both days and the tour will begin at First Baptist parking lot; Mr. Carmine of Main Street's Design Studio will be touring with the advisory board on April 28th; Perry Housing team will be doing a cleanup on Saturday April 30th from 8am-Noon.

Chief Gray stated the paperwork with EPD had been completed and approved for a controlled structural burn on Saturday, April 23, 2016 from 8 am- about 2 pm. The building is on the First Baptist property on First Street which should give the newest firefighters hands on experience.

Major Phelps noted that an application had been received for street closings for a First Friday event on May 6th, but he did not have all the details. Concern was expressed because of the short notice and the State requiring 2 weeks or more to close a state route. Council was advised they could approve it if they so desired at the May 3rd meeting. Major Phelps stated he would contact Mr. Marty Myers and have the information for the regular meeting.

4. Council Member Items:

No reports from Mayor Pro Tempore Walker, Council Members Jackson, King, Hunt and Bynum-Grace.

No reports from Mr. Gilmour and Attorney Walker.

5. Mayor Items:

There will be no Walk with Mayor/Council in April due to scheduling conflicts.

6. Adjournment: With no further business to come before the Council, Council Member Hunt motioned to adjourn the April 19, 2016 pre council meeting at 5:42 p.m.; Council Member King seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
April 19, 2016
6:00 P.M.

1. Call to Order: Mayor James E. Faircloth, Jr., Presiding Officer, called to order the regular meeting of the Perry City Council held April 19, 2016 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor James E. Faircloth, Jr.; Mayor Pro Tempore Randal Walker and Council Members Phyllis Bynum-Grace, William Jackson, Willie King, Robert Jones and Riley Hunt.

Elected Official(s) Absent: None.

Staff: City Manager Lee Gilmour, City Attorney David Walker and Recording Clerk, Cyndi Houser

City Departmental Staffing: Chief Steve Lynn and Major William Phelps – Perry Police Department, Chief Joel Gray – Fire and Emergency Services Department, Decius Aaron – Director of Public Works and Kevin Dye - Director of Leisure Services.

Guest(s)/Speaker(s): Mr. Tyler Sluka, Jade Morey - Houston County Development Authority, Tim Lowrimore and Meagan Black – Interfor Corporation, Bishop Milton Wynn, Mr. James Erdmanczyk, Mr. Jack James, and Ms. Toya Harris.

Media: Cheri Adams, Houston Home Journal and Chris Rogers, ComSouth 100

3. Invocation and Pledge of Allegiance to the Flag: Senior Pastor Willie King of Faith Bible Fellowship Church rendered the invocation and Council Member Robert Jones led the pledge of allegiance to the flag.

4. Recognition(s)/Presentation(s): Mayor James E. Faircloth, Jr.

Chief Lynn introduced the newest police officer, Mr. Tyler Sluka. Mayor and Council welcomed Mr. Sluka to the police force.

Mayor Faircloth presented a proclamation to Jade Morey – Houston County Development Authority, and Tim Lawrimore and Meagan Black - Interfor declaring April 18-22, 2016 as Manufacturers Appreciation Week. Mr. Lowrimore gave a few remarks on behalf of the manufacturers not only in Perry, but throughout Houston County as well as a brief history of Interfor (formally known as Tolleson Lumber).

5. Citizens with Input:

Bishop Wynn of the Greater Word of Deliverance Ministries requested a waiver of fees on their building plans for their church on Highway 41. Mayor Faircloth referred Bishop Wynn to City Manager Gilmour.

Mr. James Erdmanczyk, 123 South 3rd Street, Apt. 9, Warner Robins, relayed an incident that happened in downtown Perry on April 2, 2016.

Mr. Jack James, 210 Windermere Drive, Perry. Mr. James expressed concern about the route used for a 5K race this year and how dangerous it was. Mayor Faircloth explained the old route was used due to a main break. Mr. James also stated that a drainage ditch near his house was repaired and was supposed to be sodded. However, only a cover of rye grass was placed. He was advised Mr. Aaron will be contacting him regarding this concern.

Toya Harris, 104 Turtle Dove Court, Warner Robins, works with the Perry Housing Authority. Ms. Harris stated she has worked with the Warner Robins Housing Authority and is now also working with the Perry Housing Authority and discovered there are differences in policies and procedures in working with the respective Public Works departments. She wanted to know if there was something in particular she should be doing to develop a good rapport with the staff.

6. Public Hearing: Mayor James E. Faircloth, Jr.

PUBLIC HEARING CALLED TO ORDER AT 6:26 P.M. Mayor James E. Faircloth Jr. called to order a public hearing at 6:26 p.m. to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-67A-3 (c).

6a. Amendment to Perry Land Development Ordinance – Addition to Article VII – Use Requirements by District – Section 86 General Courtney Hodges Boulevard Corridor District.

Staff Report – Perry Planning Commission recommended adoption of form based zoning. Alex Fite-Wassilak of TSW provided an overview of form based zoning as it applies to General Courtney Hodges Boulevard.

In Favor – None

Against – None

6b. Amendment to Perry Land Development Ordinance – Appendix B Standards of the Downtown Development District of the City of Perry – Architectural and Signage Control Standards for Certificate of Appropriateness Permits.

Staff Report – Perry Planning Commission recommended adoption to remove the old language in order to conform to the comprehensive sign ordinance previously adopted.

In Favor – None

Against – None

- 6c. Amendment to Perry Land Development Ordinance – Section 83.2.3 District Boundaries to remove General Courtney Hodges Boulevard Corridor from the boundaries of the Downtown Development District.

Staff Report – Administration and Perry Planning Commission recommended the General Courtney Hodges Boulevard Corridor be removed from the Downtown District based on several items: Uses prohibited in the Downtown District are currently in use; sign restrictions in the Downtown District are not practical on Courtney Hodges; form based zoning is more appropriate. Business and property owners are either neutral or do not want to be in the Downtown District. Grant programs would not be affected if the General Courtney Hodges Boulevard Corridor is pulled out of the Downtown District.

In Favor – None

Against - None

Public Hearing Closed at 6:40 p.m. Mayor James E. Faircloth Jr. closed the public hearing at 6:40 p.m.

7. Consent Agenda Items: Mayor James E. Faircloth, Jr.

- 7a. Council’s Consideration – Minutes of March 28, 2016 work session, March 29, 2016 pre council meeting and March 29, 2016 council meeting. Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member Hunt seconded the motion, Council Member Jones abstained and the motion carried.

8. Old Business: Mayor James E. Faircloth, Jr.

- 8a. Mayor James E. Faircloth, Jr – None
8b. Council Members – None
8c. City Manager Lee Gilmour – None
8d. City Attorney Matthew Hulbert – None

9. New Business: Mayor James E. Faircloth, Jr.

- 9a. Matters referred from April 18, 2016 work session and April 19, 2016 pre council meeting

1. Consider City’s participation in “Heed the Call” by Servants Task Force.

Mayor Faircloth stated it had been determined the City would not participate in this project.

2. Consider approval of a continuity of operations agreement.

Chief Gray reviewed the highlights of a proposed agreement with COOP that would assist the City in continuing operations, particularly City Hall and Public Safety, in the event of a major disaster. Mayor Pro Tempore Walker moved to approve the agreement with COOP for disaster continuity operations subject to review by City Attorney and the initial time period run from May 1, 2006 to December 31, 2016 and thereafter for each calendar year. Council Member King seconded the motion and it carried unanimously.

9b. Ordinance(s) for First Reading and Introduction:

1. **First Reading** of an ordinance amending the Perry Land Development Ordinance – Addition to Article VIII – Use Requirements by District – Section 86 General Courtney Hodges Boulevard. *(No action required by Council.)*
2. **First Reading** of an ordinance amending the Perry Land Development Ordinance – Appendix B Standards of the Downtown Development District of the City of Perry – Architectural and Signage Control Standards for Certificate of appropriateness Permits. *(No action required by Council.)*
3. **First Reading** of an ordinance amending the Perry Land Development Ordinance – Section 83.2.3 District Boundaries to remove General Courtney Hodges Boulevard from the boundaries of the Downtown Development District. *(No action required by Council.)*

9c. Certificate of Appropriateness appeal – Mr. G. L. Dawson

Mr. Dawson was not present. Based on a recommendation from Administration, Mayor Pro Tempore moved to table the item; Council Member Jackson seconded and the motion carried unanimously.

- 9d. Request from Lane Southern Orchards. Mr. Gilmour advised Council that Mr. David Lane had provided more information regarding Lane Southern Orchards' request to install a well within the corporate limits for irrigation purposes. Administration recommended authorizing the State to issue a permit for a well subject to the installation of a meter to monitor the flow of water and several other conditions. Council Member King moved to approve the authorization of the State to issue a well permit to Lane Southern Orchards within the corporate limits subject to certain conditions and the installation of a meter to monitor water flow. Council Member Jackson seconded and the motion carried unanimously.

10. Department Head Items:

Chief Lynn and Major Phelps advised Council they had received the information concerning the street closing request for the Cinco de Mayor First Friday event on May 6, 2016. The street closure request was for Carroll Street between Jernigan and Washington and Ball Street from Commerce and Main. In response to a question about the timeline for notices for street closings, Major Phelps stated he would have enough time to contact DOT. Council Member King motioned to approve the street closings as recommended by the Police Department; Council Member Hunt seconded the motion and it carried.

Chief Lynn also advised that rolling traffic/safety checks would be conducted throughout the county on Friday, April 22nd.

Mr. Smith reported:

- Perry Main Street Advisory Board's 2015 annual review has been completed and received an excellent report.
- Main Street Advisory Board will be hosting tram tours in the historic Downtown District on May 5th and May 9th beginning at 5:30 pm. Availability is on a first come, first serve basis.
- Mr. Carmine of the Main Street Design Studio will be touring with the Main Street Advisory Board on April 28th and making guideline recommendations for designs, etc.
- April 30th, the Perry Housing Team will be conducting a spring clean up beginning at 8:30 in the Creekwood area with lunch provided for the volunteers at Noon.

Mr. Aaron reported that April 22-29th will be the annual Perry Clean Up week.

Chief Gray reminded members that a controlled structure burn will be held on April 23, 2016 to assist in training the newest firefighters; the public is invited to view from a designated location.

Mr. Dye noted the family night movie "The Good Dinosaur" will be April 22nd beginning at dusk and the fishing rodeo will be the next day starting at 8:30 am. Both events are at Rozar Park.

11. Council Members Items:

Mayor Pro Tempore Walker, Council Members Bynum-Grace, Jones, Hunt, Jackson and King – No report

Mr. Gilmour and Attorney Walker – no report

12. General Public Items:

None

13. Mayor Items:

- Houston County Development Authority - Industry Appreciation Reception on April 21, 2016 at Go Fish.
- Senator Tolleson - Golden Eagle Award on April 21, 2016.
- Power of Prevention night with celebrity wait staff will be April 25, 2016 at the Swanson.
- There will be real celebrities in town on April 30, 2016 with Deborah Roberts and Al Roker signing their book at the Perry library.

14. Adjourn: There being no further business to come before Council in the regular council meeting held April 19, 2016, it was adjourned at 6:58 p.m.

PUBLIC HEARING
April 19, 2016
TUESDAY @ 6:00 PM

City of Perry

Community Development Department

1211 Washington Street
P.O. Box 2030
Perry, Georgia 31069



478-988-2720
Telephone

www.perry-ga.gov

478-988-2725
Facsimile

March 31, 2016

The Honorable James E. Faircloth, Jr.
Perry City Council
Post Office Box 2030
Perry, Georgia 31069

Re: *Amendment to Perry Land Development Ordinance*
Addition to Article VIII – Use Requirements by District
Section 86 General Courtney Hodges Blvd. Corridor District

Dear Mayor and Council:

On March 28, 2016 the Perry Planning Commission reviewed the above referenced amendment to the Perry Land Development Ordinance.

The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation to Mayor and Council for the approval of the changes as provided for the referenced section of the Perry Land Development Ordinance.

Sincerely,


Martin Beeland, Chairman
Perry Planning Commission

MB/cs

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Article 1. General Provisions

Sec. 1.1. Title and Purpose

1.1.1. Title

This ordinance shall be known as the "Perry Form Based Code" or may be internally cited as "this code."

1.1.2. General Purpose

The intent and purpose of this code is to enable and support the implementation of the following policies:

- A. That within the boundaries of the Perry Form Based Code, ordinary activities of daily life should be able to occur within walking or bicycling distance of most dwellings.
- B. That Perry should serve people of all ages and allow residents to remain in the community as they age.
- C. That interconnected networks of streets should be designed to disperse traffic and reduce the length and number of automobile trips.
- D. That a range of high-quality and aesthetically compatible housing options should be provided to accommodate different needs in the community.
- E. That the quality-of-life in existing neighborhoods should be preserved and protected.
- F. That development patterns should make walking and bicycling safer and more pleasant.
- G. That a range of useable open spaces including parks, squares, playgrounds, and preserved environmentally sensitive areas should be distributed throughout Perry.
- H. That buildings and landscaping should be coordinated in order to contribute to Perry's physical design and sense of place.
- I. That development should adequately accommodate automobiles while respecting the pedestrian and the design of public areas.
- J. That public buildings, gathering places, and areas for community events should be provided as locations that reinforce community identity.
- K. That public buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the area.
- L. That the harmonious and orderly development and redevelopment of Perry should be secured through these regulations.

Sec. 1.2. Applicability

1.2.1. Territorial Application

This code applies within the applicable area, shown on the Official Zoning Map and labeled “Perry Form Based Code.”

1.2.2. Conformance Requirements

- A. All buildings, structures or land, in whole or in part, must be used or occupied, in conformance with this code. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged or structurally altered in conformance with this code.
- B. Nothing in this code shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued or a lawful permit application has been accepted before the effective date of this code, provided that the construction under the terms of such permit is diligently followed until its completion.

1.2.3. Conflicting Provisions

- A. It is not the intent of this code to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this code imposes a greater restriction upon the use of property or premises or upon the height of buildings, or requires greater space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this code shall govern.
- B. Nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals, variances or use permits issued prior to the existence of this code; however, modification or repeal of these past conditions of approval may be accomplished through a zoning change in accordance Section 171 of the Perry Land Development Ordinance.

1.2.4. Regulating Plan

- A. The Official Regulating Plan shows the designation of property within the Perry Form Based Code. Alterations to the Official Regulating Plan shall be consistent with the requirements for zoning map amendment as described in Section 171 of Perry Land Development Code, or as may be amended from time to time.
- B. Regulating Plans shall consist of one or more maps showing the following:
 - 1. Form Based Zoning Districts and Civic Spaces:
 - 2. Street network, existing and planned:
 - 3. Mandatory Private Frontages;
 - 4. Any special requirements; and
 - 5. A record of any Variances.
- C. The City of Perry or the owner of a parcel or abutting parcels in the Official Regulating Plan may adjust the locations of proposed streets from those shown by up to a total of 300 horizontal feet by variance, provided that the interconnected network shown in the Official Regulating Plan is maintained.

1.2.5. Use of Words and Phrases

Terms used throughout this code may be defined in Article 4 Definitions of Terms. Article 4 contains regulatory language that is integral to this code. Those terms not defined in Article 4 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of Section 31 of the Perry Land Development Ordinance, those of this code shall take precedence.

1.2.6. Text and Graphics

Illustrations, photos, and graphics are included in this code to illustrate the intent and requirements of the text. In the case of a conflict between the text of this code and any Illustrations, photos, or graphics, the text governs.

Sec. 1.3. Form Based Zoning Districts

1.3.1. Form Based Zoning Districts Established

A. The following Zoning Districts are established within the area regulated by this code:

1. Interstate Mixed Use (IMU)
2. Mixed-Use Center (MUC)
3. Neighborhood Mixed Use (NMU)
4. Form Based Residential (FBR)

1.3.2. Zoning Changes

Zoning changes to a parcel within the Form Based Codes shall only occur in accordance with Section 171 of the Perry Land Development Ordinance.

Article 2. General Requirements

Sec. 2.1. Applicability

2.1.1. Applicability

- A. The requirements of this Article apply to all parcels in the Perry Form Based Code unless expressly stated otherwise in this Article.
- B. The requirements of the Perry Land Development Ordinance still apply unless expressly stated otherwise in this Article. In addition, State and Federal laws may also apply.
- C. When the word "street" is used in this Article it means both public and private streets unless stated otherwise.

Sec. 2.2. Block and Access

2.2.1. Intent

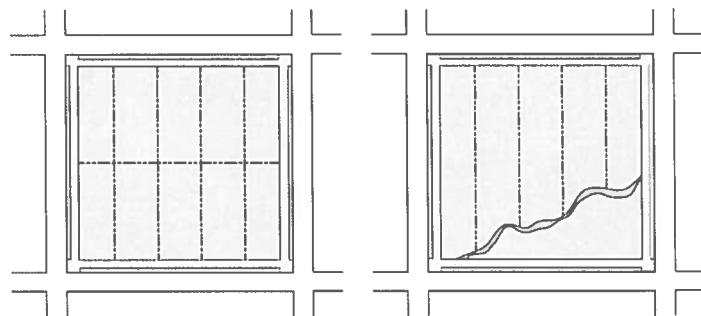
- A. The intent of the block and access standards is to provide a well-connected street network. Large blocks with limited connectivity discourage walking, contribute to street congestion, and add driving distance that can negatively impact emergency services. New streets should also be designed to consider the future development identified in the Perry Future Land Use Plan.
- B. The intent of the access standards is to provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion and increase connectivity. Pedestrian, bike, and vehicular access should be safe, direct and convenient.

2.2.2. Blocks

- A. Sites greater than 4 acres in size must incorporate existing or new streets that terminate at other existing or new streets to form an interconnected network with the maximum block perimeter lengths that follow:

Form Based Zoning Districts	Block Perimeter (Max.)
MUC	1,600 feet
NMU	2,000 feet
IMU, FBR	2,400 feet

- B. In addition to the block standards above, blocks containing exclusively detached dwellings must be wide enough to provide two tiers of lots, except where fronting on arterial streets prevented by topographical conditions or size of the property, in which case the Community Developer Director or their designee may require and/or approve a single tier of lots.



- C. Other than stub-out streets, dead-end streets are not allowed unless a variance is granted for topographic hardship.
- D. Block Measurement
 - 1. A block is bounded by a public or private right-of-way (not including an alley). All public or private rights-of-way proposed as part of a development must be improved with a street.
 - 2. Block perimeter is measured along the edge of the property abutting the public or private right-of-way, except for the measurement of dead-end streets, which are measured from intersecting centerlines.
 - 3. The City Transportation Engineer may modify the block perimeter requirements when steep slopes in excess of 25%, preexisting development, tree protection areas, stream buffers, cemeteries, open space, or easements would make the provision of a complete block infeasible.
 - 4. Where the block pattern is interrupted by public parkland, including greenways, that is open and accessible to the public, pedestrian access points must be provided with a minimum spacing equal to half of the maximum block perimeter.
- E. No public or private street within the Form Based Code area, including alleys, may be gated.

2.2.3. Access

- A. General. When land is subdivided or otherwise developed, parcels and buildings must be arranged and designed so as to allow for the opening of future streets and must provide access to those areas not presently served by streets. No development may be designed to completely eliminate street access to abutting parcels without current street access.
- B. Stub-Out Streets
 - 1. Stub-Out Required
 - a. Where a development abuts unsubdivided land, stub-out streets within the new development must be installed to meet the block standards of Section 2.2.2.
 - b. The stub-out street right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel to the point where the connection to the anticipated street is expected.
 - c. Where a stub-out street is provided, a sign noting the future street extension must be posted at the applicant's expense.
 - 2. Connecting to an Existing Stub-Out Street. If a stub-out street exists on an abutting parcel, the street system of any new development must connect to the stub-out street to form a through street.
 - 3. Exception. The City Transportation Engineer may eliminate the requirement for a stub-out street or require pedestrian and bicycle only access when steep slopes in excess of 25%, freeways, waterways, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a stub-out street infeasible.

2.2.4. Vehicle Cross-Access

All lots in districts allowing commercial uses, attached dwellings, and all lots where the adopted comprehensive plan land use classification would allow for rezoning to such district, that abut another lot

in a district or land use classification allowing either commercial uses, or attached dwellings must comply with the following standards.

- A. Internal vehicular circulation areas must be designed and installed to allow for cross-access between abutting lots.
- B. Vehicle cross-access may not be gated.
- C. When an abutting lot is vacant or already developed, a stub for a future cross-access connection must be provided at the point where the connection to the abutting parcel is expected to occur in the future.
- D. If a cross-access driveway stub exists on an abutting parcel, the internal vehicular circulation area must connect to the stub to form a cross-access connection.
- E. When cross-access for vehicles is deemed impractical by the City Transportation Engineer on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross access may be waived. Bicycle and pedestrian connections must be provided between abutting properties when cross-access is waived.
- F. Property owners who establish cross-access easements must:
 - 1. Allow pedestrian and vehicular access to all properties on the same block face as the property owner establishing the cross-access. Pedestrian and vehicular access is contingent upon the granting of reciprocal vehicular, bicycle, and pedestrian access rights to the granting property;
 - 2. Record an easement allowing cross-access to and from properties served by the cross-access easement;
 - 3. Record a joint maintenance agreement requiring each property owner to maintain the vehicular, bicycle, and pedestrian access areas on their lot;
 - 4. Contain a provision prohibiting the erection of fences, walls and other obstructions that prevent the use of vehicular, bicycle, and pedestrian access ways;
 - 5. Include a statement that the cross-access agreement is conveyed with the land, is binding on all successors, heirs and assigns and that the easement rights are perpetual; and
 - 6. The cross access agreement must be signed by all of owners of the granting property.
- G. Exception. The Community Developer Director or their designee may eliminate the requirement for a cross-access easement when steep slopes in excess of 25%, freeways, waterways, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a cross-access easement infeasible.

Sec. 2.3. Streets

2.3.1. Intent

- A. The intent of this Section is to provide a palette of street types and design elements that reflect the character of different areas within the Form Based Code area.
- B. The regulations provide adequate accommodations for vehicles, cyclists, and pedestrians.
- C. The street types defined in this Section provide a guide to balancing the needs of all modes of travel. Modifications to these types may be made by the Community Developer Director or their designee.
- D. The appropriate street type will be selected by the Community Developer Director or their designee based on the Perry Regulating Plan and engineering and land use context factors, including anticipated vehicle volumes.

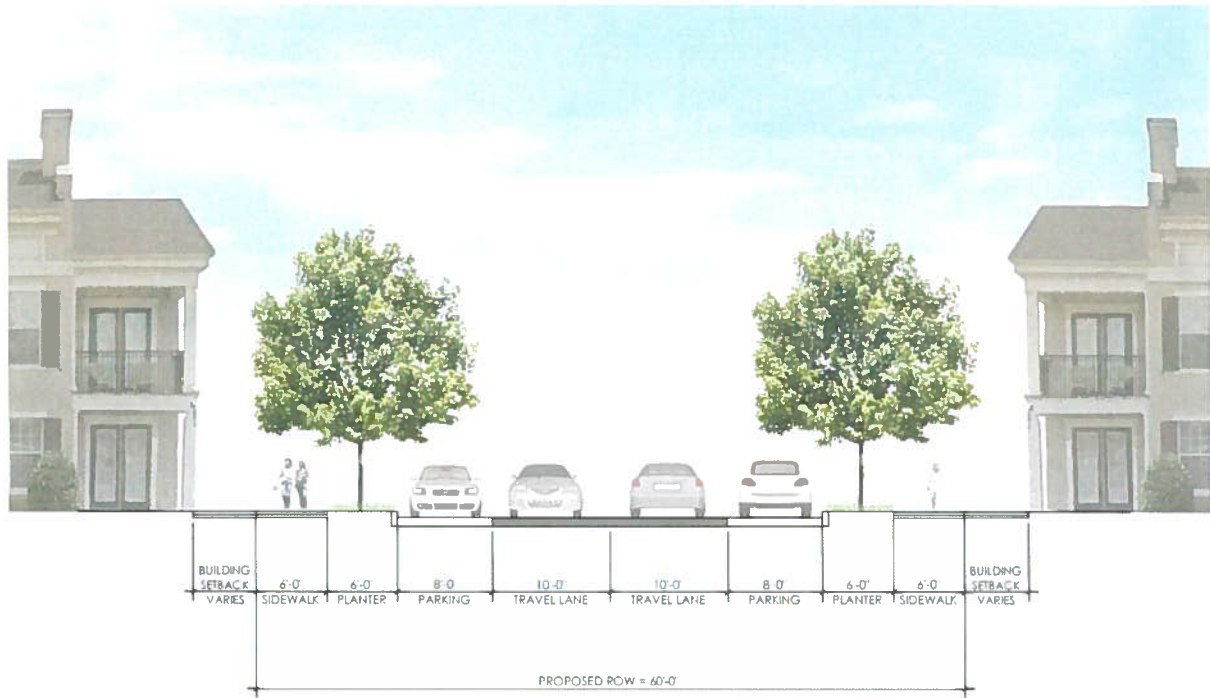
2.3.2. Applicability

- A. When a development proposes the construction of a new public or private street, the requirements of this Section apply.
- B. When constructing a new street or reconstructing an existing street, sidewalks, bike lanes, curb and gutter, and street trees must be installed and constructed in accordance with this Section and the City of Perry Community Development Department/Public Works Design Standards.
- C. Existing streets may continue serving existing development in their current configuration; however, they must not be extended or substantially rebuilt except in conformance with this Section.

2.3.3. Street Types

- A. All new or extended public or private streets must meet the following standards unless modified by the Community Developer Director or their designee for the following public purposes:
 - 1. To provide on- or off-street bicycle facilities;
 - 2. To provide wider sidewalks or planters;
 - 3. To provide a median, left turn lane, or combination therefore;
 - 4. To provide bulb-outs;
 - 5. To provide hardscape surface in otherwise landscaped planters in order to provide pedestrian access to adjacent on-street parking;
 - 6. To increase or decrease the travel lane width; and
 - 7. To provide traffic calming or pedestrian safety measures.

B. Arterial Street Residential



Width	
Right-of-way Width	60 feet
Face of curb to face of curb width	36 feet
Streetscape	
Sidewalk	6 feet
Planter	6 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped
Travelway	
Parallel Parking	8 feet
Travel Lane	10 feet

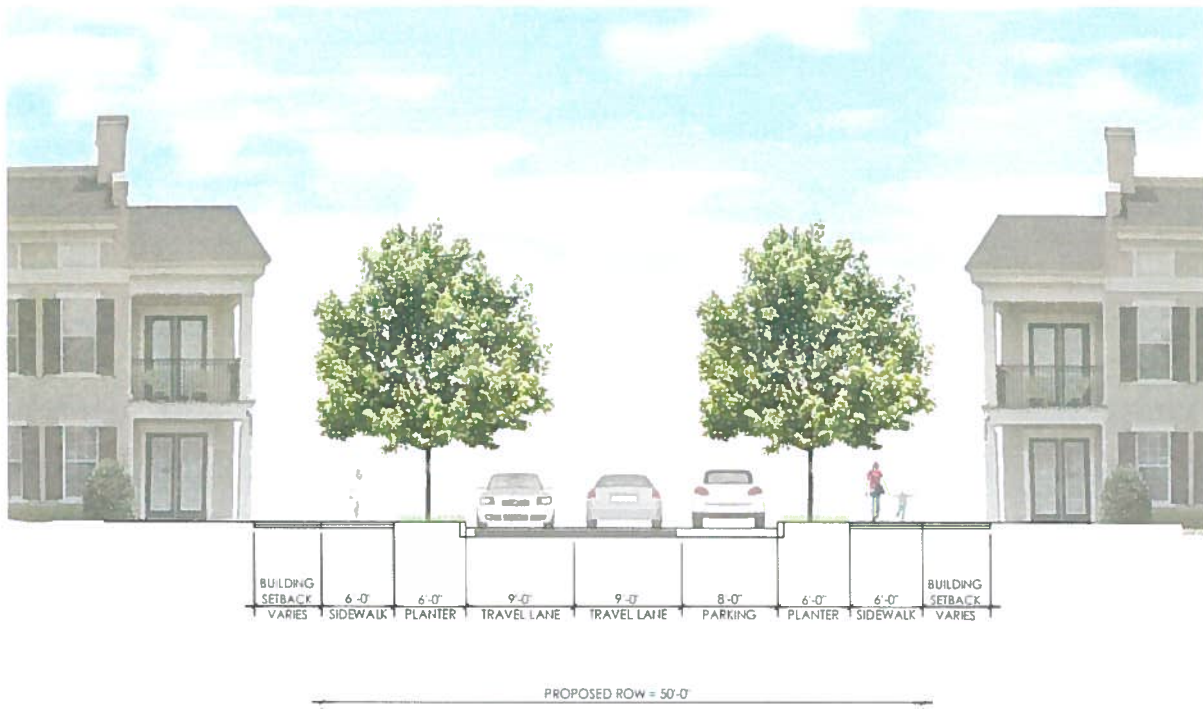
C. Arterial Street Commercial/Mixed-Use



Width	
Right-of-way Width	100 feet
Face of curb to face of curb width	68 feet
Streetscape	
Sidewalk	10 feet
Planter	6 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped/Hardscaped*
Travelway	
Parallel Parking	8 feet
Travel Lane	10.5 feet

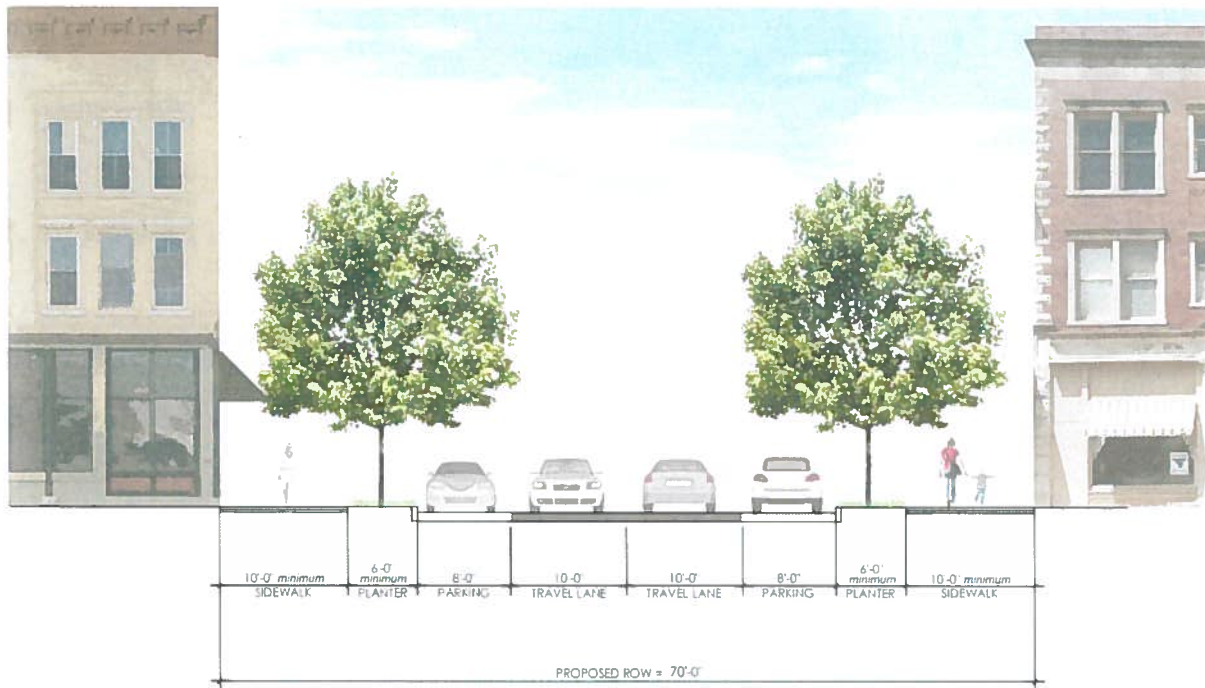
*Planter may be landscaped or hardscaped, but all trees shall be planted in a landscape area with a minimum size of 6 feet by 10 feet.

D. Collector Street Residential



Width	
Right-of-way Width	50 feet
Face of curb to face of curb width	26 feet
Streetscape	
Sidewalk	6 feet
Planter	6 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped
Travelway	
Parallel Parking	8 feet
Travel Lane	9 feet

E. Collector Street Commercial/Mixed-Use



Width	
Right-of-way Width	70 feet
Face of curb to face of curb width	36 feet
Streetscape	
Sidewalk	Min. 10 feet
Planter	6 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped/Hardscaped*
Travelway	
Parallel Parking	8 feet
Travel Lane	10 feet

*Planter may be landscaped or hardscaped, but all trees shall be planted in a landscape area with a minimum size of 6 feet by 10 feet.

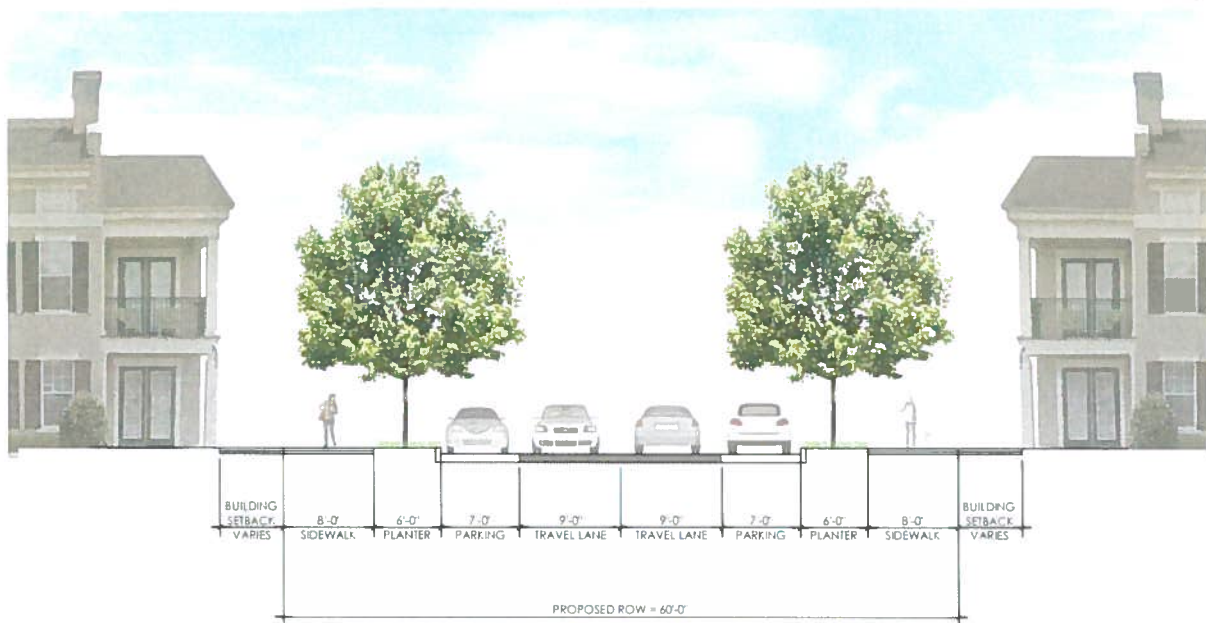
F. Green Street



Width	
Right-of-way Width	70 feet
Face of curb to face of curb width	36 feet
Streetscape	
Sidewalk	6 feet (one side)*
Multi-use trail	12 feet (one side)*
Planter	8 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Bio-swale
Travelway	
Parallel Parking	8 feet
Travel Lane	10 feet

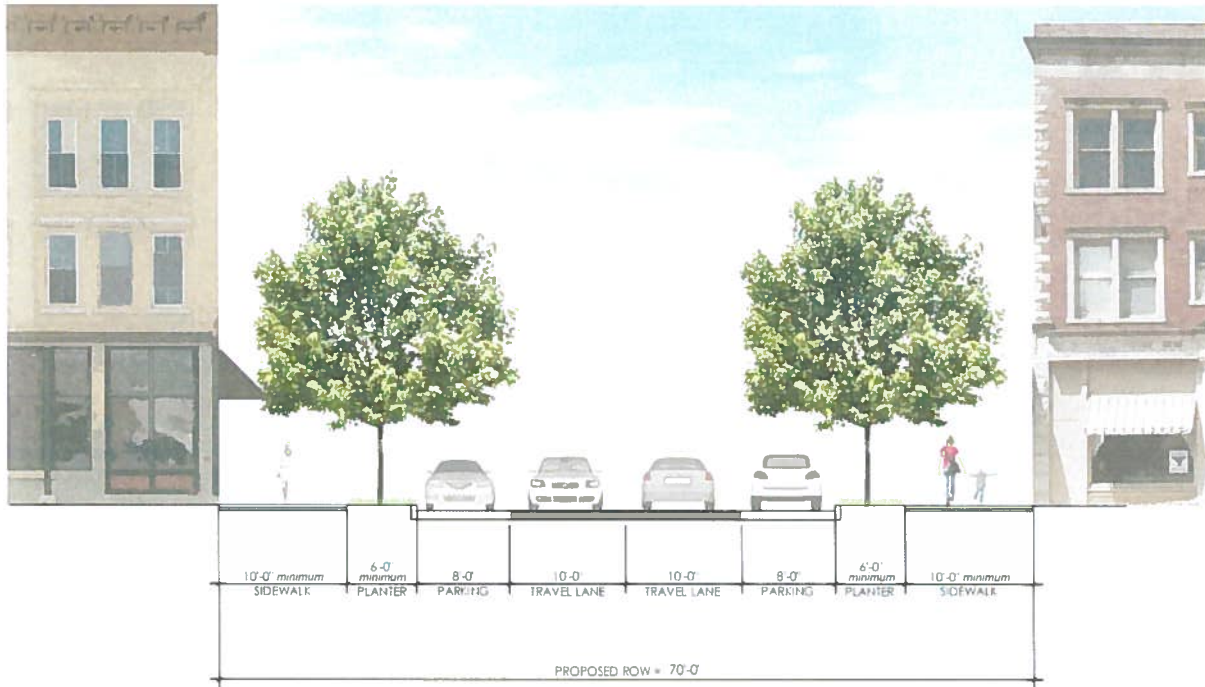
*The side of the street containing sidewalks and multi-use trails shall be as established by the Community Developer Director or their designee.

G. Local Street Residential



Width	
Right-of-way Width	60 feet
Face of curb to face of curb width	32 feet
Streetscape	
Sidewalk	8 feet
Planter	6 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped
Travelway	
Parallel Parking	7 feet
Travel Lane	9 feet

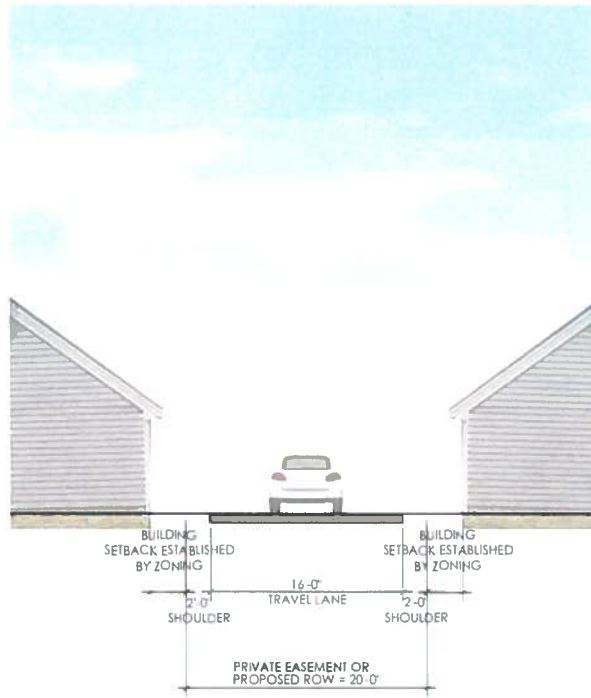
H. Local Street Commercial/Mixed-Use



Width	
Right-of-way Width	70 feet
Face of curb to face of curb width	34 feet
Streetscape	
Sidewalk	Min. 10 feet
Planter	7 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped/Hardscaped*
Travelway	
Parallel Parking	7 feet
Travel Lane	10 feet

*Planter may be landscaped or hardscaped, but all trees shall be planted in a landscape area with a minimum size of 6 feet by 10 feet.

I. Residential Alley



Width	
Right-of-way or Easement Width	20 feet
Paved Width	16 feet
Shoulder	2 feet
Travelway	
Parallel Parking	Not allowed
Travel Lane	16 feet

J. Commercial/Mixed-Use Alley



Width	
Right-of-way or Easement Width	20 feet
Paved Width	20 feet
Shoulder	0 feet
Travelway	
Parallel Parking	Not allowed
Travel Lanes	10 feet

2.3.4. Existing Streets, Streetscapes

A. Applicability. A building or site may be renovated or repaired without meeting the requirements of this Section, provided any increase in gross floor area or improved site area does not exceed 25%.

B. Exceptions. This does not apply as follows:

1. On a parcel located within a recorded subdivision that existed on the date of adoption of this ordinance and when no sidewalks currently exist adjacent to the parcel.
2. On a parcel for which a Land Disturbance Permit or Building Permit is issued but where the Director of Community Development determines that the permit is for an accessory use or structure to the principal use or structure or for minor repairs or additions to the principal building or structure in existence.

C. Streetscapes Required

1. Existing streets, planters, and sidewalk that do not meet the width and planting standards of the Perry Form Based Code Streetscape Table must be brought into compliance with the current

standards prior to the issuance of Certificate of Occupancy.

2. On existing streets where there is insufficient right-of-way for the required streetscape improvements, the right-of-way needed for such improvements may be expanded by mutual agreement between the property owner and the entity holding the right-of-way, or a public access easement may be provided to the City to meet the required improvements.
3. Where an easement is provided to the City and a parcel is zoned part of the Form Based Code, the back of the minimum required sidewalk (adjacent to the lot) may be considered the lot line for the purpose of establishing yards, may not be included in lot coverage calculations, and may not be counted in minimum lot size requirements for new lots.

Perry Form Based Code Streetscape Table

Street Type and Parcel Zoning District (both must be met)		Planter	Sidewalk
Arterial (existing)	IMU, MUC, NMU, FBR	6 feet	10 feet
Arterial (existing)	All other Districts	6 feet	6 feet
Collector (existing or proposed)	IMU, MUC, NMU, FBR	6 feet	10 feet
Collector (existing or proposed)	All other Districts	6 feet	6 feet
Green (existing or proposed)	IMU, MUC, NMU, FBR	8 feet	10 feet
Green (existing or proposed)	All other Districts	8 feet	8 feet
Local (existing or proposed)	IMU, MUC, NMU, FBR	6 feet	10 feet
Local (existing or proposed)	All other Districts	6 feet	8 feet

4. Where a publically funded streetscape project using alternative planter standards was installed adjacent to a parcel after the date of adoption, the planter standards of Perry Form Based Code Streetscape Table do not apply.

2.3.5. Multi-Use Trails

- A. Multi-use trails shall have an average width of 12 feet, but their width may be periodically reduced to 8 feet where topography, wetlands, stream buffers, existing buildings, existing trees, or other existing conditions render this requirement infeasible. The maximum length of this reduced width is 400 feet.
- B. A multi-use trail may be required instead of a sidewalk along any new or existing street when the location is identified for a multi-use trail in the Official Regulating Plan or other plan that has been adopted by the City of Perry.
- C. Where a City of Perry park or access easement held by the City of Perry abuts a street subject to Section 2.3.5.A above, the multi-use trail may also be located in such park or easement.
- D. In approving a multi-use trail in lieu of a sidewalk, the Community Developer Director or their designee may reduce the planter width to a minimum width of 5 feet.



2.3.6. Improvements along State Roadways

- A. For any development that abuts a State highway or other right-of-way controlled by the State of Georgia, improvements to the roadway and the location and design of any street or driveway

providing access from the State highway must comply with the standards and requirements of the Georgia Department of Transportation.

- B. An approved permit for proposed access or improvements is required by Georgia Department of Transportation and must be incorporated into the construction drawings for the project prior to the issuance of a Land Disturbance Permit.

2.3.7. Planter

- A. **Defined.** A zone adjacent to the curb intended for planting street trees and the placement of street furniture including light poles, litter receptacles and similar items.
- B. Street trees shall be planted in the planter as follows:
 - 1. Where no overhead utilities exist, shade trees must be planted a maximum of 40 feet on center in the planter. Newly planted trees shall be a minimum of 3½ inches in caliper, and shall be limbed up to a minimum of 7 feet.
 - 2. Where overhead utilities exist, one understory tree must be planted a maximum of 25 feet on center in the planter, subject to approval of the overhead utility provider and the City Arborist.
 - 3. Trees shall have a minimum 6 feet by 10 feet previous landscape planting area. Tree grates are not allowed unless the City Arborist determines that they will not negatively impact tree health.

Sec. 2.4. Parking and Loading

2.4.1. Vehicle Parking

- A. Every use must provide and maintain vehicular parking in accordance with the vehicular parking requirements of Section 71.3 of the Perry Land Development Ordinance.
- B. Parking in the following locations may be used to satisfy the minimum parking requirements:
 - 1. Off-street parking located on the same site or lot as the use it serves;
 - 2. On-street parking located adjacent to and on the same side of the street as the site or lot contain the use it serves; and
 - 3. Off-site parking within 500 feet of the use it serves (as measured along a pedestrian walkway from the door of the use the parking serves).
- C. Shared Parking. A reduction of the parking requirements of 2.4.1.A may be permitted subject to the following:
 - 1. Applicants for shared parking shall submit the following to the Director of Community Development:
 - a. A shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition);
 - b. A to-scale map indicating location of proposed shared parking spaces; and
 - c. Written consent of property owners and businesses agreeing to the shared parking arrangement, including copies of executed and court recorded agreements for off-site parking, as applicable.
 - 2. Uses providing shared parking must have either mutually exclusive or compatibly overlapping

normal hours of operations.

3. Reductions in the total number of required spaces for shared parking are not permitted unless the Planning and Zoning Administrator determines a reduction is appropriate on a case-by-case basis through use of the ULI Shared Parking Model.
 4. Renewed parking agreements shall be filed with the Director of Community Development. Lapse of a required lease agreement shall terminate the shared parking reduction.
 5. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
- D. When a use provides more than 100% of the minimum number of spaces required by the Vehicular Parking Requirements Table, any additional spaces in a surface parking lot must be constructed of pervious paving materials. For the purpose of conforming to this requirement, any on-street spaces or off-street spaces in parking structures must be counted towards satisfying the minimum requirement.

2.4.2. Bicycle Parking

- A. Facilities that provide or require 10 or more vehicle parking spaces must provide a minimum of 2 bicycle parking space, plus 1 space for each additional 25 provided vehicle parking spaces, provided that no site may have fewer than 2 spaces nor be required to exceed bicycle 30 spaces.
- B. Bicycle parking facilities must comply with the following provisions.
 1. Each required bicycle parking space must be at least 2 feet by 6 feet. Where a bike can be locked on both sides of a bicycle rack without conflict, each side can be counted as a required space.
 2. Bicycle racks must be securely anchored, be easily usable with both U-locks and cable locks, and support a bicycle at 2 points of contact to prevent damage to the bicycle wheels and frame.
 3. Bicycle parking must be provided in a well-lit area.
 4. Spacing of the bicycle racks must provide clear and maneuverable access.
 5. Bicycle parking may be placed within the public right-of-way, provided the encroachment is approved by the Community Developer Director or their designee.
 6. Bicycle parking spaces must be as close as or closer than the nearest vehicle parking space (as measured along a pedestrian walkway from the door of the use the parking serves).

2.4.3. Driveways

- A. Applicability. This following applies to driveways, including those serving alleys, but not to new streets in conformance with Section 2.3.3.
- B. Width. Unless approved by the Community Developer Director or their designee or required by the Georgia Department of Transportation along a State roadway, the maximum width of curb cuts, not including flares or returns at the throat of the facility, for entrances, exits, service drives and similar facilities shall be 24 feet for two-way entrances and 12 feet for one-way entrances.
- C. Number. The maximum number of driveways allowed on a site shall not exceed an amount equal to one driveway for every 300 feet of total street frontage or fraction thereof. All parcels are permitted at least one driveway.
- D. Location. Driveways may not be located on an arterial street when access is available from a collector or local street.

2.4.4. Design of Parking Structures

- A. When a parking structure fronts an arterial or collector street its ground story must have active uses (such as, but not limited to, residential, commercial, office or civic space) located between the parking structure and the closest adjacent street (not including an alley). Such active use shall have a minimum depth of 20 feet.
- B. Where upper stories of structured parking are adjacent to or visible from any street, they must be screened so that cars and ramps are not clearly visible from ground level view from the adjacent parcel or the adjacent street (not including an alley).
- C. Structured parking facades adjacent to or visible from any street must have the appearance of a horizontal storied building.

2.4.5. Loading

- A. On-site loading space is not required.
- B. Loading areas must be located to the rear of buildings. Loading areas must not be placed between a building and the closest adjacent street.
- C. Screening. If a loading area is provided, it must meet the following.
 - 1. Where a loading dock designed for tractor-trailers is placed between a shared lot line or building and the closest adjacent street (not including an alley), the entire length of the loading area must be screened.
 - 2. Screening must consist of either:
 - a. An 8-foot high wall compatible with the principal building in terms of texture, quality, material and color; or
 - b. Evergreen plant material that can be expected to reach a height of 8 feet with a spread of 4 feet within 3 years of planting.

2.4.6. Vehicle Access and Parking Locations

- A. No driveway or off-street parking lots may be located between a building and the closest street unless an intervening approved building type exists.
- B. Off-street parking for the following must be accessed from alleys:
 - 1. Townhouses on lots of any width.
 - 2. All other building types on lots less than 50 feet in width.
- C. Where a garage faces a street the garage must be recessed a minimum distance of 20 feet behind the front building façade.

Sec. 2.5. Landscaping and Screening

2.5.1. Applicability

- A. New Construction. Any new building or site improvement must comply with the landscaping and screening requirements of this Section.
- B. Maintenance and Repair. An existing building or site may be repaired, maintained or modernized without providing additional landscaping or screening, provided there is no increase in gross floor area or improved site area.
- C. Additions
 - 1. When an existing building, use or site is increased in gross floor area or improved site area by up to 25% cumulatively, landscaping and screening is required for the additional floor or site area only.
 - 2. When an existing building, use or site is increased in gross floor area or improved site area by more than 25% cumulatively, both the existing building, use or site and the additional floor or site area must conform to the landscaping and screening requirements of this Section.
- D. Change in Use. A change in use does not trigger the application of these requirements except when there is a specific use standard requiring landscaping or screening for the new use.

2.5.2. Yard Landscaping

- A. Yards between a parking lots and a street must comply with Section 2.5.3.
- B. Yards greater than 5 feet in depth and located between a building and the closest adjacent sidewalk along a street must be landscaped with grass, trees, shrubs, hedges and other landscaping materials for their entire width, with the exception of areas used for:

- 1. Front porches and stoops;
 - 2. Outdoor dining or display;
 - 3. Pedestrian walkways used to access a street-facing pedestrian entrance;
 - 4. Driveways used to access off-street parking; and
 - 5. Amenity space, where required by Article 3.
- C. Yards greater than 10 feet in depth must be planted with one tree for each 30 feet of street frontage or portion thereof.

2.5.3. Parking Lot Landscape Strips

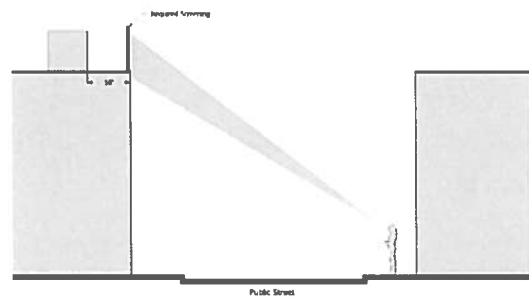
- A. Applicability. All surface parking areas (of any size) abutting a street (not including an alley) must be screened using one of the following options.
- B. Landscape Strip with Shrubs. A minimum 10 feet wide landscape strip planted with a minimum of 10 shrubs per 35 linear feet of street frontage, excluding driveway openings. Shrubs shall be provided to screen paved areas and parking lots from the right-of-way. Shrubs shall be at least 2 feet tall at time of planting. They must be planted 2 rows deep, and provide a screen within 3 years of planting.
- C. Landscape Strip with Wall
 - 1. A 2.5 feet high wall in a minimum 4-foot planting strip.
 - 2. Walls must be close to the parking lot in order to provide a minimum 2-foot landscaped area facing the street.
 - 3. Walls must be closed and be constructed of one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; or stucco over standard concrete masonry blocks.

- D. Landscape Strip with Berm
 1. An earth berm a minimum of 2.5 feet higher than the finished elevation of the parking area, planted with 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.
 2. The berm must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 3:1.
- E. Landscape Strip with Grade Change. A 6-foot landscaped strip with a minimum 3-foot grade drop from the street to the parking area, planted with a minimum of 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.
- F. Location. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area abutting the street, excluding breaks for pedestrians, bicycles and driveways.
- G. Plant Material. Required shrubs must be a minimum of 2.5 feet in height at time of planting. 70% of the required amount of shrubs must be evergreen.

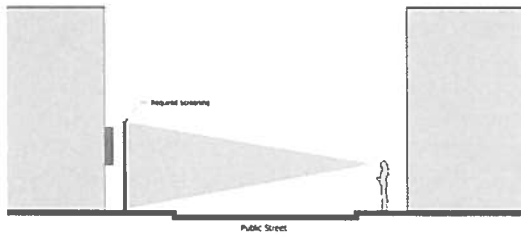
2.5.4. Screening

- A. Service Areas
 1. Trash and recycling collection and other similar service areas must be located to the side or rear of buildings and may not be between a building and the street.
 2. Service areas must be screened on 3 sides by a wall a minimum 6 feet in height and on the 4th side by a solid gate at a minimum of 6 feet in height.
 3. The wall must be opaque and be constructed of one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; or stucco over standard concrete masonry blocks.

- 4. The gate must be self-locking and maintained in good working order.
- B. Roof-Mounted Equipment
 1. Roof-mounted equipment must be set back at least 10 feet from the edge of the roof and screened from ground level view from abutting parcel or abutting street (not including an alley).
 2. New buildings must provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material, and color that fully screens roof-mounted equipment from ground level view.



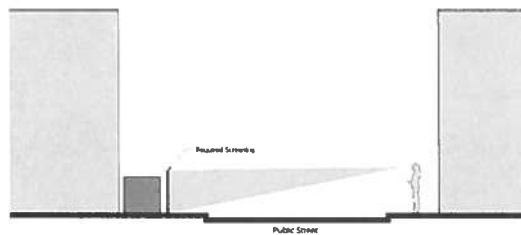
- 3. For buildings with no or low parapet walls, roof mounted equipment must be screened on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material, and color.
- C. Wall-Mounted Equipment
 1. Wall-mounted equipment located on any surface that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material, and color.



2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

D. Ground-Mounted Equipment

1. Ground-mounted mechanical equipment that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material and color.



2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

2.5.5. Design and Installation

A. Plant Material

1. Plant materials must be hardy to zone 8 in accordance with the U.S. Department of Agriculture’s Plant Hardiness Zone Map.
2. Plant materials must be able to survive on natural rainfall once established with no loss of health.
3. Tree height is measured from the top of the root ball to the tip of the main stem.
4. No artificial plants, trees, or other vegetation may be installed as required

landscaping and screening

2.5.6. Maintenance of Landscaping

- A. Responsibility. The property owner is responsible for maintaining all required landscaping and screening in good health and condition. Any dead, unhealthy, damaged or missing landscaping and screening must be replaced with landscaping and screening that conforms to this Section within 90 days (or within 180 days where weather concerns would jeopardize the health of plant materials) as approved by the City Arborist.
- B. Soil Erosion
 1. All planting areas must be stabilized from soil erosion immediately upon planting and must be maintained for the duration of the use.
 2. Grass areas must be sodded prior to the issuance of a Certificate of Occupancy. If grass seed must be used, it must be a variety that may be reasonably expected to produce full coverage of the area.
- C. Pruning and Trimming
 1. All required landscaping must be allowed to reach its required size and must be maintained at no less than required size.
 2. To prevent long-term harm to the health of required landscaping, all pruning of shrubs and trees must be done in accordance with the International Society of Arboriculture Standards entitled “ANSI A300 Standards.”
 3. “Topping,” defined as removal of more than one-third of the leaves and branches of a tree, as measured from the lowest branch on the trunk of the tree to the top of the tree, is prohibited, except where necessary to maintain public overhead utilities.

Sec. 2.6. Neighborhood Compatibility

2.6.1. Applicability

- A. Neighborhood compatibility measures are required when a lot zoned or used for a multifamily dwelling, office, institutional, commercial, industrial uses, or occupied by a non-detached residential use adjoins a protected district
- B. Protected district as used in this Section means any property zoned for or used exclusively for detached residential purposes.

2.6.2. Buffers

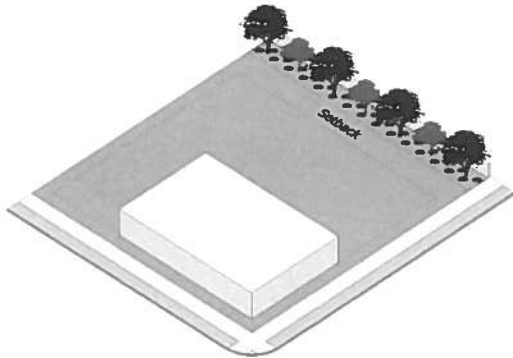
- A. A 25 feet wide undisturbed buffer is required as shown in the Form Based Buffer Table.

Depth (min.)	25 ft.	
Fence/wall height (min.)	Not required	
Shade trees (min. per 100 feet and evenly spaced)	5	
Understory trees (min. per 100 feet in length and evenly spaced)	4	
Shrubs (min. per 100 feet in length and evenly spaced)	40	

- B. Except as otherwise provided, herein, the buffer shall be preserved in its natural undisturbed state, except that sparsely planted buffers shall be enhanced with additional plant material. Enhancement plants must provide an opaque screen within two years of planting and must meet the following standards:
 1. Plants must be a minimum of 5 feet in height at time of installation;
 2. At least 75% of the total number of plants installed must be evergreen species; and
 3. Plants will be planted and spaced as shown in the Form Based Buffer Table.
- C. Buffers may not contain any surface parking or storm water, detention facilities, or any structures except that the Director of Community Development may approve underground facilities within the buffer or the crossing of the buffer for the purpose of extending utilities.
- D. Stream buffers must be replanted where disturbed for approved access, detention and utility crossings. Replacement plants must be approved by the City Arborist.
- E. All buffer plantings are subject to the approval of the Director of Community Development.

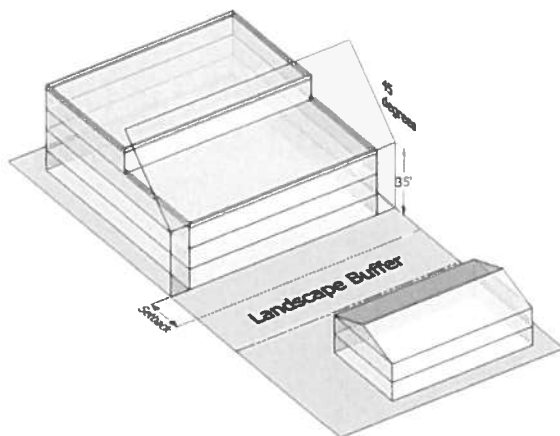
2.6.3. Building Setbacks

All building setbacks are measured from the inside edge of the required buffer.



2.6.4. Transitional Height Plane

- A. A building must not extend into a 45-degree angular plane projecting over the subject property measured from a height of 35 feet at the side interior or rear setback line.



- B. The transitional height plane ends at any public street (not including an alley) or 60 feet from the protected district lot line, whichever is less.

Sec. 2.7. Building Types

The following rules apply to all buildings in the Perry Form Based Code.

2.7.1. Descriptions

Within the Perry Form Based Code building types are used to regulate the design of buildings. Each building type is described below. A building's building type is determined by the Director of Community Development. All graphic depictions of building types are for illustrative purposes only. Note that these building types are for zoning purposes only, and not linked to the Building Code. Freestanding parking structures are not considered to be a building type.



- A. **Detached House.** A building type that accommodates one dwelling unit on an individual lot with yards on all sides. Not intended for nonresidential uses.



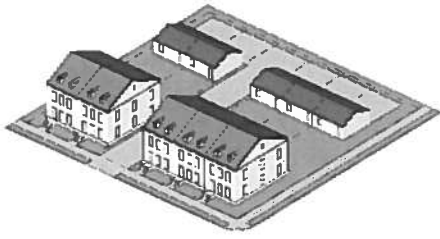
- C. **Cottage Court.** A building type designed to accommodate 5 to 10 detached dwelling units organized around a shared internal courtyard. Units cannot be vertically mixed.



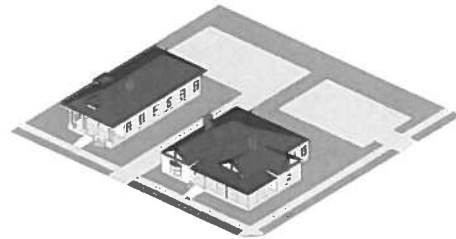
- B. **Carriage House.** A small self-contained accessory dwelling unit located on the same lot as a detached house, duplex, or townhouse but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.



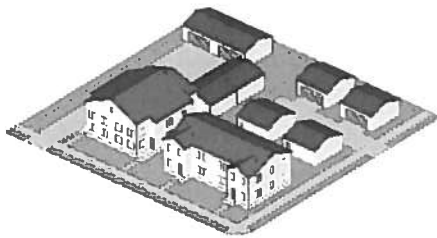
- D. **Duplex.** A building type that accommodates two dwelling units arranged either horizontally or vertically. Not intended for nonresidential uses.



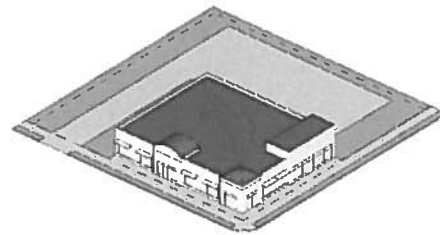
E. **Townhouse.** A building type that accommodates 3 or more dwelling units where each unit is separated by a common side wall. Units cannot be vertically mixed.



H. **Commercial House.** A building type that accommodates nonresidential uses in a building type that resembles a detached house. Not intended for residential uses.



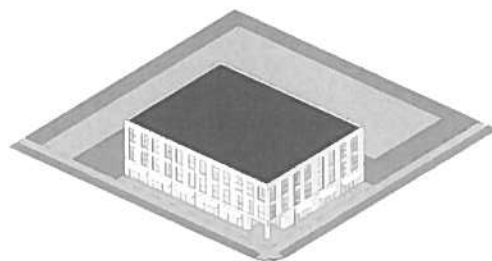
F. **Walk-up Flat.** A building type that accommodates 3 to 8 dwelling units vertically and horizontally integrated.



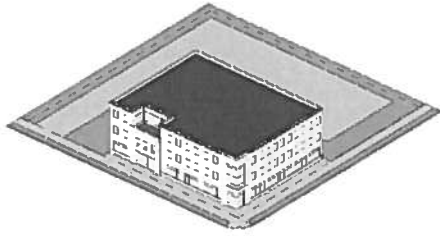
I. **Shopfront.** A single-story building type that typically accommodates single-use retail or commercial activity.



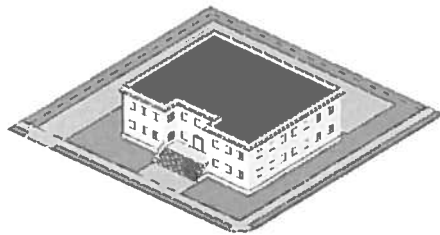
G. **Stacked Flat.** A building type that accommodates 9 or more dwelling units vertically and horizontally integrated.



J. **Mixed Use Building.** A multi-story building type that typically accommodates ground story retail, office, or commercial uses with upper-story residential or office uses. Not for ground story street-facing residential uses along arterial or collector streets.



- K. **General Building.** A multi-story building type that typically accommodates nonresidential uses such as industrial, hotel, or office uses on all stories.



- L. **Civic Building.** A building type that accommodates civic uses. Not intended for commercial, retail, office, or residential uses.

2.7.2. Rules Specific to Building Types

A. Detached House

A building type that accommodates one dwelling unit on an individual lot with yards on all sides. Not intended for nonresidential uses.



Lot	
Detached house units per lot:	1 max.
Pedestrian Access	
Entrance facing street:	Required
Walkway width:	3 ft min. /5 ft max.

B. Carriage House

A small self-contained accessory dwelling unit located on the same lot as a detached house, duplex, or townhouse but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.



Lot	
Carriage house units per lot:	1 max.
Size	
Dwelling Floor Area:	700 sf max. (excluding garage)
Bedrooms:	1 max.
Pedestrian Access	
Entrance facing street:	Not Required
Walkway width:	n/a

C. Cottage Court

A building type designed to accommodate 5 to 10 detached dwelling units organized around a shared internal courtyard. Units cannot be vertically mixed.



Site	
Site width/depth:	150 ft min.
Cottage court units per site:	5 min./ 10 max.
Courtyard	
Area:	3,000 sf min.
Width:	40 ft min.
Courtyard may not be parked or driven upon, except for emergency access and permitted temporary events.	
Pedestrian Access	
Entrance facing street:	Required for units along street
Walkway width:	3 ft min. /5 ft max.

D. Duplex

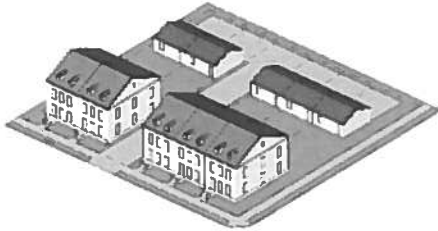
Duplex. A building type that accommodates two dwelling units arranged either horizontally or vertically. Not intended for nonresidential uses.



Lot	
Duplex units per lot:	2 max.
Pedestrian Access	
Entrance facing street:	Required
Walkway width:	3 ft min. /5 ft max.

E. Townhouse

A building type that accommodates 3 or more dwelling units where each unit is separated by a common side wall. Units cannot be vertically mixed. Not intended for nonresidential uses.



Site	
Townhouse units per site:	3 min.
Townhouse units in a row:	8 max.
Fenestration	
Ground floor:	15% min.
Upper story:	15% min. / 35% max.
Blank wall area:	20 ft max. (per story)
Pedestrian Access	
Entrance facing street:	Required for units along street
Walkway width:	3 ft min. / 5 ft max.
Parking Location	
No on-site parking is allowed between the building and the street.	
Design	
No more than three adjacent units may have identical facade designs. Differentiation between adjacent units may be accomplished by a change in materials, building height, color, roof form, or setbacks.	

F. Walk-up Flat

A building type that accommodates 3 to 8 dwelling units vertically and horizontally integrated.



Site	
Walk-up flat units per building:	3 min. / 8 max.
Fenestration	
Ground floor:	20% min.
Upper story:	20% min. / 40% max.
Blank wall area:	20 ft max. (per story)
Pedestrian Access	
Entrance facing street:	Required for lobby (if provided) or ground floor units along street (if no lobby)
Walkway width:	3 ft min. / 6 ft max.
Parking Location	
No on-site parking is allowed between the building and the street.	

G. Stacked Flat

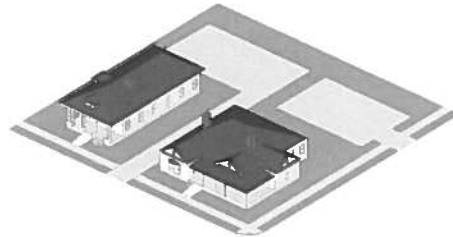
A building type that accommodates 9 or more dwelling units vertically and horizontally integrated. Intended for primarily residential uses, but may include limited ground story commercial.



Site	
Stacked flat units per building:	9 min.
Street facing façade length:	200 ft max.
Fenestration	
Ground floor:	20% min.
Upper story:	20% min. / 40% max.
Blank wall area:	20 ft max. (per story)
Pedestrian Access	
Entrance facing street:	Required for lobby and ground floor units along street
Walkway width:	3 ft min. / 8 ft max.
Parking Location	
No on-site parking is allowed between the building and the street.	

H. Commercial House

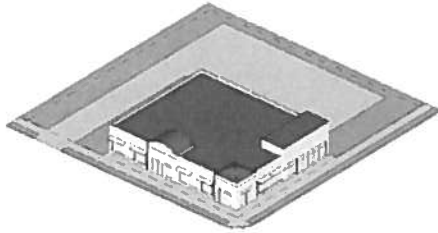
A building type that accommodates nonresidential uses in a building type that resembles a detached house. Not intended for residential uses.



Site	
Street facing façade length:	50 ft max.
Fenestration	
Ground floor:	15% min. / 30% max.
Upper story:	15% min. / 30% max.
Blank wall area:	20 ft max. (per story)
Pedestrian Access	
Entrance facing street:	Required for businesses facing street
Walkway width:	6 ft min.
Parking Location	
No on-site parking is allowed between the building and the street.	

I. Shopfront

A single-story building type that typically accommodates single-use retail or commercial activity.



Site

Street facing façade length: 200 ft max.

Height

Ground floor height (floor to ceiling) : 14 ft min.

Fenestration

Ground floor: arterial or collector/local street: 70% min./30% min.

Blank wall area: arterial or collector/local street: 30 ft max. / 50 ft max.

Pedestrian Access

Entrance facing street: Required every 75 ft of frontage

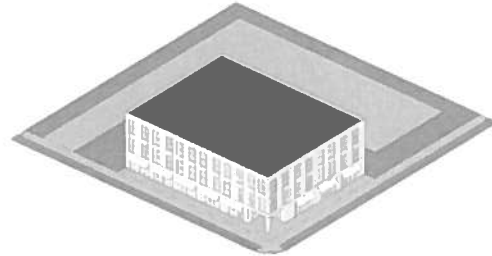
Walkway width: 6 ft min.

Parking Location

No on-site parking is allowed between the building and the street.

J. Mixed Use Building

A multi-story building type that typically accommodates ground story retail, office or commercial uses with upper-story residential or office uses. Not intended for ground story, street-facing residential uses along arterial or collector streets.



Site

Street facing façade length: 200 ft max.

Height

Ground floor height (floor to ceiling) : 14 ft min.

Fenestration

Ground floor: arterial or collector/local street: 70% min./30% min.

Blank wall area: arterial or collector/local street: 30 ft max. / 50 ft max.

Upper story: 20% min. / 40% max.

Pedestrian Access

Entrance facing street: Required every 75 ft of frontage

Walkway width: 6 ft min.

Parking Location

No on-site parking is allowed between the building and the street:

K. General Building

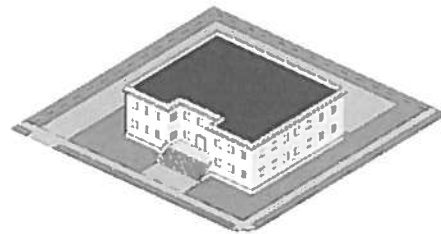
A multi-story building type that typically accommodates nonresidential uses such as industrial, hotel, or office uses on all stories.



Site	
Street facing façade length:	200 ft max.
Height	
Ground floor height (floor to ceiling) :	11 ft min.
Fenestration	
Ground floor: arterial or collector/local street:	50% min./20% min.
Blank wall area: arterial or collector/local street:	40 ft max. / 60 ft max.
Upper story	20% min.
Pedestrian Access	
Entrance facing street:	Required every 150 ft of frontage
Walkway width:	6 ft min.
Parking Location	
No on-site parking is allowed between the building and the street.	

L. Civic Building

A building type that accommodates civic uses. Not intended for commercial, retail, office, or residential uses.



Fenestration	
Ground floor:	15% min.
Blank wall area:	60 ft max.
Upper story:	15% min.
Pedestrian Access	
Entrance facing street:	Required
Walkway width:	6 ft min.
Parking Location	
No on-site parking is allowed between the building and the street.	

Sec. 2.8. Building Design

2.8.1. Applicable

This Section applies to the Building Types identified in Section Sec. 2.7.

2.8.2. Fenestration

- A. Fenestration is the minimum percentage of window and door glass that must cover a facade.
- B. Glass used to satisfy fenestration requirements must be unpainted, must have a transparency (visible light transmission) higher than 70%, and must have an external reflectance of less than 15%. Transparency and external light reflectance must be established using the manufacturer's specifications.
- C. Fenestration is measured from the top of the finished floor to the top of the finished floor above.
- D. When there is no floor above, fenestration is measured from the top of the finished floor to the top of the wall plate.

2.8.3. Pedestrian Access

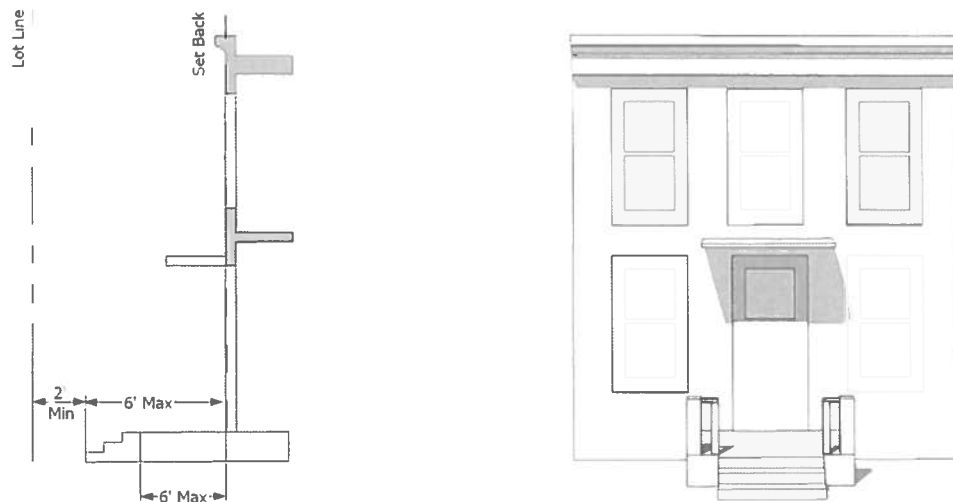
- A. A pedestrian entrance and walkway providing both ingress and egress, operable to residents at all times and operable to customer, visitors, and employees during business hours, is required to meet the street-facing pedestrian entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted, but must have the same or shorter hours of operability as the street-facing entrance.
- B. An angled pedestrian entrance may be provided at either corner of a building along the street to meet the street-facing pedestrian entrance requirements.
- C. Where a lot has frontage on a civic space instead of a street, these requirement apply to and from the civic space.

2.8.4. Building Elements

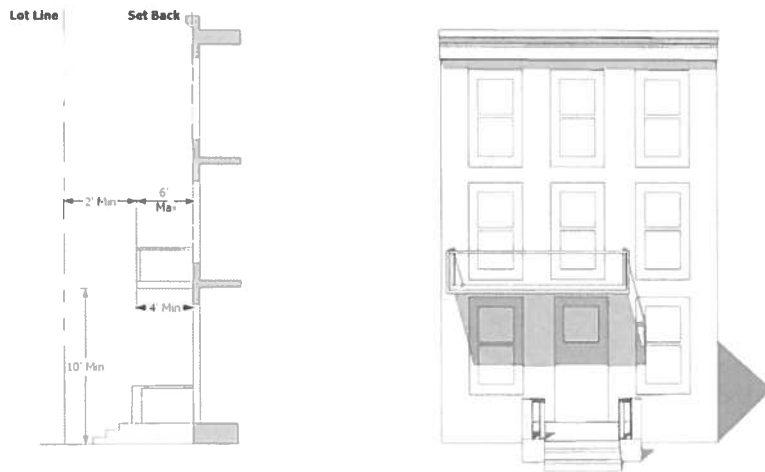
- A. **Intent.** The following standards are intended to ensure that certain building elements that when added to a street-facing facade are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to.



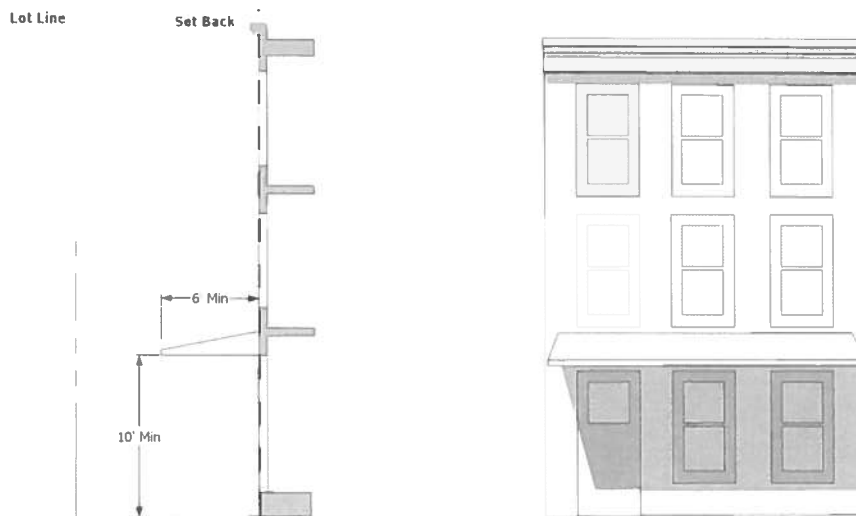
- B. **Front Porch.** A raised structure attached to a building, forming a covered pedestrian entrance to a doorway.
1. A front porch must be at least 6 feet deep (not including the steps).
 2. A front porch must be contiguous, with a width not less than 33% of the building facade from which it projects.
 3. A front porch must be roofed and may be screened, but cannot be fully enclosed.
 4. A front porch may extend up to 9 feet, including the steps, into a required front setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
 5. A front porch must not encroach into the public right-of-way or required sidewalk.
 6. Steps leading to front porches must have enclosed risers.
 7. Front porch columns must be a minimum width of 8 inches.



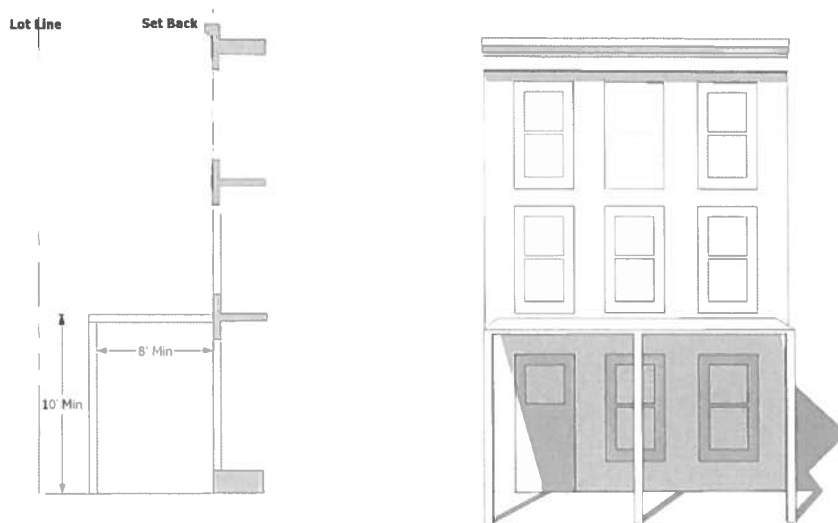
- C. **Stoop.** A small raised platform that serves as a pedestrian entrance to a building.
1. A stoop must be no more than 6 feet deep (not including the steps).
 2. A stoop may be covered but cannot be fully enclosed.
 3. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
 4. A stoop must not encroach into the public right-of-way or required sidewalk.
 5. Steps leading to stoops must have enclosed risers.
 6. Stoop columns, where provided, must be a minimum width of 8 inches.



- D. **Balcony.** A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.
1. A balcony must be at least 4 feet deep and may extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
 2. A balcony must have a clear height above the sidewalk of at least 10 feet.
 3. A balcony may be covered and screened, but cannot be fully enclosed.
 4. A balcony may encroach up to 6 feet into the public right-of-way or required sidewalk but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.



- E. **Awning/Canopy.** A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.
1. An awning must be a minimum of 10 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
 2. An awning may extend into a required setback.
 3. An awning may encroach up to 9 feet into the public right-of-way or required sidewalk but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.
 4. Awning must be made of canvas and may not be reflective or shiny.
 5. Awnings must have open ends called "shed awnings" to allow views into buildings.
 6. Awnings may not be internally lit.
 7. Awnings must be as wide as, or up to two feet wider than, the door or window opening that they serve. Where multiple doors and windows are less than two feet apart, multiple awnings may be combined into a single awning.



- F. **Gallery.** A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.
1. A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 10 feet.
 2. A gallery must be contiguous and extend over at least 75% of the width of the building facade from which it projects.
 3. A gallery may extend into a required setback.
 4. A gallery may encroach up 9 feet into the public right-of-way or required sidewalk but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

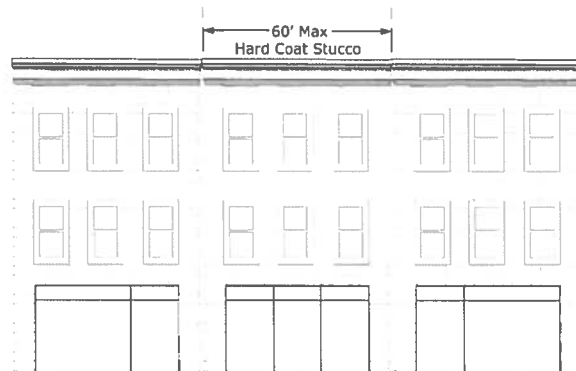
2.8.5. General Architectural Standards

A. Applicability

1. The following applies to all buildings, except as specifically stated otherwise.
2. Detached houses, carriage houses, cottage courts, duplexes, townhouses, walk-up flats, and stacked flats must comply with either the following or Section 2.8.6, at the discretion of the applicant.

B. Building Materials

1. Exterior finish materials on walls visible from a street or civic space must be limited to brick, manufactured stone, architectural block, natural stone, wood siding, cement-based siding, cement-based panels, and/or hard coat stucco.
2. Hard coat stucco, when used as an exterior wall finish material on any individual building, is subject to the following additional standards:
 - a. Hard coat stucco may not exceed 30% of the total wall area (excluding foundations) visible from a street or civic space. For the purpose of calculating conformance with this requirement, windows and doors are not included in the total wall area.



- b. The maximum wall length (excluding foundations) visible from a street or civic space that is finished in any continuous or discontinuous hard coat stucco is 60 feet. Authorized wall lengths finished in hard coat stucco must be separated by a minimum wall length of 60 feet that contains no hard coat stucco.
3. Exterior finish materials must be combined only horizontally, with the visually heavier below the lighter as shown in the General Visual Weight Table. This does not apply to architectural details such as cornices, window sills, and beltlines.
4. No more than three different exterior finish materials, textures, colors, or combinations thereof may be used on a single building, excluding materials used on windows, doors, front porches, balconies, foundations, awnings, or architectural details.
5. Foundations must be constructed as a distinct building element that is finished in a different material or color than the exterior wall. Exposed above-ground foundations must be coated or faced in cement, hard coat stucco, brick, manufactured stone, or natural stone to contrast with façade materials.

General Visual Weight Table

This table shows the visual weight of permitted materials. Those at the top are lighter than those at the bottom and must be combined accordingly.

Visually Lighter	Hard Coat Stucco
↑	Wood/Cement-Based Siding or Panels
↓	Brick
↓	Architectural Block
Visually Heavier	Natural /Manufactured Stone

C. Building Facade

1. The following applies to all street-facing facades.
2. Where used, shutters must match one half the width and shape of the window opening to which they are adjacent.
3. Facades must provide visual divisions between the ground story and second story through architectural means such as courses, awnings, or a change in materials.
4. Windows above the ground story must be equally sized, vertically oriented, equally spaced and arranged in a grid pattern.
5. Window must be recessed a minimum of 3 inches and a maximum of 8 inches from the adjacent façade.

D. Building Massing

1. Facades over 50 feet in length must incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of said recesses and projections must constitute at least 20% of the total facade length.
2. Variation in the roofline of buildings and offsets in pitched roofs and gables are required. Parapets in individual building facades exceeding 100 continuous linear feet must be varied in height and projection and must use decorative elements such as crown moldings, dentals, brick soldier courses, or similar details.

2.8.6. Small Residential Building Standards

A. Applicability. The following applies to detached houses, carriage houses, cottage courts, duplexes, townhouses, walk-up flats, stacked flats, and commercial houses.

B. Building Materials

1. The exterior finish material on all walls is limited to brick, manufactured stone, natural stone, wood siding, cement-based siding and/or hard coat stucco.
2. Exterior finish materials must be combined only horizontally, with the visually heavier below the lighter as shown in the Small Residential Building Visual Weight Table. This does not apply to architectural details such as cornices, window sills, and beltlines.
3. No more than three different exterior finish materials, textures, colors, or combinations thereof may be used on a single building, excluding materials used on windows, doors, porches, balconies, foundations, or architectural details.
4. Foundations must be constructed as a distinct building element that is finished in a different material or color than the exterior wall.

Small Residential Building Visual Weight Table

This table shows the visual weight of permitted materials. Those at the top are lighter than those at the bottom and must be combined accordingly.

Visually Lighter	Hard Coat Stucco
↑	Wood/Cement-Based Siding or Panels
↓	Brick
↓	Architectural Block
Visually Heavier	Natural /Manufactured Stone

Exposed above-ground foundations must be coated or faced in cement, hard coat stucco, brick, manufactured stone, or natural stone to contrast with façade materials.

C. Building Facades

1. The following apply to all street-facing facades.
 2. Windows and Doors
 - a. Where used, shutters must match one half the width and shape of the window opening to which they are adjacent.
 - b. Doors and windows that operate as sliders are prohibited
 - c. All windows must be vertically shaped with a height greater than width. The top of said windows must generally be in alignment with the top of the adjacent door frame.
 - d. Windows must have true or simulated divided lights or be one-over-one lights.
 - e. Windows must include sills of wood, masonry, stone, cast stone, or terra cotta.
 - f. Window frames must be recessed a minimum of 1.5 inches from the exterior façade.
 3. A stoop or front porch is required.
 4. Awnings are not allowed.
- D. Building Massing
1. Pitched roofs, if provided, must be symmetrically sloped no less than 5:12, except that roofs for front porches and attached sheds may be no less than 2:12.
 2. Flat roofs must be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment by Section 2.5.4.
 3. All roofs must have a minimum 25-year roof life and no visible roll roofing.
 4. Chimneys, where provided, must extend to the ground and must be faced in brick or stacked stone.

Sec. 2.9. Tree Protection

2.9.1. Applicability

- A. This Section applies to all sites in the Perry Form Based Code except detached residential lots.
- B. Detached residential lots must comply with the full requirements of Section 217 of the Perry Land Development Ordinance.
- C. Sites subject to this Section and with a building coverage under 70% must comply with the full requirements of Section 217 of the Perry Land Development Ordinance.
- D. Site subject to this Section and with a building coverage of 70% or more must comply with one of the following:
 1. The full requirements of Section 217 of the Perry Land Development Ordinance; or
 2. All requirements of Section 217 of the Perry Land Development Ordinance except Section 217.f.5, which are replaced with the requirements of Section 2.9.2 below.

2.9.2. Minimum Site Density Requirements

- A. A minimum of one Overstory tree must be provided on-site for every 400 square feet of a site not covered by buildings.

- B. The required Overstory tree must have a minimum 4-inch caliper.
- C. The required number of Overstory trees may be achieved by counting existing trees to be preserved, planting new trees according to the standards of this Section, or some combination of the two.
- D. All sites shall comply with the applicable street tree requirements in the adjacent street.

Article 3. Form Based Code Zoning Districts

Sec. 3.1. Applicability

- A. This requirements of this Article apply to all Form Based Zoning Districts.
- B. The requirements of the Perry Land Development Ordinance also apply in all Downtown Districts unless expressly stated otherwise in this Article.

Sec. 3.2. Rules of Interpretation

3.2.1. Site

Defined. A site is any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for the purpose of development. Lots within a site may be separated by an existing public right-of-way.

3.2.2. Lot

A. Lot Frontage.

1. Every lot (except cottage court lots) and every cottage court site must have frontage upon:
 - a. An existing public street, or
 - b. A new public street or private street built to standards of Section 2.3.3, or
 - c. A civic space meeting the standards of Section 3.2.3.B or an existing City of Perry park. No more than 20% of the total lots in a site (except cottage court lots) may front on a civic space or existing City park.
2. Alleys may not be used to satisfy the lot frontage requirements of Section 3.2.2.A.1 above.
3. The minimum lot frontage is 20 feet or the minimum lot width identified in district regulations, whichever is greater.
4. Lots having frontage on a civic space or existing City park must still comply with fire lane access requirements, as applicable.

3.2.3. Open Space








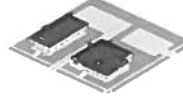




- A. **Defined.** Open space is the horizontal outdoor area of a site reserved to provide separation, resource protection, scenic enjoyment, recreation, or amenity. It includes two types: civic space and amenity space.
- B. **Civic space.** Civic space is the portion of open space for public use defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and their adjacent buildings. Civic spaces are limited to the following types:
 1. **Park.** An open space available for structured or unstructured recreation. A park may be independent of surrounding buildings at its edges. Its landscape may consist of paths and trails, meadows and lawns, water bodies, and woodlands. Recreation fields and courts may also be included. The minimum size for a park is one acre.

2. **Square.** An open space available for unstructured recreation and civic purposes. A square is spatially defined by building or streets at its edges. Its landscape must consist of paths and trees, and may also include lawns and non-asphalt paved surfaces. The minimum size for a square is one-half acre.
 3. **Plaza.** An open space, available for civic purposes and commercial activities. A plaza must be spatially defined by building or streets at its edges. Its landscape must consist primarily of non-asphalt paved surfaces and trees. The minimum size for a plaza is one-quarter acre.
 4. **Pocket Park.** An open space, available for unstructured recreation. A pocket park may be spatially defined by buildings or streets at its edges. Its landscape must consist of lawn and trees. There is no minimum size for pockets parks.
 5. **Playground.** An open space designed and equipped for the recreation of children. A playground must be fenced and may include an open shelter. Playgrounds must be interspersed within residential areas, may be placed within a block, and may be included in parks and greens. There is no minimum size for playgrounds.
- C. **Amenity space.** Amenity space is the covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding Civic Spaces and required sidewalks. Amenity spaces may include, but are not limited to:
1. Rooftop decks;
 2. Balconies;
 3. Patios and porches;
 4. Outdoor dining areas;
 5. Pool areas;
 6. Tennis courts, basketball courts, and similar uses;
 7. Yards, lawns, and gardens;
 8. Hardscape areas improved for pedestrian enjoyment; and
 9. Wooded areas.
- D. Open space may be privately or publically owned. Private open space is open space that is owned by a corporation, individual, or homeowners association. Public open space is open space owned by a governmental agency.
- E. Wetlands, lakes, ponds, streams, rivers, flood zones, and stream buffers may only be considered open space when located within one of the five types of civic spaces identified in Section 3.2.4.B.
- F. No required buffer, except for stream buffers, may be used to satisfy open space requirements.
- G. Stormwater management facilities may not be used to satisfy open space requirements.
- H. No areas used for vehicles, except for incidental service, maintenance, or emergency actions, may be used to satisfy open space requirements.
- I. A site's Open space requirements shall be considered completely satisfied when a development incorporates a historic building that complies with all of the following:

1. The building is deemed fit for human habitation in accordance with the adopted Perry City Municipal Codes concerning buildings and structures; and
 2. A binding legal agreement that established a program for guaranteeing maintenance of said building through a condominium association, a homeowner association, bonding, or other protective maintenance guarantees is signed by all property owners and/or their prospective successors in title and is submitted to the City of Perry.
- J. When a historic building used to satisfy open space requirements in accordance with Section 3.2.3.I is subsequently completely destroyed, the applicable open space requirements of the zoning district must be satisfied within one year unless a variance is granted by the City Council.

Sec. 3.3. Building Types Allowed

Building types are allowed by Form Based Zoning District as shown below.

Building Type	IMU	MUC	NMU	FBR
 Detached House			■	■
 Carriage House			■	■
 Cottage Court			■	■
 Duplex			■	■
 Townhouse	■	■	■	■
 Walk-Up Flat	■	■	■	
 Stacked Flat	■	■		
 Commercial House			■	
 Shopfront	■	■	■	
 Mixed-Use Building	■	■	■	
 General Building	■	■	■	
 Civic Building	■	■	■	■

Sec. 3.4. Uses Allowed by District

3.4.1. Allowed Use Table

- A. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use standards for both principal and accessory uses are specified in Article 10 of the Perry Land Development Ordinance. Uses not listed may be interpreted by the Director of Community Development. When the Director of Community Development cannot determine placement, an application shall be made to the Planning Commission for interpretation.
- B. Principal and accessory uses allowed by district are shown in the table below.

3.4.2. Use Table Key

- A. Permitted Use (P). Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of the Perry Land Development Ordinance.
- B. Special Exception (SE). Indicates a use may be permitted in the respective district only where approved by the City Council in accordance with Section 172 of the Perry Land Development Ordinance. Special exceptions are subject to all other applicable requirements of the Perry Land Development Ordinance, including any applicable use standards, except where the use standards are expressly modified by the City Council as part of the special exception permit approval.
- C. Use Not Permitted (blank). An empty cell indicates that a use is not permitted in the respective district.

Key: P = Permitted Use SE = Special Exception Required Blank Cell = Use Not Permitted				
Use Category	Form Based Zoning Districts			
Specific Use	IMU	MUC	NMU	FBR
Accessory Uses				
Accessory building	P	P	P	P
Additional dwellings on a single lot			SE	SE
Dogs and cats	P	P	P	P
Drive-in uses, any	P			
Dwellings in an existing commercial building	P			
Fall-out shelters	P	P	P	P
Home Offices	P	P	P	P
Home swimming pools	P	P	P	P
Horses, ponies and fowl		SE	SE	SE
Live-Work	P	P	P	P
Residential businesses	P	P	SE	SE
Satellite dish antennas	P	P	P	P
Commercial Uses				
Adult entertainment establishments				
Amusement enterprises including the provision of stage entertainment excluding arcade games.	P			
Amusement enterprises, such as miniature and Par-3 golf, golf driving ranges, skating rinks, excluding go-karts	P	P	P	P

Sec. 3.4 Uses Allowed by District

April 6, 2016

Key: P = Permitted Use	SE = Special Exception Required	Blank Cell = Use Not Permitted		
Use Category	Form Based Zoning Districts			
Specific Use	IMU	MUC	NMU	FBR
Appliance stores including radio and television service	P	P	P	
Art and antique shops	P	P	P	
Auto auctions	P	P	P	
Automobile repair garages, mechanical and body	P	P	P	
Automobile service stations	P			
Automobiles, recreational vehicles, horse trailer sales and mobile homes sales	P			
Bakeries employing more than ten (10) persons	P	P	P	
Bakeries employing not more than ten (10) persons	P	P	P	
Banks	P	P	P	
Barber and beauty shops	P	P	P	
Bed and Breakfast Inns	SE	SE	SE	SE
Bicycle stores	P	P	P	
Boat sales, indoor and outdoor	P			
Book, stationary, camera or photographic supply stores	P	P	P	
Bowling alleys	P	P	P	
Building and lumber supply, retail	P	P	P	
Billiard rooms	P	P		
Café, grill, and lunch counters	P	P	P	
Car washes	P	SE	SE	
Clothing, shoe, millinery, dry goods, and notion stores	P	P	P	
Coin-operated amusement machines which provides the opportunity for rewards including, but not limited to, free games, free replays, any merchandise, prizes, toys, gift certificates, points, tokens, vouchers, tickets or novelties.	P			
Confectionery stores	P	P	P	
Dress making and tailoring shops	P	P	P	
Drug stores	P	P	P	
Dry cleaning and laundry establishments including pick-up stations	P	P	P	
Electrical supplies	P	P	P	
Farm and garden supplies	P	P	P	
Finance, insurance, and real estate offices	P	P	P	
Florist, nursery and gift shops	P	P	P	
Furniture, home furnishing, including office furniture and equipment stores	P	P	P	
Grocery, fruit, vegetable, meat markets, delicatessen, catering, and supermarkets	P	P	P	
Hardware and paint stores	P	P	P	
Heating and plumbing equipment	P	P	P	
Hotels	P	P		
Ice cream stores	P	P	P	
Jewelry stores	P	P	P	
Massage Parlors as part of a salon/spa facility	P	P	P	
Motels	P			
Motorcycle stores	P			
Nightclubs, bars and taverns	P	P	SE	

Sec. 3.4 Uses Allowed by District

April 6, 2016

Key: P = Permitted Use SE = Special Exception Required Blank Cell = Use Not Permitted				
Use Category Specific Use	Form Based Zoning Districts			
	IMU	MUC	NMU	FBR
Office use	P	P	P	
Parking garages, Commercial	P	SE		
Parking Lot, Commercial				
Printing, blue printing, book binding, Photostatting, lithography and publishing establishments	P	P	P	
Restaurants	P	P	P	
Retail or commercial use where there is no processing or treatment of material goods	P	P	P	
Sale of souvenirs, gifts, novelties, pottery and sundries tailored to the tourist business.	P	P	P	
Self-service laundry	P	P	P	
Self-storage warehouse or facility	P			
Shoe repair shops	P	P	P	
Shopping centers > 50,000 sf	SE	SE	SE	
Single tenant retail buildings >35,000 sf	SE	SE	SE	
Sporting goods	P	P	P	
Tattoo Parlor				
Theaters	P	P		
Tire sales	P			
Batteries, and other automotive accessories excluding tires	P	P	P	
Trade shops including sheet metal, roofing, upholstering, electrical, plumbing, Venetian blind, cabinet making and carpentry, rug and carpet cleaning, and sign painting	P			
Undertaking or mortuary establishments	P			
Veterinary hospitals or clinics	P	P		
Industrial Uses				
Bottling works for soft drinks				
Building and lumber supply establishments, wholesale				
Clothing and garment manufacturing				
Contractors storage and equipment yards				
Dairy products, processing				
Development of natural resources including the removal of minerals and natural materials together with necessary building, machinery and appurtenances related thereto				
Establishments for the manufacture, repair, assembly, or processing of materials similar in nature to those listed in Section 82.1.(6) which are not objectionable by reason of smoke, dust, odors, bright lights, noise or vibrations, or which will not contribute to the congestion of traffic.	P			
Frozen dessert and milk processing plants				
Ice plant				
Laboratories for testing materials, chemical analysis and photography processing				
Manufacture and assembly of scientific, optical and electronic equipment				
Manufacture of musical instruments and parts				

Key: P = Permitted Use SE = Special Exception Required Blank Cell = Use Not Permitted				
Use Category	Form Based Zoning Districts			
	IMU	MUC	NMU	FBR
Specific Use				
Manufacture of souvenirs and novelties				
Manufacture of toys, sporting and athletic goods				
Wholesale warehouses				
Open Use				
Agriculture, forestry, livestock and poultry production				
Farm Winery	SE	SE	SE	
Produce and farmers markets	P	P	P	
Recreational vehicle parks	SE			
Temporary tents for revivals	SE	SE	SE	
Temporary use including the sale of Christmas trees, carnivals, church bazaars, sale of seasonal fruit and vegetables from roadside stands	P	P	P	
Public/Institutional Uses				
Ambulance service	P	P		
Business and trade schools	P	P	SE	
Clubs and lodges, provided that food service facilities are limited to their members and guests	SE	SE	SE	
Family personal care homes	SE	SE	SE	
Golf, swimming, tennis, or country clubs, privately owned and operated community clubs or associations, athletic fields, parks, and recreation areas	P	P	P	
Group personal care homes	SE	SE	SE	
Halfway houses and drug rehabilitation centers	SE	SE		
Hospitals, sanitariums, clinics, convalescent or nursing homes	SE	SE		
Kindergartens, play schools and day care centers and homes	P	P	P	
Places of assembly including auditoriums, stadiums, coliseums and dance halls.	P	P	SE	
Places of worship and related accessory buildings	SE	SE	SE	SE
Places of worship with attendant education and recreational buildings	P	P		
Private clubs, fraternal orders or lodges.	P	P	P	
Public and private schools, libraries, excluding business and trade schools	P	P	P	
Public utilities such as electrical substations, telephone exchanges, and similar uses.	P	P		
Public utility structures and buildings			P	P
Public utility structures and buildings, including electric and natural gas, substations, telephone exchanges, radio and television stations, and similar structures for the storage of supplies, equipment or service operations when properly screened as required in Section 76.	P	P	P	
Residential Uses				
Multi-family dwelling	P	P	P	P
Single-family dwellings				P
Townhouses	P	P	P	P
Two-family dwelling (duplex)		P	P	P

Key: P = Permitted Use SE = Special Exception Required Blank Cell = Use Not Permitted				
Use Category	Form Based Zoning Districts			
Specific Use	IMU	MUC	NMU	FBR
Transportation Uses				
Bus and railroad terminal facilities	P			
Bus Stations	P	P	P	P
Truck terminals	P			

3.4.3. Specific Use Standards

The following principal and accessory uses must confirm with the indicated use standards.

- A. **Accessory Dwelling.** Where an Accessory Dwelling, is allowed, it is subject to the following:
 1. The dwelling shall be accessory to a permitted residential use and shall be located above or to the rear of such use to which it is accessory.
 2. The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the primary structure to which it is accessory.
 3. The square footage of the dwelling shall not exceed 40% of the combined square footage of the primary structure and the dwelling.
 4. The dwelling and the primary structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other codes of the City.

- B. **Live-Work.** Where Live-Work is allowed, it is subject to the following:
 1. Live-work is only permitted on the first floor of a dwelling unit.
 2. A minimum of one person must occupy the dwelling containing the live-work use as their primary place of residence.
 3. The live-work use may employ no more than two persons not living on the premises at any one time.
 4. No business storage or warehousing of material, supplies or equipment is permitted outside of the dwelling containing the live-work use.
 5. The nonresidential use of the live-work use is limited to a permitted or conditional use in the zoning district.
 6. No equipment or process may be used in connection with the live-work use that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.
 7. No more than 5 customers are permitted on the premises at any one time.

Sec. 3.5. IMU: Interstate Mixed Use

3.5.1. Purpose



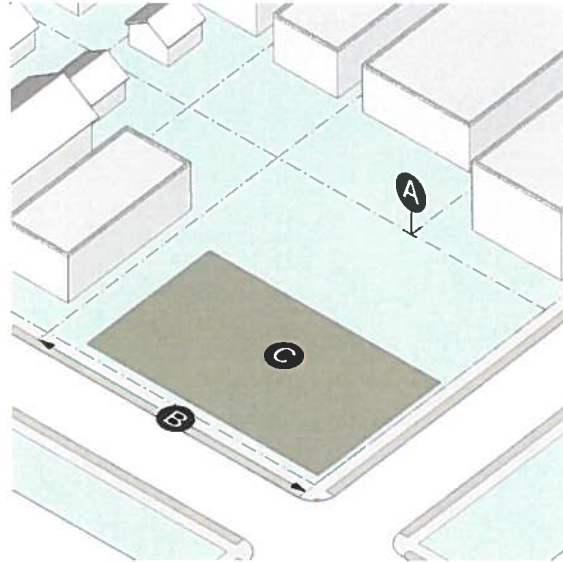
The purpose of this district is to provide for mixed-use development compatible with adjacent highway area and includes a variety of commercial uses serving the entire city, civic uses, and residential uses.

3.5.2. Building Types Allowed

The following building types are allowed:

- A. Townhouse
- B. Walk-Up Flat
- C. Stacked Flat
- D. Shopfront
- E. Flex Building
- F. Mixed-Use Building
- G. General Building
- H. Civic Building

3.5.3. Dimensional Standards



Site Standards

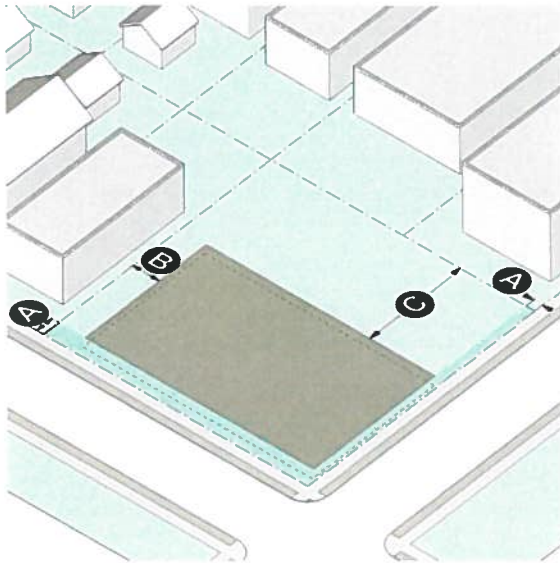
Min. Amenity Space Requirement:	10% of site (all sites)
Min. Civic Space Requirements:	10% of site (only sites over 5 acres)

Lot Standards	Ⓐ Area	Ⓑ Width
Townhouse:	900 sf min.	20 ft min.
All other Building Types:	No min.	20 ft min.

Lot Coverage

Ⓒ All Building Types:	70% max.
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3.5.4. Building Placement

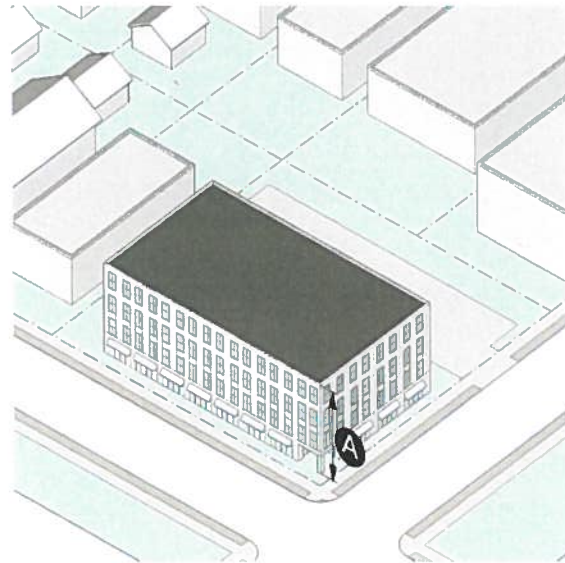


Principal and Accessory Structure Setbacks

Ⓐ Front Yard:	10 ft. min., 40 ft max.
Ⓑ Side Yard:	0 ft. min.
Ⓒ Rear Yard (no alley):	10 ft. min.
Ⓒ Rear Yard (alley):	8 ft. min.

Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes.

3.5.5. Bulk and Mass



Building Height

Ⓐ Min. Street-Facing Façade Height in Feet:	18 ft
Ⓐ Max. Height in Stories:	5 stories
Ⓐ Max. Height in Feet:	60 ft

The minimum permitted building height is whichever of the above is more.

The maximum permitted building height is whichever of the above is less.

Sec. 3.6. MUC: Mixed-Use Center

3.6.1. Purpose



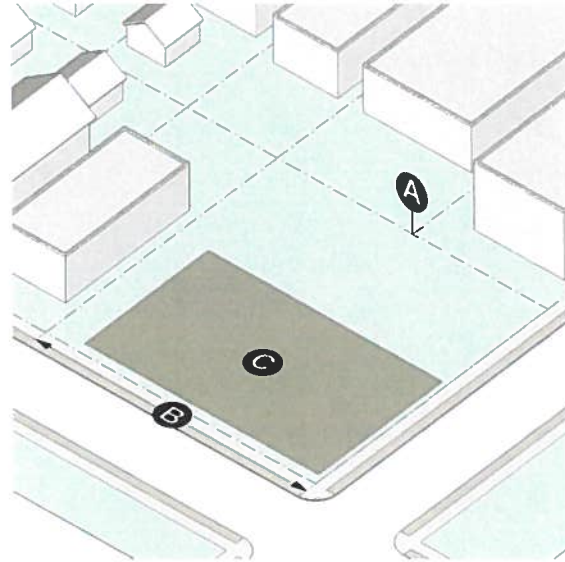
The purpose of this district is to provide for a variety of residential housing, commercial, and civic options along major nodes leading to Downtown Perry.

3.6.2. Building Types Allowed

The following building types are allowed:

- A. Townhouse
- B. Walk-Up Flat
- C. Stacked Flat
- D. Shopfront
- E. Mixed-Use Building
- F. General Building
- G. Civic Building

3.6.3. Dimensional Standards



Site Standards for All Sites

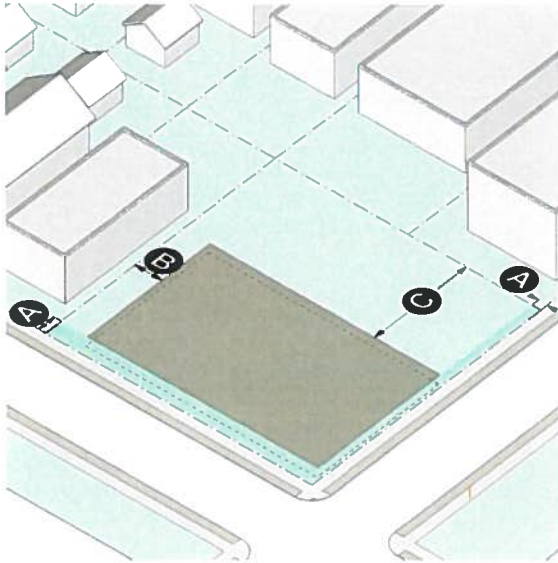
Min. Amenity Space Requirement:	10% of site (all sites)
Min. Civic Space Requirements:	10% of site (only sites over 5 acres)

Lot Standards	Ⓐ Area	Ⓑ Width
Townhouse:	900 sf min.	20 ft min.
All other Building Types:	No min.	20 ft min.

Lot Coverage

Ⓒ All Building Types:	80% max.
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3.6.4. Building Placement

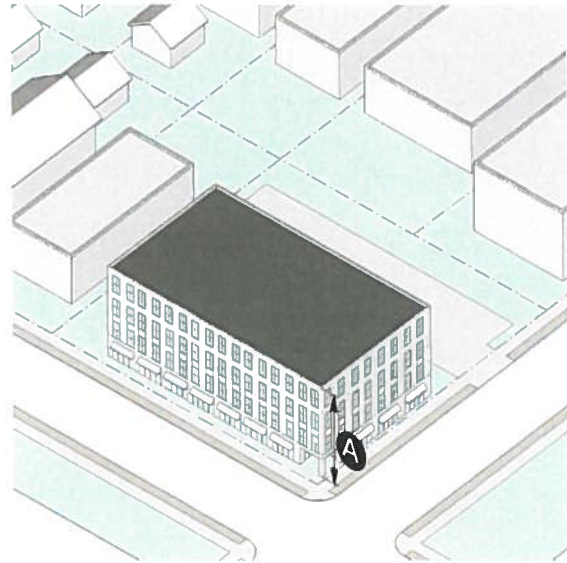


Principal and Accessory Structure Setbacks

Ⓐ Front Yard:	5 ft. min., 10 ft max.
Ⓑ Side Yard:	0 ft. min.
Ⓒ Rear Yard (no alley)	6 ft. min.
Ⓒ Rear Yard (alley):	3 ft. min.

Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes.

3.6.5. Bulk and Mass



Building Height

Ⓐ Max. Height in Stories:	4 stories
Ⓐ Max. Height in Feet:	56 ft

The maximum permitted building height is whichever of the above is less.

Sec. 3.7. NMU: Neighborhood Mixed-Use

3.7.1. Purpose



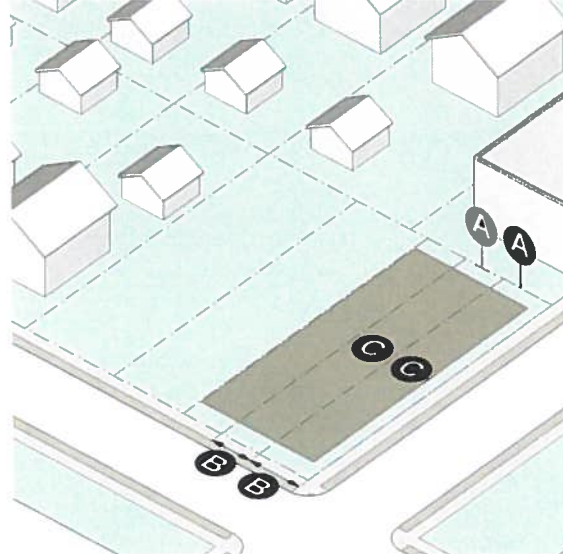
The purpose of this district is to provide for a variety of residential housing options, civic uses, and limited commercial uses and developments that are compatible with residential surroundings.

3.7.2. Building Types Allowed

The following building types are allowed:

- A. Detached House
- B. Carriage House
- C. Duplex
- D. Townhouse
- E. Cottage Court
- F. Walk-Up Flat
- G. Commercial House
- H. Shopfront
- I. Flex Building
- J. Mixed-Use Building
- K. General Building
- L. Civic Building

3.7.3. Dimensional Standards



Site Standards

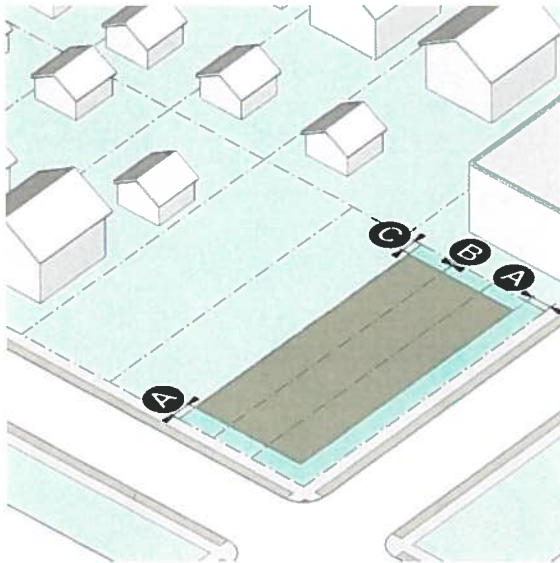
Min. Amenity Space Requirement:	10% of site (all sites)
Min. Civic Space Requirements:	10% of site (only sites over 5 acres)

Lot Standards	Ⓐ Area	Ⓑ Width
Detached House:	2,500 sf	25 ft
Carriage House:	Same as principal structure	
Duplex:	2,500 sf	25 ft
Townhouse:	900 sf	20 ft
Cottage Court:	1,200 sf	20 ft
All other Building Types:	2,500 sf	20 ft

Lot Coverage

© All Building Types:	70% max.
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3.7.4. Building Placement

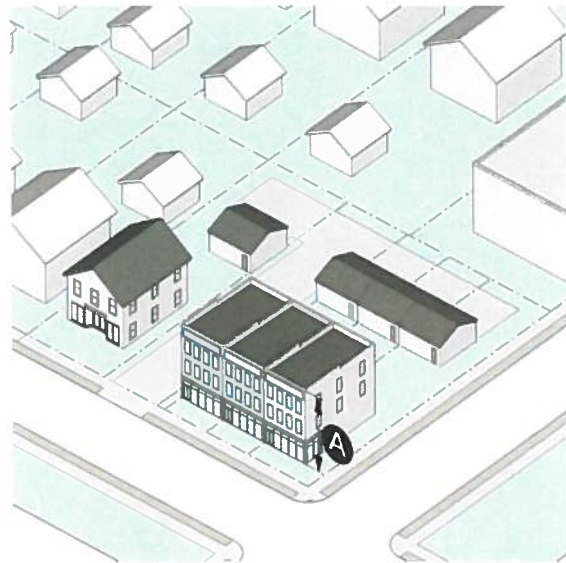


Principal and Accessory Structure Setbacks

Ⓐ Front Yard:	10 ft. min., 20 ft. max.
Ⓑ Side Yard:	0 ft. min.
Ⓒ Rear Yard (no alley)	3 ft. min.
Ⓒ Rear Yard (alley):	10 ft. min.

Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes.

3.7.5. Bulk and Mass



Building Height

Ⓐ Max. Height in Stories:	3 stories
Ⓐ Max. Height in Feet:	40 ft

The maximum permitted building height is whichever of the above is less.

Building Size

Max. Building Footprint:	10,000 sf
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Sec. 3.8. FBR: Form Based Residential

3.8.1. Purpose



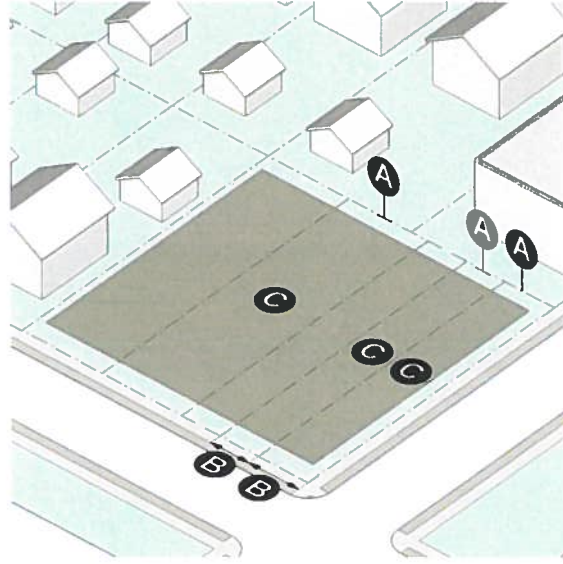
The purpose of this district is to provide for a variety of housing options in a residential setting.

3.8.2. Building Types Allowed

The following building types are allowed:

- A. Detached House
- B. Carriage House
- C. Duplex
- D. Townhouse
- E. Cottage Court
- F. Civic Building

3.8.3. Dimensional Standards



Site Standards

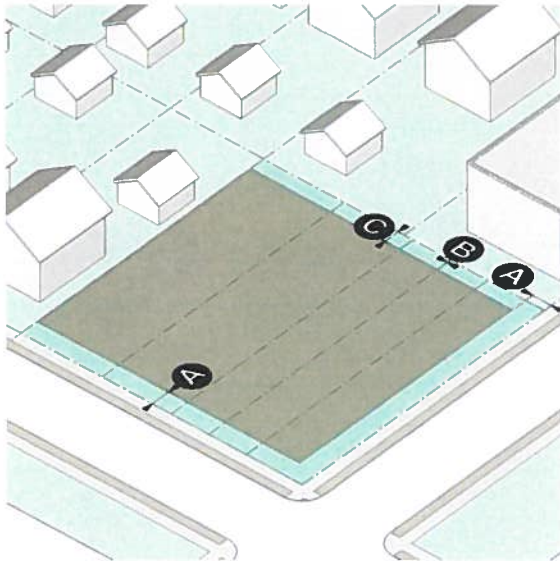
Min. Amenity Space Requirement:	10% of site (all sites)
Min. Civic Space Requirements:	10% of site (only sites over 5 acres)

Lot Standards	Ⓐ Area	Ⓑ Width
Detached House:	2,500 sf	25 ft
Carriage House:	Same as principal structure	
Duplex:	2,500 sf	25 ft
Townhouse:	900 sf	20 ft
Cottage Court:	1,200 sf	20 ft
Civic Building:	5,000 sf	50 ft

Lot Coverage

© All Building Types:	70% max.
-----------------------	----------

3.8.4. Building Placement



Principal and Accessory Structure Setbacks

Ⓐ Front Yard:	10 ft. min., 20 ft. max.
Ⓑ Side Yard:	0 ft. min.
Ⓒ Rear Yard (no alley):	3 ft. min.
Ⓒ Rear Yard (alley):	10 ft. min.

Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes.

3.8.5. Bulk and Mass



Building Height

Ⓐ Max. Height in Stories:	3 stories
Ⓐ Max. Height in Feet:	36 ft

The maximum permitted building height is whichever of the above is less.

Article 4. Site Definitions

Sec. 4.1. Defined Terms

Live-Work. Nonresidential activity conducted wholly within a residential dwelling that allows employees, customers, clients or patrons to visit.

Stub-out. A shortened thoroughfare which is intended to provide connectivity at some point in the future.

Wall Plate. A horizontal load-bearing member in a wall assembly. The top of the wall plate is the top most structural piece of the wall.

PUBLIC HEARING
April 19, 2016
TUESDAY @ 6:00 PM

City of Perry
Community Development Department

1211 Washington Street
P.O. Box 2030
Perry, Georgia 31069



478-988-2720
988-2725
Telephone

www.perry-ga.gov

478-

Facsimile

April 12, 2016

The Honorable James E. Faircloth, Jr.
Perry City Council
Post Office Box 2030
Perry, Georgia 31069

Re: *Amendment to Perry Land Development Ordinance*
Appendix B Standards – Downtown Development District of the City of Perry

Dear Mayor and Council:

On April 11, 2016 the Perry Planning Commission reviewed the above referenced amendment to the Perry Land Development Ordinance.

The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation to Mayor and Council for the approval of the amendment as provided for the Perry Land Development Ordinance.

Sincerely,

A handwritten signature in blue ink, appearing to read "JP", is written over the typed name and title.

Jacob Poole, Chairman
Perry Planning Commission

JP/cs

City of Perry
Community Development Department
1211 Washington Street
P.O. Box 2030
Perry, Georgia 31069




478-988-2720
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478-988-2725
Facsimile

Memorandum

TO: Mayor & Council

FROM: Christine Sewell – Administrative Assistant 

DATE: April 12, 2016

On your April 19th agenda for a Public Hearing is an amendment to the Perry Land Development Ordinance Appendix B Standards Downtown Development District of the City of Perry – Architectural and Signage Control Standards for Certificate of Appropriateness Permits.

The amendment is to reflect the recent adoption of the revised sign regulations that removed the separate criteria for the downtown district as signage regulations for citywide and the downtown were combined and updated in Section 106.

The amendment will remove the following under this appendix: 2.01 Definitions, 2.02 Temporary Sign Permits, 2.03 Prohibited Signs, 2.04 Exempt Signs, 2.05 Sign Standards, 2.06 Construction and Maintenance of Signs, and 2.07 Non-conforming Signs.

Should you have any questions, please do not hesitate to contact me. Thank you.

**DOWNTOWN DEVELOPMENT DISTRICT
OF THE
CITY OF PERRY**

**ARCHITECTURAL AND SIGNAGE CONTROL STANDARDS FOR
CERTIFICATE OF APPROPRIATENESS PERMITS**

These standards have been established under the authority of the City of Perry Land Development Ordinance; specifically, Article IV, Section 45, Sub-Section 45.3 of said ordinance.

The Downtown Development District Ordinance was enacted to provide Standards for Architectural and Signage Control. The purpose is to make the Downtown Development District a more visually attractive and historically accurate area that will enhance the natural and visual assets of the District, its gateways and corridors.

The intent of these standards is to provide necessary information to facilitate development design, plan review, ensure the preservation of the District and enforcement process in order that the provisions of the ordinance are administered in the most effective, efficient and economical manner.

2.01 DEFINITIONS

- 1) Awning: A structure made of cloth, metal, or material with frames attached to and projecting from a building which provides protection but without supports to the ground.
- 2) Animated Sign: A sign having action, motion, movement, changeable copy, or flashing color changes that are activated by electrical energy, electronic energy or other manufactured sources of energy supply, but not including wind-activated movement such as in flags, banners or pennants, or mechanical movement signs. Animated signs include grids of flashing lights or mechanical elements in patterns that give the perception of movement, as in chasing lights or programmable displays. For the purpose of this Title, an animated sign shall not be considered a mechanical movement sign if the only mechanical movement in the sign relates to the movement of grids to produce programmable displays.
- 3) Banner: A sign of paper, cloth, plastic or vinyl with no other substantial backing, affixed to any building or structure.
- 4) Banner, Decorative: A sign of paper, cloth, plastic or vinyl with no other substantial backing hung or projecting from a pole, provided said sign is not commercial in nature and does not advertise a specific product or item.
- 5) Billboard: see Outdoor Advertising Sign
- 6) Box Cabinet: A box cabinet is a sign designed so that the display surface and its sides create depth, generally so that the display surface may be lighted by bulbs or channeling inside of the cabinet. Signs formed by independent letters, designed so that each letter constitutes an individual cabinet that may be individually lighted by interior channeling, are not included.

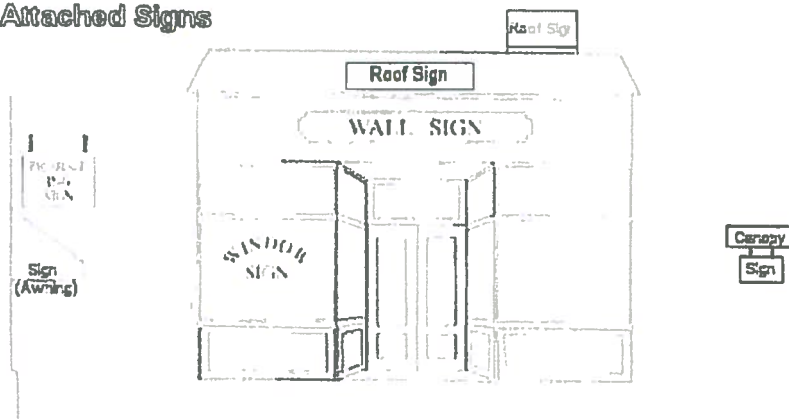
- 7) Canopy: A structure made of cloth, metal, or other material whose frames are support by posts affixed to the ground. A canopy may be attach to a building (porte-cochere) or free standing such as those used to cover gasoline islands.
- 8) Civic Event Sign: A sign posted to advertise or provide direction to a civic event sponsored by the city, a school, church, civic fraternal organization, or similar non-commercial organization.
- 9) Door: A usually swinging or sliding barrier by which an entry to a building or structure is closed and opened. For the purpose of this article, each door installed in a multi-door entry shall be considered a separate door.
- 10) Door Signs: Any type of sign attached to a door (including the door frame or jamb), the lettered, numbered, pictorial or sculptured matter of which is visible from the exterior of the premises.
- 11) Eaves: Lowest horizontal line of any roof.
- 12) Erect: To build, construct, attach, hang, place, suspend, affix or fabricate, which shall also include painting of wall signs or other graphics.
- 13) Facade: Any face of a building. The dominant facade of the building is where its principal entrance is located and which may or may not face the street upon which its legal address is located.
- 14) Mechanical Movement Sign: A sign having parts which physically move, rather than merely appearing to move as might be found in an animated sign. This physical movement may be activated electrically or from another power source but shall not include wind-activated movement such as occurs with flags or banners. For the purpose of this Title, mechanical movement signs shall not include any animated sign where the only mechanical movement in the animated sign relates to grids used to produce programmable displays.
- 15) Neon Tubing: Electric discharge, cold cathode tubing manufactured into shapes that form letters, parts of letters, skeleton tubing, outline lighting, and other decorative elements or art forms, in various colors and diameters and filled with inert gases.
- 16) Nudity: See Section 15-142 of Perry City Code.
- 17) Obscene: See Section 15-142 of Perry City Code.
- 18) Obsolete: A sign is obsolete when the message or content references a business, lessor, owner, product, service, or activity that is no longer located on the premises, or when it is no longer maintained and is in a dilapidated condition.
- 19) Parapet: A low protective wall or railing along the edge of a roof.
- 20) Pennant: A small, triangular or rectangular flag or multiples thereof, individually supported or attached to each other by means of a string, rope or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures. Pennants are prohibited in the Downtown Development District.
- 21) Plaque: A small sign attached near a building entrance approximately at eye level.

- 22) Porte-Cochere: A porch roof or canopy projecting over a driveway, street or sidewalk and providing shelter at the entrance of a building.
- 23) Programmable Display Signs: Animated sign made up of a field of individual electronic elements, such as a LED display, or mechanical grids that, when programmed and activated, create still or moving images or words. The elements may be internally illuminated or may be illuminated by reflected light. The sign may be framed by permanent, nonmoving signage.
- 24) Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.
- 25) Sign Area: The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area excluding architectural trim and structural supports.
- 26) Sign, Attached: A sign attached to or affixed to a building, canopy or awning.
- 27) Sign, Business Identification: A sign that directs attention to an establishment on the premises where such sign is located.
- 28) Sign, Changeable Copy: A sign whose message or content can be changed without permanently altering the sign face but not by electrical means such as in an animated sign, excluding professional or institutional directories. Also referred to as reader boards, stringer boards or poster boards.
- 29) Channel Letter Sign: A wall sign with fabricated or formed three-dimensional letters that may accommodate a light source.
- 30) Sign, Character: A figure or statue used to draw attention to a business or display a message.
- 31) Sign, Construction: A temporary sign whose message and content is limited to the project name, identification of architects, engineers, contractors, and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building, and the expected completion date.
- 32) Sign, Directional: A sign whose message and content is solely intended to direct pedestrian or vehicular traffic and not for advertising businesses, products, or services.
- 33) Sign, Double-Faced: A sign with two (2) identical display areas back to back (sometimes called a Fin Sign) or with an interior angle between the signs of sixty (60) degrees or less where each sign is designed to be seen from a different direction. A Sidewalk Sign is a small version of a Double-Faced Sign.
- 34) Sign, Event: A temporary sign for special exhibits, shows, promotions, occasions, business openings/closings or other such events. See Section 106.5.12 of the Perry Land Development Ordinance.
- 35) Signs, Frame: A sign affixed to the front of a building near the entry which consist of a box with glass face or picture frame which contains items of interest to the public. For example a menu at a restaurant or photos of home for sale at a real estate office.

- 36) Sign, Free Standing: Sign not attached to a building or other improvement but instead permanently erected upon or standing on the ground and usually supported from the ground by one or more poles, columns, uprights, braces or cement anchors. Free-standing signs do not include portable signs.
- 37) Sign, Ground: A Free-Standing sign erected on one or more poles or similar support. (In the Downtown Development District district ground signs shall include a base of a landscaped planting area or planter box which is at least the length of the sign and display area plus structural supports and of sufficient width to allow for sustaining planted vegetation.)
- 38) Signs, Halolit; Halolighting. “Halolit” or “halolighting” means illumination of individual letter, number or graphics having an opaque surface by the use of internal, reverse illumination where the light source is not directly visible. Channel lettering may be “Halolit”.
- 39) Sign Height: Height of a sign shall be considered to be the vertical distance between the highest part of the sign structure and the average of the adjacent grade at the time of construction or the adjacent grade existing prior to construction and any earth disturbance at the site, whichever is lower.
- 40) Sign, Illuminated-Direct: A sign, which emits light. Also referred to as internal lighted sign.
- 41) Sign, Illuminated-Indirect: A sign lighted by an external light source. Also referred to as an externally lighted sign.
- 42) Sign, Monument: A Free-Standing Sign not erected on one or more poles or similar supports but erected to rest on the ground or to rest on a monument base designed as an architectural unit with the sign.
- 43) Sign, Neon: A sign manufactured utilizing neon tubing, which is visible to the viewer.
- 44) Sign, Non-Commercial: A sign whose message or content is not commercial in nature, but is instead political, personal, religious, or otherwise constitutes non-commercial speech protected by the First Amendment of the United States Constitution.
- 45) Sign, Official: A sign of a non-commercial nature erected in the public interest by or on the order of a government, including safety signs, traffic and street signs, commemorative signs and official or legal notices issued by any court, public agency or officer.
- 46) Sign, Off-Premises: A sign whose message or content directs attention to a business, commodity, service, or entertainment not exclusively related to the premises on which said sign is located or affixed.
- 47) Sign, On-Premises: A sign whose message or content directs attention to business, commodity, service, or entertainment located on the same lot on which said sign is located.
- 48) Sign, Outdoor Advertising: A structural poster panel or painted sign, either free standing or attached to a building for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located. Also known as a billboard sign.
- 49) Sign, Political Election: A temporary sign pertaining to an election whose message or content express voter support for a particular issue, political party, or candidate for public office.

- 50) Sign, Portable: Any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a vehicle, and the primary purpose of which is advertising.
- 51) Sign, Post and Arm: A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which a sign hangs.
- 52) Sign, Projecting: A sign attached and extending out from a building, such as a hanging or fin sign.
- 53) Sign, Pylon: A freestanding sign erected on a pylon(s) or post(s). Also known as a pole sign.
- 54) Sign, Real Estate: A temporary sign whose message and content is limited to the advertising of the real property upon which the sign is located.
- 55) Sign, Roof: A sign projecting over or attached to the roof or its structural components.
- 56) Sign, Segmented: Segment: "Segmented" means a sign where the message surface contains deliberate visual demarcation used to divide the message area of the sign into a separate message compartment. "Segment" shall mean a separate message compartment in a segmented sign.
- 57) Sign, Sidewalk: A sign consisting of two placards fastened together at the top with hinges designed to be placed on sidewalks. These are commonly known as sandwich board signs.
- 58) Sign Structure: A structure composed of a single pole or multiple poles which is located on the ground or on top of another structure and which supports no more than two (2) signs.
- 59) Sign, Temporary: Any sign that is not a permanent or portable sign.
- 60) Sign, Wall: A sign attached to or affixed on a wall or building with the display surface parallel to the wall. Wall signs also include painted signs on walls.
- 61) Under Canopy Signs: A sign hanging from underneath a structure or canopy over a pedestrian thoroughfare or walkway.

Examples Attached Signs



Examples Freestanding Signs

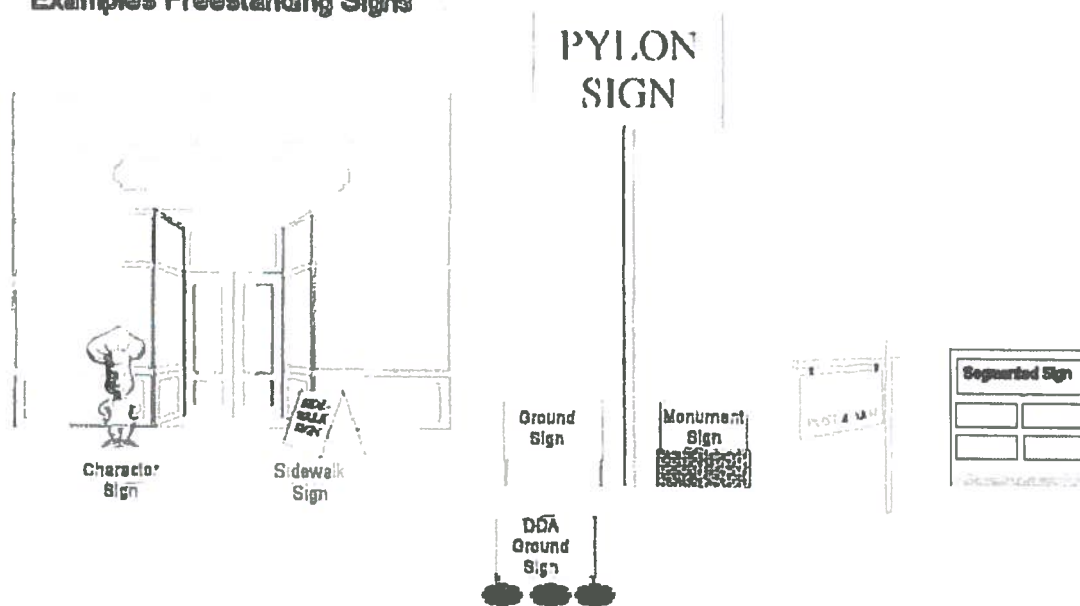


Figure 1. Sign Types.

2.02 – TEMPORARY SIGN PERMITS

One (1) temporary sign permit may be issued for thirty (30) day periods, provided that each such use shall be separated by a ninety (90) day interval. Such temporary sign shall not exceed sixteen (16) square feet. A sign permit shall be required prior to erecting the temporary sign. The temporary sign shall be affixed flat to a building wall by metal fasteners. Only one (1) temporary sign shall be erected per business and must advertise or convey information concerning the premises upon which the sign is located. Such temporary signs are permitted in addition to any other signs otherwise permitted under the provisions of this article.

2.03 PROHIBITED SIGNS

(1) Signs Imitating Warning Signal. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop," "danger," or other message or content in a manner than might mislead or confuse a driver.

(2) Private Signs on Public Property. No sign, except as provided herein, is permitted within any street or highway right-of-way or on public property. No sign shall be placed so it will cause danger, either by obscuring a view, or otherwise.

(3) Flashing Signs. No signs that flash, blink, rotate, revolve, have moving parts, or changing electronic, digital or visual messages shall be permitted. No signs containing reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark shall be permitted. Signs indicating the current time and/or temperature are permitted, provided they meet all other provisions of this Article. Animated and programmable display signs are specifically prohibited. LED price signs at gas stations shall be allowed provided they do not change more than one (1) time per hour.

(4) Obstructions. No sign shall obstruct any fire escape, window, door or opening usable for fire prevention or suppression, or prevent free passage from one part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation.

(5) Attached and Painted Signs. Signs shall not be painted on or attached to trees, fence posts, utility poles, or rocks or other natural features.

(6) Obscene Signs. Obscene signs shall not be permitted.

(7) Portable Signs. Portable signs shall not be permitted, with the exception of on-premises real estate signs.

(8) Signs on the Property of Another. Outdoor advertising signs (billboards) are prohibited.

(9) Neon Tube Signs. Neon tube signs shall be prohibited.

(9) Fluttering Signs. Fluttering ribbons, streamers, pennants, flags, buntings, banners or other similar devices shall not be permitted, with the exception of flags displayed to commemorate national holidays. Inflatable objects are specifically prohibited.

(10) Roof Signs. Roof signs, including signs painted or adhered on roofs, shall not be permitted.

2.04 EXEMPT SIGNS

No permit shall be required for the construction, erection or location of the following signs:

- 1) Real estate signs advertising the sale, rental, or lease of the land or building upon which signs are located, provided there shall be no sign in excess of thirty-two (32) square feet and no more than one (1) such sign per street frontage.
- 2) Professional name plates not exceeding two (2) square feet in area, such signs to be non-illuminated and attached to the building.
- 3) Construction signs located on the premises relating to active construction projects.

- 4) Memorial signs or tablets, including names of buildings and date of erection when cut into masonry, bronze, or other materials.
- 5) Traffic or other municipal or public signs or notices posted or erected by or at the direction of a governmental agency.
- 6) Customary signs, in conjunction with building usage, including mailbox lettering, building numbers, and other similar usage.
- 7) Non-advertising directional signs or symbols (“entrance”, “exit”, “no trespassing”, etc.) located on and pertaining to a parcel of private property, none to exceed four (4) square feet in area.
- 8) Official flags, emblems, or insignia of the United States, the State of Georgia, other countries and states, or religious groups, civic organizations or non-profit service clubs not advertising a product or service.
- 9) Seasonal displays and decorations not advertising a product, service or entertainment.
- 10) Decorative banners sponsored by a governmental agency, the Downtown Development Authority, or the Perry Area Chamber of Commerce, provided that such signs shall not violate any provisions of Section 106.2.7 unless otherwise provided for under this subsection.

All signs requested under this subsection shall be made through the Zoning Enforcement Officer who shall review the request to ensure that all applicable provisions of the ordinance have been adhered to prior to giving approval. If a request involves placing a decorative banner on public right-of-way, including over any publicly owned street, then it shall be forwarded to the City Manager for City and/or Georgia Department of Transportation approval where applicable.

- 11) One character sign per business shall be permitted without a permit. However, the Economic Development Department shall review and approve all character signs.

2.05 SIGN STANDARDS

- 1) Wall signs or signs having a maximum aggregate area not to exceed one (1) square foot for each lineal foot of building frontage, provided that no wall sign shall project more than three feet (3’) beyond the face of the building unless attached to, or painted on, an awning or canopy.

Each lot shall be permitted one (1) monument or ground sign per street frontage not to exceed thirty-two (32) square feet. A maximum of two (2) monument signs are permitted per lot.

Shopping centers shall be allowed one (1) shopping center identification monument or ground sign per street frontage. A maximum of two (2) monument signs are permitted per shopping center. The sign shall have a maximum aggregate area not to exceed sixty-four (64) square feet. The only freestanding signs permitted at shopping centers shall be shopping center identification signs. Individual business wall signs within a shopping center shall have a maximum aggregate area not to exceed one (1) square foot for each lineal foot of store frontage. Wall and attached signs within shopping centers shall be channel letter signs. The letters on a required channel letter sign shall not exceed eighteen inches (18") in height.

- 2) The monument and ground signs shall have a maximum height of fifteen feet (15'), or twenty feet (20') for shopping center identification signs, measured from the ground immediately adjacent to the sign. No person shall artificially increase the maximum height of a sign by altering the grade at the base of the sign.

In lieu of a monument or ground sign(s), each business shall be permitted to have one (1) post and arm sign per street frontage provided that there is no paved area, excluding sidewalks, between the building and the public right-of-way. The post and arm sign shall have a maximum height of ten (10) feet and a maximum sign area of twelve (12) square feet.

- 3) Freestanding monument and ground signs must include a base of a landscaped planting area or planter box which is at least the length of the sign and display area plus structural supports and of sufficient width to allow for sustaining planted vegetation.
- 4) Sidewalk signs shall have a maximum height of four (4) feet when displayed. Only one sidewalk sign shall be permitted per business not to exceed six (6) square feet per sign face. The signs shall not be a nuisance for pedestrians and shall be displayed only during business hours.
- 5) Temporary signs are permitted in accordance with Section 2.02.
- 6) The provisions of the laws of the State of Georgia concerning campaign posters as set out in Official Code of Georgia Annotated 16-7-58 shall be enforced in the city, and the municipal court shall act as a committal court for violations thereof.
- 7) Projecting signs shall be securely fastened to the building and meet all applicable building codes. Said signs shall maintain a clear height of six (6) feet six (6) inches above ground level and a maximum projection from face of building of five (5) feet. The sign shall not project into a vehicular use area.
- 8) No sign shall project above the height of a parapet.
- 9) All freestanding signs shall display the numerical municipal address except those freestanding signs designed to be viewed from a street which is different from the street which the business is addressed.
- 10) Under Canopy Signs: May be no larger than six (6) square feet and must be no less than six (6) feet six (6) inches above the finish grade at the lowest extremity of the sign and attached to the supporting structure at no less than two (2) points. Permissible sign area shall be considered inclusive of the total sign area allowed for the building/property.

- 11) Historically significant signs as determined by the Economic Development Department are exempt from these standards.

2.06 CONSTRUCTION AND MAINTENANCE OF SIGNS

- 1) All signs and supporting structures shall be securely built and erected in conformance with the requirement of the Ordinance and any other applicable code requirements.
- 2) All signs, together with all supporting structures, shall be well maintained and kept in a good state of repair. Without limiting the foregoing, the following maintenance shall be required for all signs and supporting structures.
 - A. They shall be kept free from rust, dirt and chipped, cracked or peeling paint.
 - B. Hanging, dangling, torn or frayed parts shall be repaired.
 - C. Burned-out bulbs shall be replaced
 - D. Graffiti and unauthorized sticker shall be removed.
- 3) Any sign or sign structure now or hereafter existing which is abandoned or no longer advertises a bonafide business or a product sold shall be taken down and removed by the owner, agent, or person having beneficial use of the building, structure, or land upon which such sign shall be found, within thirty (30) days after written notification by the Zoning Enforcement Officer. Failure to remove such sign on notification shall be a violation of this Ordinance. A sign shall be deemed to have been abandoned if it is located on property which becomes vacant and unoccupied for a period of three (3) months or more or if it pertains to a time, event or purpose which no longer applies. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more.

2.07 NON-CONFORMING SIGNS

- 1) When a sign exists on or before the effective date of these regulations and such sign would not be erected under the provisions of these regulations, said sign shall be deemed to be non-conforming. Section 2.07(1) – Rev.4.07.07
- 2). A non-conforming outdoor advertising sign which has been discontinued for any reason for a continuous period of one (1) year, shall not be re-established. A non-conforming outdoor advertising sign which is hereafter, damaged or destroyed to an extent exceeding fifty (50) percent of the reasonable estimated replacement cost of the sign may not be reconstructed or restored.

PUBLIC HEARING
April 19, 2016
TUESDAY @ 6:00 PM

City of Perry
Community Development Department

1211 Washington Street
P.O. Box 2030
Perry, Georgia 31069



478-988-2720
988-2725
Telephone

www.perry-ga.gov

478-

Facsimile

April 12, 2016

The Honorable James E. Faircloth, Jr.
Perry City Council
Post Office Box 2030
Perry, Georgia 31069

Re: Amendment to Perry Land Development Ordinance
Section 83.2.3 District Boundaries

Dear Mayor and Council:

On April 11, 2016 the Perry Planning Commission reviewed the above referenced amendment to the Perry Land Development Ordinance.

The Perry Planning Commission respectfully submits this letter as our formal and favorable recommendation to Mayor and Council for the removal of the General Courtney Hodges Boulevard Corridor from the boundaries of the Downtown Development District as noted for the referenced section of the Perry Land Development Ordinance.

Sincerely,

A handwritten signature in blue ink, appearing to read "JP", is written over the typed name and title.

Jacob Poole, Chairman
Perry Planning Commission

JP/cs

City of Perry

1211 Washington Street

P.O. Box 2030

Perry, Georgia 31069-6030

www.perry-ga.gov

email: lee.gilmour@perry-ga.gov

478-988-2700

Telephone

478-988-2705

Telefax

MEMORANDUM

TO: Mayor/Council

FROM: Lee Gilmour, City Manager *LG*

DATE: April 13, 2016

REFERENCE: General Courtney Hodges Boulevard Corridor

The Planning Commission at its April 11, 2016 meeting recommends Council remove the General Courtney Hodges Boulevard corridor from the Downtown District of the City of Perry. This recommendation concurs with the position of the Administration. The recommendation was made to the Planning Commission based on a review of the District's expansion.

The Administration recommends the Council approve the removal because:

- There are many current uses that conflict with the restrictions in the District. Exhibit A 81.2.5 lists non-permitted uses. Note that tire sales, automobile sales, and automotive repairs are prohibited.
- The District requires certain signage restrictions, façade colors and COA permitting that is not compatible with the corridor's composition or history.
- The planned form-based zoning district for this corridor, recommended by the Planning Commission for adoption, operates on a totally different rationale from the District's land use base.
- The exception from the District's requirements originally established by Council has expired with the Council's adoption of the downtown/corridors master plan. This sets the City up for potential legal issues.
- A sizeable number of the owners/businesses see no value in being in the District and would prefer to be removed.

The Perry Main Street Advisory Board and the Perry Downtown Development Authority oppose the removal. However, their concerns revolve around building design, façade grants and communication with elected officials. Economic incentives can still be provided through contract and Council direction. See Exhibits B and C.

Legend

 Perry Main Street / DDA District



Perry Main Street / DDA District

2015



81.2.5. The following uses are not permitted within the Downtown Development District:

- (1) Drive-in Theaters.
- (2) Halfway Houses and Drug Rehabilitation Centers.
- (3) Tattoo Parlors.
- (4) Massage Parlors unless part of a salon/spa facility.
- (5) Automobile Sales.
- (6) Recreational Vehicle Sales.
- (7) Horse Trailer Sales.
- (8) Mobile Home Sales.
- (9) Automobile Repair Garages (mechanical and body).
- (10) Tire Sales.
- (11) Coin-Operated Amusement Machines which provide the opportunity for rewards including, but not limited to, free games, free replays, any merchandise, prizes, toys, gift certificates, points, tokens, vouchers, tickets or novelties.

81.3. C-3 Central business district (CBD).

81.3.1. *Intent of district.* The intent of this district is to allow a more intense use of land within the Downtown Section of the City of Perry.

81.3.2. *Required conditions.* All business, servicing, servicing, storage or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible, as for example, off-street loading, automobile parking for customers while on the premises, and the sale of automobile fuel at service stations. Uses, processes or equipment employed shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise or vibration.

81.3.3. *Within the C-3 Central Business District (CBD), the following uses are permitted:*

- (1) Any retail business or commercial use in which there is no processing of [or] treatment of material goods, or products except as provided for including:
 - (a) Appliance stores including radio and television service.
 - (b) Art and antique shops.
 - (c) Bakeries employing not more than (10) persons.
 - (d) Banks and drive-in books.
 - (e) Bicycle stores.
 - (f) Book, stationery, camera or photographic supply stores.
 - (g) Confectionery stores.
 - (h) Clothing, shoe, millinery, dry goods, and notions.
 - (i) Ice cream stores.
 - (j) Drug stores.

Exhibit B

COPY

City of Perry

Economic Development Department

1211 Washington Street
P.O. Box 2030
Perry, Georgia 31069



478-988-2757
Telephone

www.perry-ga.gov

478-988-2705
Facsimile

To: City Manager Lee Gilmour and Economic Development Director Robert Smith

Cc: Perry Main Street Advisory Board

From: Main Street Coordinator Catherine Edgemon

Date: Mar. 4, 2016

Re: Gen. Courtney Hodges Boulevard inclusion in the Perry Downtown Development Authority area

Members of the Perry Main Street Advisory Board, during the Mar. 3 Main Street meeting, discussed whether Gen. Courtney Hodges Boulevard should remain in the Downtown Development District (DDA) area. Much of the discussion echoed that of the DDA, so I will not repeat those comments here.

Board members noted that the boulevard is a critical corridor to long-term downtown development plans. They praised the Dairy Queen remodel as a "win." They also said that the corridor being in the district at the time the construction plans were reviewed for the new Dollar General resulted in a more attractive building than Dollar General usually builds. They felt if the only long-term benefit of the street being in the district is that building's design as it was approved, it was worth it, and this higher-quality development is a precursor of what form-based code can accomplish on the corridor.

One member pointed out that the branding initiative has emphasized the historic downtown in Perry's identity, so inclusion of the non-historic boulevard in the district does not make sense. As the crumbling Williamsburg facades are removed in the historic downtown, creating a greater demand for façade grants, the board weighed the outcome of the Main Street grants awarded and potential financial assistance the DDA could offer on Gen. Courtney Hodges Boulevard against whether it makes sense to stretch resources to serve an area where some property and business owners are still very vocal that they do not want to be in the district.

The board noted the problems with applying form-based codes and permitted uses under current zoning regulations as Mr. Gilmour has mentioned.

The board had mixed feelings about the removal but reached a consensus that no steps be taken to remove the corridor from the district until the form-based codes are adopted and in place and that if the corridor is to be removed from the district, the City has an alternative plan to work with that district already in place. The board was not in favor of creating a new entity to oversee the area but supports utilizing an existing development authority where appropriate to provide assistance.

Exhibit C

COPY

City of Perry

Economic Development Department

1211 Washington Street

P.O. Box 2030

Perry, Georgia 31069



478-988-2757

Telephone

www.perry-ga.gov

478-988-2705

Facsimile

To: City Manager Lee Gilmour and Economic Development Director Robert Smith

Cc: Perry Downtown Development Authority

From: Main Street Coordinator Catherine Edgemon

Date: Feb. 24, 2016

Re: Gen. Courtney Hodges Boulevard inclusion in the Perry Downtown Development Authority area

Members of the Perry Downtown Development Authority, during the Feb. 23 DDA meeting, discussed whether Gen. Courtney Hodges Boulevard should remain in the Downtown Development District (DDA) area. They characterize the feelings of business owners on the corridor as being part of the area as a "mixed bag."

One DDA board member drew an important distinction between Courtney Hodges Boulevard and Sam Nunn Boulevard. Courtney Hodges traffic is largely local while Sam Nunn traffic is more interstate-traveler based, so plans involving that area need to reflect its individual history and character, not that of Sam Nunn with the fast-food chains, etc.

Historically the Courtney Hodges business and property owners felt that the City focused on the historic downtown, such as Carroll Street, with beautification projects and other support and left those on Courtney Hodges to fend for themselves. It will take time and effort to heal the hurt and distrust felt by many CHB folks, as I will refer to them collectively in this memo. (A DDA member pointed out to me in phone conversation this week that some CHB business owners have never seen the mayor or a council member in their business. I suggested Robert and I divide up the businesses in the district and call on each one with a DDA member and a member of council with us; that board member thought that facetime with an elected official could help facilitate healing. He senses that there are CHB folks who are receptive to what the economic development staff and DDA discuss but worry whether the council will follow through.)

The board acknowledges there are some CHB folks who are not receptive to working with the City at all, and that may never change.

Inclusion in the DDA district was seen as a positive step by those who had talked with someone from the City one-on-one and understood the move was about giving them access to the same incentives and including them in community improvement plans, rather than singling them out as a “problem “area or hammering on them about design standards to make them look like the historic downtown. Three DDA board members own property and/or businesses on the corridor or just off of it, and those who are interested in working with the City and stay informed see that CHB now has a strong voice on DDA. The skeptics are waiting to see what the City will do next.

The area has been included in the district fewer than two years and Perry is moving forward with a major Downtown Development Plan, so removing the area from the district at this time could be perceived as a betrayal. If the CHB corridor is to be removed from the DDA area as the Downtown Development Plan proceeds, it should be done only because the City leadership has a sound reason for doing so, the City has a more suitable alternative plan to work with that district already developed and removal from the DDA district is mutually agreed upon by the City and the CHB folks.



April 11, 2016

To Mayor Jimmy Faircloth, Jr. of Perry, Georgia and Perry City Council,

Because of an oversight on our part, Ibalz Marketing is seeking relief for the COA service charge for the J. Brannen Motors sign on Courtney Hodges Blvd. We have made necessary changes in our policies to insure that we will apply for all permits in the future.

Thank you.

A handwritten signature in black ink that reads "G.L. Dawson".

G.L. Dawson

General Manager

IBALZ Marketing

596 Carl Vinson Parkway

Warner Robins, Ga 31088

GL Dawson • 478-256-7973
gl@ibalz.com

City of Perry

Community Development Department

1211 Washington Street

P.O. Box 2030

Perry, Georgia 31069



www.perry-ga.gov

478.988.2720
Telephone

478-988-2725
Facsimile

March 21, 2016

PMC Capital, LLC
3060 Peachtree Road NW
One Buckhead Plaza Suite 330
Atlanta, GA 30305

Re: 343 General Courtney Hodges Blvd., Perry
P29-7A

To Whom It May Concern:

It has been brought to our attention the building sign erected at 343 General Courtney Hodges Blvd.; Perry was not reviewed or permitted.

As per the Perry Land Development Ordinance (PLDO) Section 2.08 Signage Certificate of Appropriateness – all signs shall require a Certificate of Appropriateness issued by the Economic Development Department prior to erecting the sign. Furthermore, Section 106 of the PLDO governing signage has specific criteria that must be adhered to ensuring compliance and required permitting.

As a result of not obtaining the appropriate review and Certificate of Appropriateness a \$200 service charge will be levied on the utility account for the above noted location. Prior to the implementation of this fee all property and utility account holders were sent a letter in February 2016 advising of the procedures, as well the PLDO is available on the City's website.

The sign still must be submitted for review and permitting by the Community Development Department. Therefore, on receipt of this notice, please forward a color rendering along with the dimensions to comm.development@perry-ga.gov

Your immediate attention to this matter is appreciated and please do not hesitate to contact us with any questions.

Sincerely,

Christine Sewell

Christine Sewell, Administrative Assistant
Community & Economic Development Departments

Cc: 343 Gen. Courtney Hodges Blvd, Perry

343 Gen. Courtney Hodges Blvd.



**City Of Perry
1211 Washington St
P O Box 2030
Perry, GA 31069**

Memo

To: Mayor & Council

From: Anna Elizabeth Nelson 

Date: 04/28/2016

Application for Alcohol License (Beer & Wine - Consumed on Premises):

**Bran Hospitality Perry LLC
D/B/A Hampton Inn
102 Hampton Court
Perry, GA 31069**

Manager: Jaishree Amrit Patel

1st reading _____

2nd reading _____

**Cc: Lee Gilmour
Brenda King
Steve Lynn**



**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
CITY OF PERRY, GEORGIA
PO Box 2030 – 1211 Washington Street
Perry, Georgia 31069
www.perry-ga.gov**

Telephone
478-988-2740

Email
tax.license@perry-ga.gov

Telefax
478-988-2748

1. Full legal name of applicant Jaishree Armit Patel
 2. Applicant's date of birth 02/08/59 Social Security Number [REDACTED]

3. Applicant Contact Information:
 Residence Address 903 Evergreen St Perry, GA 31069
 Cell Phone Number 478.390.9548 Home Phone Number 478.989.0820
 Work Phone Number 478.487.7681 Email ja.armit@perryga.com

* Must provide copy of current valid driver's license (Must be within 30 miles of Perry City limits)

4. Business location 102 Hampton Ct. Perry, GA 31069

5. a. Full legal name of entity operating business Bran Hospitality Perry
 How will business be listed on State application: Bran Hospitality Perry

b. Full legal name of persons/entities having 20% or more interest in above entity
Shrad Armit

c. Name and address of Corporate Officers _____

d. Name, address, and phone number of registered agent _____



CITY OF PERRY, GEORGIA
APPLICATION FOR OCCUPATIONAL TAX CERTIFICATE
 Post Office Box 2030 - 1211 Washington Street - Perry, Georgia 31069
 Office 478-988-2740 Fax 478-988-2748
tax.license@perry-ga.gov

New
 Renewal
 Change

Business Name Hampton Inn Phone Number 478.987.7681

Type of Business: Hotel

Business physical location 102 Hampton Ct Perry GA 31069

Business mailing address 102 Hampton Ct Perry GA 31069
Street or P O Box City State Zip

Number of employees (including manager) 25 NAICS Code _____

Full legal name of applicant Saishree Amit Patel
(Applicant must provide current legal driver's license)

Applicant date of birth 02/08/1959 Social Security Number [REDACTED]

Applicant Contact Information:

Residence Address 903 Evergreen St Perry GA 31069
Street City State Zip

Cell Phone Number 478.396.9548 Home Phone Number 478.987.0870

Work Phone Number 478.987.86081 Email saishree.amit@hampton.com

Full legal name of Owner/Manager/Agent Shrad Amit

Full legal name of entity operating business Bean Hospitality Perry

Full legal name of persons/entities having 20% or more interest in operating entity.
Shrad Amit

Business federal employer identification number 30-0103863

Business state employer identification number _____

State sales and use tax identification number 20015185139

Please list any other associated trade names for the business Bean Hospitality Perry

I, the applicant hereinabove set forth, after being duly sworn, under oath states the foregoing information is true and correct to my best knowledge and belief. So help me God.

This 25 day of January, 20 16.

[Signature]
 Applicant Signature

01/25/16
 Date

FOR OFFICE USE ONLY
 The above is a "new business" or a "change of location" and is hereby given clearance to occupy the above location and conduct business in the City of Perry. NOTE: Clearance is not required if application is a renewal of occupational tax certificate for same location.
[Signature]
 Community Development Department
4/28/16
 Date

6. License applied for (INITIAL ONE)

- (a) Malt Beverage (Beer) Retail
 - (1) Packaged to go _____
 - (2) To be consumed on the premises JA
- (b) Wine - Retail
 - (1) Packaged to go _____
 - (2) To be consumed on the premises JA
- (c) Intoxicating Liquor (Packaged) _____
- (d) Intoxicating Liquor (By The Drink) _____

7. I am a legal resident of Huson County, Georgia and have been since 1988

8. If my application is approved, I certify: (PLEASE INITIAL EACH ONE)

- (a) That I will abide by all the requirements of the Perry code, laws of the State of Georgia, and regulations of the State Department of Revenue. JA
- (b) That I will abide by the opening and closing hours and the days on which sales are prohibited as set forth in the Perry Code. JA
- (c) That I have never been convicted of any felony involving moral turpitude, any felony not involving moral turpitude (within the last ten years next preceding the filing of this application for such license) or the violation of any law involving alcoholic beverages, gambling, or tax law violations. JA
- (d) That I will not attempt to transfer any license granted except under the terms and conditions as is set forth in the Perry Code. JA
- (e) That the business in which I propose to sell alcoholic beverages to be consumed on the premises is not within 100 yards of a church, school ground, or college campus (unless applicant previously held the type alcoholic beverage license applied for prior to July 23, 1974). JA
- (f) That if a license as applied for is granted, I will allow my business premises to be open to inspection at any time by City officials authorized to conduct inspection of business premises. JA
- (g) That should I fail to comply with the City Code, laws of the State of Georgia, or regulations of the Department of Revenue, I understand that my license can be suspended and that no license fees paid shall be refundable. JA
- (h) That if a license is granted to me, I will sell in the original unbroken package only and shall sell no package containing less than one-half pint and will not allow alcoholic beverages to be consumed on the premises (complete this on all applicants except liquor by the drink application and malt beverage and wine to be consumed on the premises applications). JA
- (i) That the building in which alcoholic beverages are to be sold has been completed according to the Southern Standard Building Code and evidence of ownership of said building or a copy of the lease to said premises is attached hereto. JA
- (j) That I am the holder of the following alcoholic beverage licenses in the State of Georgia (list the type license and the governmental identity issuing such license and if none, so state): None JA

9. List last three places employed:

Company Melnat Enc
 Business Subway
 Position Manager
 Supervisor _____
 Telephone (478) 825 3009

Address (include zip code) 207 Commerce High Rd. Fayetteville 31030
 Employed from 1989 to 2008
 Monthly Earnings \$4000
 Reason for leaving another job.

Company Branham's by Vidalia
 Business Hampton Inn
 Position G.M.
 Supervisor _____
 Telephone (410) 526-0235

Address (include zip code) 3303 US Hwy 280 E. Vidalia GA 30494
 Employed from 2008 to 2009
 Monthly Earnings \$4500
 Reason for leaving More Acc to Perry

Company Bran Hospitality Perry
Business Hampton Inn
Position G.M.
Supervisor _____
Telephone (478) 982-7681

Address (include zip code) 102 Hampton Court Perry GA 31066
Employed from 2009 to Now
Monthly Earnings \$5000
Reason for leaving _____

10. List three references: Name, Address (include zip code) and Phone Number

- (1) Rahul Kaushik 1609 E Lamar St Americus GA 31705 (229) 942-5542
- (2) Kala King 106 Sauls Branch Hwy Sts 1065 (478) 972-5941
- (3) Melissa Ramonday 1857 Sterling ock crl^{NE} Attlys GA (478) 356-8782

11. List last three residential addresses:

- (1) 903 Evergreen St Perry, GA 31069
- (2) 901 Evergreen St Perry, GA 31069
- (3) 1025 Lawson Dr Perry, GA 31069

12. Do you have any kind of record other than traffic violation? No If so, state _____

13. The required annual license fee or fees is attached hereto in the amount of \$ 1190

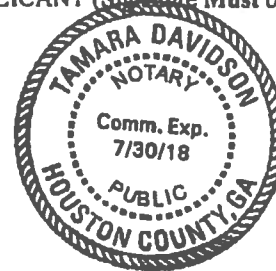
I, the applicant hereinabove set forth, after being duly sworn, under oath states the foregoing information is true and correct to my best knowledge and belief. So help me God.

This 25 day of January, 2016.

APPLICANT (Signature Must be notarized)

Sworn to and subscribed before me the day and year first above written.

NOTARY PUBLIC



(To be completed by City Manager)

- | | |
|--|---|
| 1. Date of first reading by Council _____ | 6. Action required by Council prior to approval _____ |
| 2. Recommended by Director of Community Development <u>4/28/16</u> | 7. Date of second reading by Council _____ |
| 3. Not recommended by Director of Community Development <u>4/28/16</u> | 8. Date approved by Council _____ |
| 4. Recommended by Chief of Police <u>4/26/16</u> | 9. Date disapproved by Council _____ |
| 5. Not recommended by Chief of Police _____ | |

CITY MANAGER, City of Perry

Private Employer Affidavit Pursuant to O.C.G.A. § 36-60-6(d)

By executing this affidavit under oath, as an applicant for a(n) occupational tax certificate [business license, occupational tax certificate, or other document required to operate a business] as referenced in O.C.G.A. § 36-60-6(d), from City of Perry, Georgia [name of county or municipal corporation], the undersigned applicant representing the private employer known as Bran Hospitality Perry Inc [printed name of private employer] verifies one of the following with respect to my application for the above mentioned document:

- 1. Only fill out this section if the current date is on or before June 30, 2013. Select Only One.
 - (a) _____ On January 1st of the below signed year the individual, firm, or corporation employed one hundred (100) or more employees. *If the employer selected 1(a) please fill out Section 3 below.*
 - (b) _____ On January 1st of the below signed year the individual, firm, or corporation employed less than one hundred (100) employees.
- 2. Only fill out this section if the current date is on or after July 1, 2013. Select Only One.
 - (a) X On January 1st of the below signed year the individual, firm, or corporation employed more than ten (10) employees. *If the employer selected 2(a) please fill out Section 3 below.*
 - (b) _____ On January 1st of the below signed year the individual, firm, or corporation employed ten (10) or fewer employees.
- 3. The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6(a). The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are as listed below:

30-0103863 2004
 Federal Work Authorization User Identification Number Date of Authorization

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties allowed by such statute.

Executed on the 28th date of April, 2016 in Perry (city), GA (state)

X [Signature]
Signature of Authorized Officer or Agent

X Jayshree A. Patel
Printed Name of and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE 28th DAY OF April, 2016.

[Signature]
NOTARY PUBLIC

My Commission Expires:
3/29/2020

ELIZABETH NELSON
NOTARY PUBLIC
HOUSTON COUNTY, STATE OF GEORGIA
MY COMMISSION EXPIRES 03/29/2020



LIMITED-TERM
DRIVER'S LICENSE



DL NO. CLASS C DOB 0
JAISHREE A EXP 02/26/2021
PATEL

903 EVERGREEN ST
PERRY, GA 31069-3401
HOUSTON
Restrictions A End NONE
Iss 02/26/2018

Sex F Eyes BRO
Hgt 5'-05" Wgt 190 lb
DD1263602374410048995