



Where Georgia comes together.

[www.perry-ga.gov](http://www.perry-ga.gov)

---

June 1, 2021

PRE COUNCIL AGENDA  
PERRY EVENTS CENTER  
1121 MACON ROAD, PERRY, GA 31069

5:00 PM

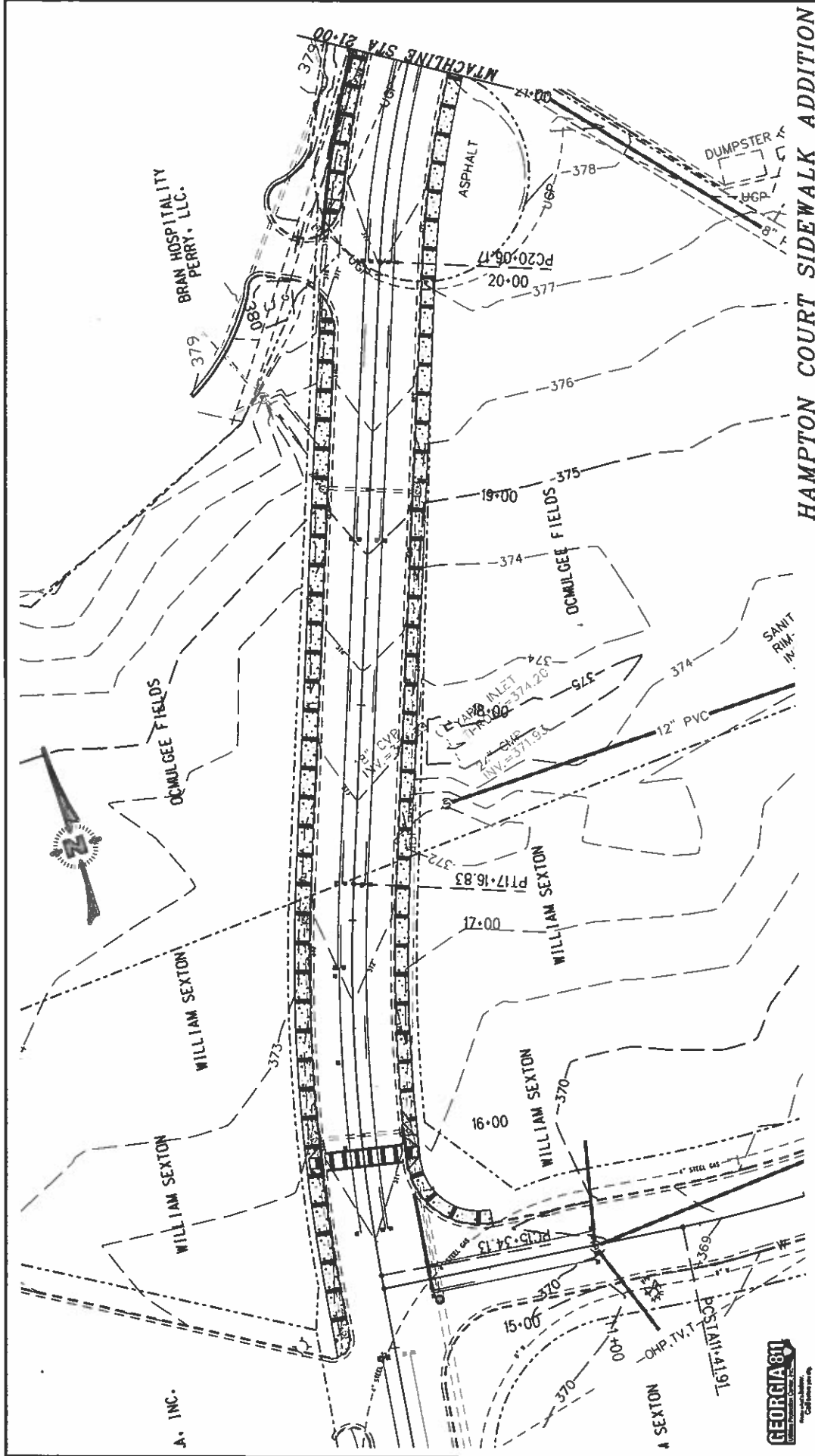
---

**To join the meeting by Facebook:** Use this URL - [facebook.com/cityofperryga](https://facebook.com/cityofperryga)  
This will allow you to view and hear the meeting.

1. Call to Order: Mayor Randall Walker, Presiding Officer.
2. Roll:
3. Items of Review/Discussion: Mayor Randall Walker
  - 3a. Discussion of June 1, 2021 council meeting agenda.
  - 3b. Office of the City Manager
    1. Discuss Hampton Court sidewalk project – Mr. L. Gilmour.
  - 3c. Community Development Department
    1. Consider accepting Garden Drive for maintenance – Mr. B. Wood.
    2. Discuss options relative to Home Occupations and Residential Business – Mr. B. Wood.
4. Council Member Items:
5. Adjourn.

**Hampton Court Sidewalk Addition**  
**Estimate of Probable Construction Cost**  
 May 12, 2021

<b>Item Number</b>	<b>Quantity</b>	<b>Unit</b>	<b>Description</b>	<b>Unit Prices</b>	<b>Extension</b>
1	1	Lump	Traffic Control	\$5,000.00	\$5,000.00
2	500	Lin Ft	Type A Silt fence	\$3.50	\$1,750.00
3	700	Sq Yd	Concrete Sidewalk	\$50.00	\$35,000.00
4	170	Lin Ft	8" Thermoplastic Striping	\$6.00	\$1,020.00
5	13	Each	Light Poles	\$8,000.00	\$104,000.00
6	0.35	Acre	Permanent Grassing	\$3,500.00	\$1,225.00
<b>Subtotal Construction</b>					<b>\$147,995.00</b>
				10% Contingency	\$14,799.50
<b>Total Estimated Constr Cost</b>					<b>\$162,794.50</b>
<b>Items Required to Construct Sidewalk Entirely on West Side of Hampton Court</b>					
7	1	Lump	Relocated Ga Power Terminating Cabinet	\$40,000.00	\$40,000.00
8	1	Lump	Relocate Existing Water Vault	\$20,000.00	\$20,000.00
9	1	Lump	Retaining Wall	\$10,000.00	\$10,000.00
<b>Subtotal Construction</b>					<b>\$70,000.00</b>
				10% Contingency	\$7,000.00
<b>Total Estimated Constr Cost</b>					<b>\$77,000.00</b>



**CONSTRUCTION PLANS**  
 CITY OF PERRY, GEORGIA  
 CITY OF PERRY  
 1211 PERSHINGTON STREET  
 SAUNDERS ENGINEERING CONSULTANTS, INC.  
 104-C GUM ROAD, CONNERSVILLE, GA 31028  
 (478) 853-1228 (478) 853-1248 FAX

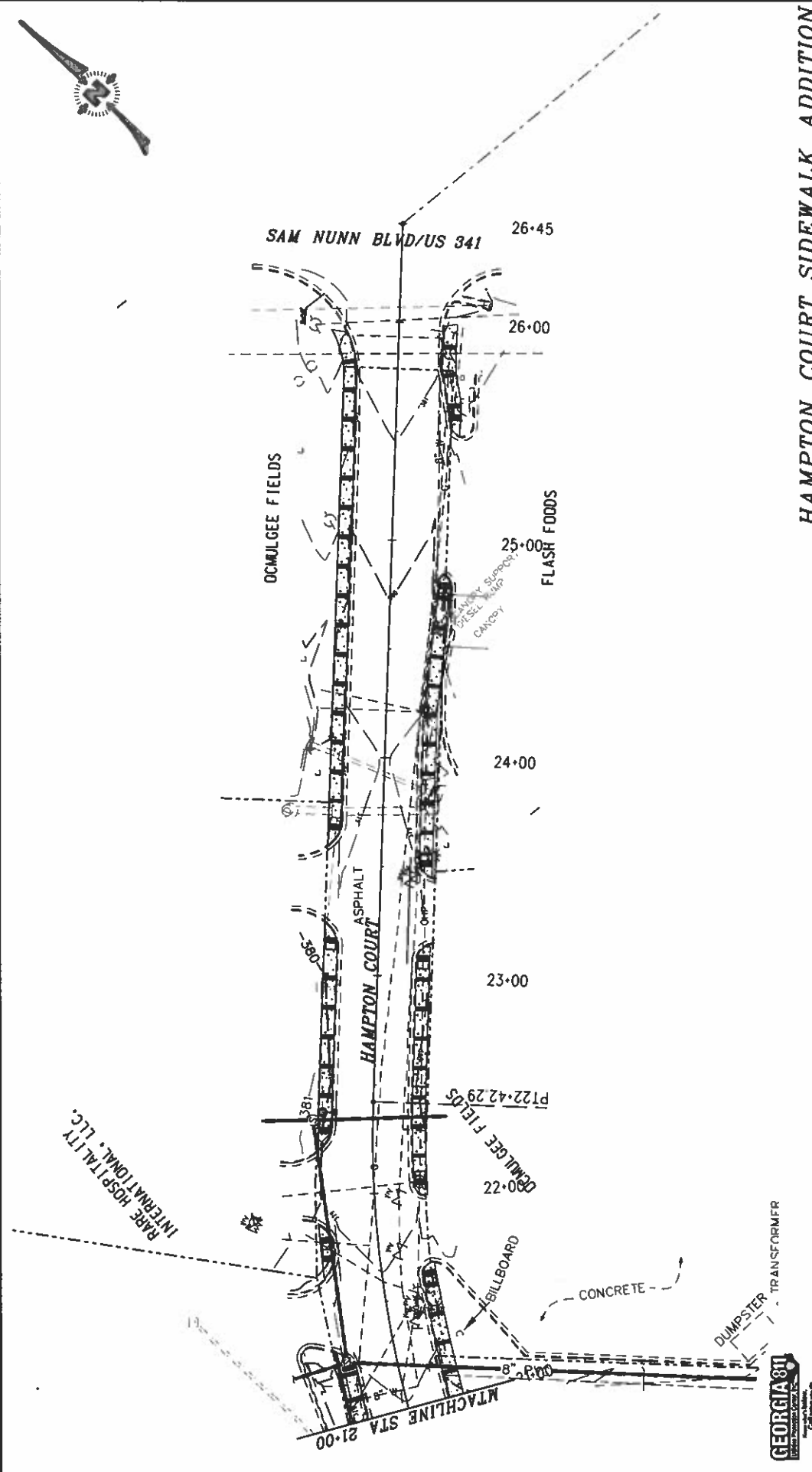


DATE	REVISIONS	DATE	REVISIONS



**SAUNDERS ENGINEERING CONSULTANTS, INC.**  
 104-C GUM ROAD, CONNERSVILLE, GA 31028  
 (478) 853-1228 (478) 853-1248 FAX





**HAMPTON COURT SIDEWALK ADDITION**

		<p>CONSTRUCTION PLANS          CITY OF PERRY, GEORGIA          CITY OF PERRY STREET          1211 PERRY, GA 31069          SAUNDERS ENGINEERING CONSULTANTS, INC.          104-C GUNN ROAD, CENTERVILLE, GA 31208</p>	
DATE	REVISIONS	DATE	REVISIONS
<p>SCALE</p> <p>Graphic scale in feet</p>		<p>SAUNDERS          Engineering          Consultants, Inc.          104-C Gunn Road, Centerville, GA 31208          (478) 553-1228 (478) 553-1248 Fax</p>	

## Lee Gilmour

---

**From:** Lee Gilmour  
**Sent:** Friday, May 21, 2021 9:47 AM  
**To:** Bryan Wood  
**Cc:** Robert Smith; Chad McMurrian  
**Subject:** RE: Garden Drive, Perry GA

Bryan  
Place on 6.14.21 work session agenda for consideration of council.



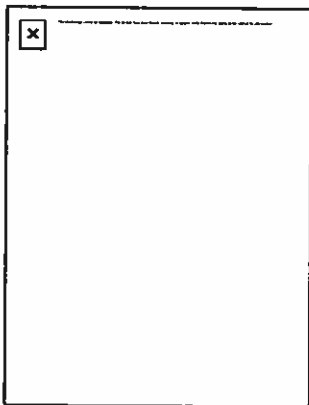
**Lee Gilmour**  
City Manager  
**City of Perry**  
1211 Washington Street  
P.O. Box 2030  
Perry, GA 31069  
T 478-988-2703 F 478-988-2705  
<http://www.perry-ga.gov>

## Where Georgia comes together.

**From:** Bryan Wood <bryan.wood@perry-ga.gov>  
**Sent:** Friday, May 21, 2021 8:46 AM  
**To:** Lee Gilmour <lee.gilmour@perry-ga.gov>  
**Cc:** Robert Smith <robert.smith@perry-ga.gov>; Chad McMurrian <chad.mcmurrian@perry-ga.gov>  
**Subject:** Fw: Garden Drive, Perry GA

Mr. G,

Please see the request below regarding accepting Garden Drive for maintenance. The City approved a subdivision in 2013 with three lots having access on Garden Drive (2 as their only access). See attached plat.



**Bryan  
Wood**  
Community  
Development  
Director  
**City of Perry**  
1211 Washington  
Street  
P.O. Box 2030  
Perry, GA 31069  
Office 478-988-  
2714  
Mobile 478-235-

751158

**SUBDIVISION SURVEY**  
**BAY CREEK PLANTATION**  
 PHASE ONE FARMS 1 THROUGH 5  
 IN LAND LOTS 2 & 3 OF THE 9TH LAND DISTRICT  
 PERRY, GASTON COUNTY, GEORGIA  
 SEPTEMBER 25, 2013

- LEGEND**
- 1/2" IRON REBAR SET
  - IRON PIPE FOUND
  - IRON PIPE FOUND
  - NON-MONUMENTED POINT

**REFERENCES:**  
 DEED BOOK 6841, PAGE 179  
 DEED BOOK 6841, PAGE 180  
 PLAT BOOK 63, PAGE 129

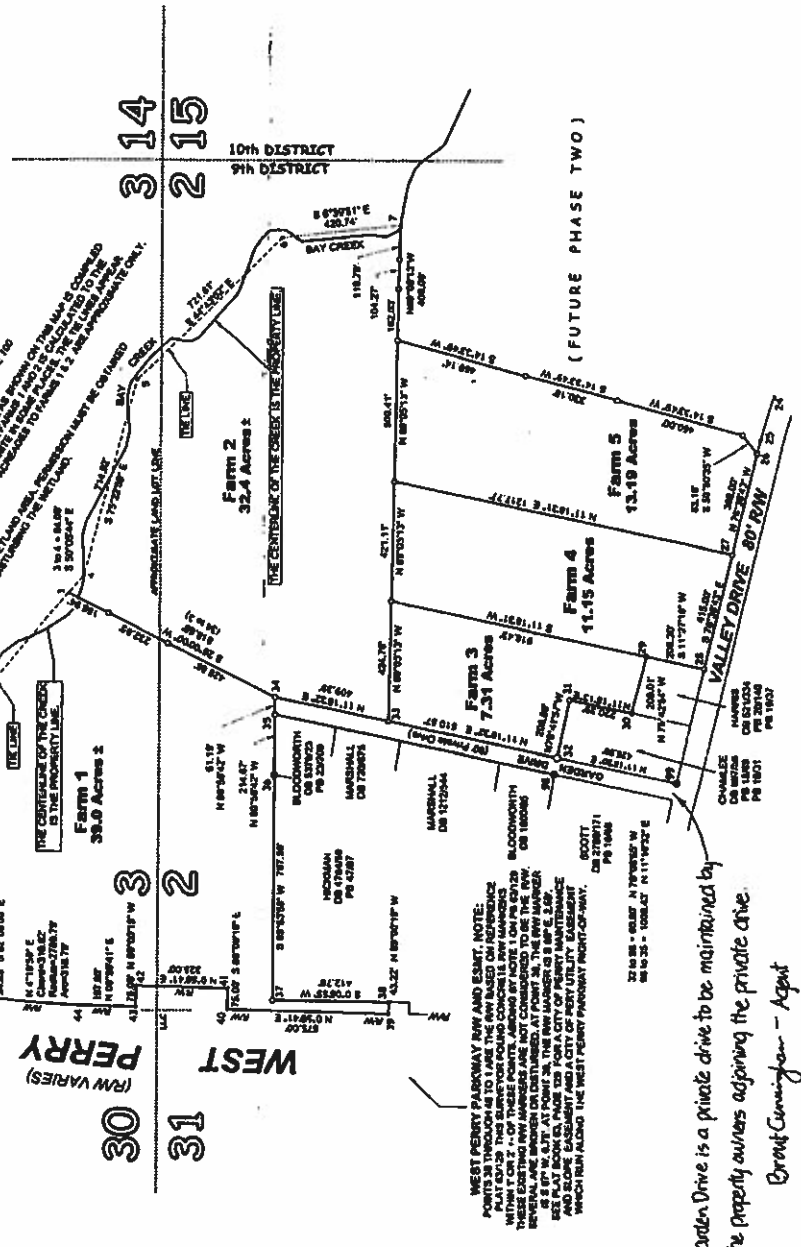


Date: 9/26/13  
 Owner's Name: Brent Cunningham  
 Agent:

The field data upon which this plat is based has a closure precision of one foot in 30,378 feet and an angular error of 04" per angle point, and was adjusted using the Compass Rule. Measurements were made using a Topcon GTS-301D Total Station. This plat has been calculated for closure and is found to be accurate within one foot in 92,371 feet. This survey was prepared in conformity with the current Technical Standards For Property Surveys in Georgia. Field Work: September, 2013  
 This surveyor does not guarantee that all easements which may affect this property are shown.

BY BRENT CUNNINGHAM AND CO., INC. - LAND SURVEYORS  
 310 W. MAIN ST., SUITE 200, FARMINGDALE, GA 31406  
 478-656-3895, bcc@brentandco.com

NORTH IS BASED ON PG 63128



**WEST PERRY PARKWAY ROW AND EASEMENT NOTE:**  
 POINTS 28 THROUGH 45 TO LANE THE ROW BASED ON REFERENCE PLAT 633. THIS SURVEYOR FOUND CONCRETE ROW MARKERS AT POINTS 28 THROUGH 45. THESE CONCRETE ROW MARKERS ARE NOT CONSIDERED TO BE THE BOUNDARY OF THE ROW. THE ROW BOUNDARY IS THE CENTERLINE OF THE ROAD AND SLOPE EASEMENT AND A CITY OF PERRY UTILITY EASEMENT WHICH RUNS ALONG THE WEST PERRY PARKWAY FRONT-OF-YARD.

Garden Drive is a private drive to be maintained by the property owners adjoining the private drive.  
 Brent Cunningham - Agent

751158  
 DEED BOOK 6841, PAGE 179  
 DEED BOOK 6841, PAGE 180  
 PLAT BOOK 63, PAGE 129

APPROVED FOR RECORDING  
 [Signature]  
 Surveyor, Georgia  
 CITY OF PERRY, GEORGIA  
 DATE: 9/26/13

2537  
<http://www.perry-ga.gov>



---

**From:** Waits, Tracy H [US] (AS)  
**Sent:** Wednesday, May 19, 2021 11:55 AM  
**To:** Bryan Wood <[bryan.wood@perry-ga.gov](mailto:bryan.wood@perry-ga.gov)>  
**Cc:** Tracy Waits  
**Subject:** Garden Drive, Perry GA

Hi Bryan,

Thank you for speaking with me this morning. As we discussed, we are in the early stages of building a house on our property at the end of Garden Drive, 120/125 Garden Drive, and have run into some issues regarding access to a city maintained road. I do not have the details and history of Garden Drive being a "private" road but it is in our names (Marcus and Tracy Waits). We would like to explore the option of donating Garden Drive to the city of Perry for proper maintenance.

Please let me know if you need any other information to present my request to City Council.

Thank you,  
Tracy Waits



## Memorandum

---

**To:** Mayor and City Council  
**Cc:** Lee Gilmour, City Manager; Robert Smith, Assistant City Manager  
**From:** Bryan Wood, Community Development Director  
**Date:** May 20, 2021  
**Re:** Home Occupations and Residential Businesses

The information below is provided for your information and consideration as a follow-up to comments by Councilwoman Peterson at the May 17, 2021 Work Session.

The Land Management Ordinance (and prior Land Development Ordinance) establishes two types of business classes which may be conducted at a residence, subject to certain standards: Home Occupation and Residential Business. The two main differences between the two classes are:

- Home occupations do not allow clients, customers, or employees at the home. This business type can be approved administratively. Examples are office uses for consulting businesses or landscaping maintenance businesses. This type of home business is not expected to disrupt the residential character of the house or the neighborhood. When conducted properly, neighbors should not know a business is operated from the home.
- Residential businesses are ones in which clients or customers visit the home. This business type requires public notice and a special exception from City Council. Examples are a home day care and hair salon.

Both business types are considered an accessory use to the primary residential use of the property. A copy of the standards for accessory uses and each business type is attached for your information.

Home occupations have traditionally been associated with the service businesses. With the rise of the "Makers Economy" and online marketplaces like Etsy.com and Poshmark.com, we are seeing an increase in the number of home occupation requests for the online sale of handmade products and other merchandise.

The planning staff reviews all applications for home occupation, typically submitted with an application for occupational tax certificate. The business activity is evaluated for compliance with established standards. Applicants are questioned if clarification is needed. Nearly all home occupation applications are approved. Not all approved home occupations succeed. Those approved at a rented home move when the tenant moves. Like nearly all enforcement activities, Staff relies on complaints for enforcement of home occupations. Because of the nature of these businesses, complaints have been few. I do not recall any specific home occupation complaints but cannot say there have been none. When a complaint is received, Staff investigates and addresses any violation with the business owner.



163 home occupation permits were issued between 2015 and 2020 with a marked increase in recent years (the table below lists the number issued by year).

Home Occupation Permits issued by Year

2015	2016	2017	2018	2019	2020
10	16	21	22	44	50

Residential businesses will have some impact on a neighborhood because clients or customers will come to the home. Public notice and consideration by the Planning Commission and City Council provide neighbors opportunity to express concerns they may have. Between 2015 and 2020 twelve residential business applications were considered: Nine were approved; one was denied; one was withdrawn; and one was withdrawn and revised as a home occupation. The table on the next page identifies these applications, indicates the number of persons expressing opposition at the informational and public hearings, and the final decision. During this period Staff received three complaints about residential businesses:

1. A special exception for home day care on Blackhawk Lane was approved in 2018. While no opposition was expressed at the informational and public hearings, a neighbor did attend to listen to the discussion. The applicant stated that parents would pull into the driveway to drop-off and pickup children. Once the business started the neighbor complained that parents were using the street rather than the driveway. Staff contacted the business owner to inform her that this had to be corrected. We contacted the neighbor to let him know of our actions and to let us know if the issue continued. We have not received any other complaints on this business.
2. In 2018 Staff received complaints about on-street parking and a possible business being operated on Parkview Grove. Staff contacted the property owner who then applied for a special exception for residential business. Based on the information and testimony provided by the applicant staff and the planning commission recommended approval of the application. After the Planning Commission recommendation, staff became aware of activities that were inconsistent with the application. Staff investigated, determined the applicant provided false information, and revised its recommendation to denial at the City Council meeting. Council denied the application and the business was moved to a commercial location.
3. In 2020 Staff received a complaint about a possible woodworking/furniture repair business in Houston Springs. Based on the information we could gather Staff determined that a business was being conducted. The owner appealed the administrator's decision. The Planning Commission determined the activity to be a hobby, not a business, and reversed the administrator's decision.

Based on the number of home occupation permits issued, the process for granting residential business permits, and the number of complaints received, Staff believes the current process of review, approval, and enforcement is working. However, we are open to adjusting the process at Council's direction.

Special Exceptions for Residential Business 2015-2020

Year	Business Activity	Location	Opposition at PC	Reason	PC Rec	Opposition at CC	Reason	CC action	Notes
2015	Day Care	Milton Way	1	Traffic	Approval	0		Approved	No known complaints
2016	Day Care	Spring Creek Dr	0		Denial			-	Application was withdrawn
2017	Tax Service	Swift St	3	Traffic, Commercial encroachment	Approval w/ Conditions	2	Business in historic/residential neighborhood	-	Applicant revised application as a home occupation – approved administratively; no known complaints
	Photography	Grand Reserve Way	0		App w/ conditions	0		Approved	No known complaints
	Hair Salon	Flowing Meadows Dr	0		App w/ Conditions	0		Approved w/ conditions	No known complaints
2018	Tanning Salon	Parkview Grove	1	Parking	App w/ Conditions	1	Parking and traffic	Denied	Moved business to a commercial location
	Pet Groomer	Woodland Dr	0		App w/ conditions	0		Approved w/ Conditions	No known complaints
	Hair Salon	Oakridge Dr	0		App w/ conditions	0		Approved w/ conditions	No known complaints
	Day Care	Blackhawk Lane	0		App w/ conditions	0		Approved w/ conditions	1 complaint: Not parking in driveway for drop-off/pickup; Staff contacted applicant to correct and informed complainant; no further complaints
2019	Pet Groomer	Elizabeth Ave	1	Dogs breaking free of leash	App w/ conditions	0		Approved w/ conditions	No known complaints
	Day Care	Kendall Ct	0		App w/ conditions	0		Approved w/ conditions	No known complaints
	Day Care	Chaparral Dr	0		App w/ conditions	0		Approved w/ conditions	No known complaints
2020	None								

**Sec. 4-4. - Accessory uses and structures.**

**4-4.1. Purpose.** This section authorizes the establishment of accessory uses and structures that are incidental, customarily associated with, and subordinate to principal uses. The city's intent is to allow a broad range of accessory uses provided such uses are located on the same lot as the principal use and comply with the performance criteria set forth in this section.

**4-4.2. General development and operational standards.**

- (A) **Compliance with ordinance requirements.** All accessory uses, structures, and activities shall be subject to the applicable general, dimensional, operational, and use-specific regulations set forth in this chapter, including the regulations that apply to the associated principal use. In case of any conflict between the accessory use/structure standards of this section and any other requirement of this chapter, the standards of this section shall control.
- (B) **Time of establishment.** No accessory use or structure shall be permitted on the subject lot until after the principal structure is permitted.
- (C) **General conditions.** All accessory uses and structures shall:
  - (1) Be clearly incidental and customarily associated with the principal use;
  - (2) Not involve the conduct of trade on the premises;
  - (3) Be located and conducted on the same lot as the permitted principal use or structure; and
  - (4) Be operated and maintained under the same ownership as the permitted principal use.
- (D) **Location of accessory structures.** Unless otherwise specified, all accessory structures shall comply with the following general location requirements:
  - (1) An accessory structure may be located only in the side or rear yards of the principal building.
  - (2) Accessory structures shall be located at least ten (10) feet from any principal or other accessory structure.
  - (3) No accessory structure shall be located within any platted or recorded easement or over any utility.
- (E) **Maximum height.** The maximum allowed height for an accessory structure located at the setback shall be 20 feet; the maximum height may be increased one foot for each one foot of increase in setback beyond the minimum to a maximum height of 25 feet. In no case shall an accessory structure be taller than the associated principal structure.
- (F) **Maximum floor area.**
  - (1) **Accessory to residential uses.** The maximum floor area of all structures accessory to residential uses may be 500 square feet or 50 percent of the total floor area of the principal structure, whichever is greater. A covered breezeway which connects an accessory structure to the principal structure shall not be enclosed, shall be a maximum of six feet wide, and shall be included in the building coverage and maximum floor area calculations of accessory structures.
  - (2) **Accessory to nonresidential and agricultural uses.** The maximum floor area of all structures accessory to nonresidential uses shall not exceed ten percent of the lot area on which the permitted principal use is located.
- (G) **Residential occupancy.** No accessory structure shall be used for a residence except as authorized by the decision-making body to be occupied by resident caretakers.
- (H) **Approval of accessory uses and structures.** Unless otherwise specified, an accessory use or accessory structure shall be treated as a permitted use in the district in which it is located. An accessory use or structure may be approved in conjunction with approval of the principal use or structure.
- (I) **Temporary accessory uses and structures.** Temporary accessory uses and structures shall be governed by the standards and temporary use permit procedures set forth in subsections 19-2.3.11 and section 19-4.5 of this chapter.

**4-4.3. Standards for specific accessory uses and structures.**

- (C) **Home occupation.** A home occupation permit may be issued subject to the following standards:
  - (1) **Where allowed.** The home occupation shall be operated entirely within the dwelling unit or a related accessory building.

- (2) *Who may operate.* Only by the persons maintaining residence on the lot may operate a home occupation. If the persons maintaining residence are not the owners, the property owner's permission must be provided.
- (3) *Area.* The combined floor area of a home occupation shall not exceed 25 percent of the floor area of the principal structure.
- (4) *Employees.* A home occupation may employ no more than one person who is not a resident in the applicant's home.
- (5) *Operational requirements.*
  - (a) The home occupation shall not involve the retail sale of merchandise except for products related directly to services performed.
  - (b) No merchandise shall be displayed in such a manner as to be visible from off the premises.
  - (c) No outdoor storage shall be allowed in connection with any home occupation.
  - (d) No alteration of the residential character of the premises may be made and the hours and the manner in which the home occupation is conducted shall not be allowed to create a nuisance or disturbance.
- (6) *Business owner.* The business must be owned by the owner of the property on which the home occupation is located, or the business owner must have written approval of the owner of the property if the applicant is a tenant.
- (7) *Parking.* Off-street parking shall be provided in accordance with the requirements of section 6-1, off-street parking and loading.
- (8) *Prohibited home occupations.* The following uses are prohibited as home occupations:
  - (a) Landscaping business, other than office use;
  - (b) Commercial greenhouse;
  - (c) Contractor's business, other than office use;
  - (d) Beauty salon or barber shop;
  - (e) Automotive repair;
  - (f) Furniture repair or cabinet shop;
  - (g) Physician's or chiropractor's clinic;
  - (h) Fortune telling.

- (D) Residential business.** A residential business may only be allowed by special exception. Residential businesses are small offices or small-scale retail or service businesses which are clearly incidental and secondary to the use of the dwelling for residential dwelling purposes. In addition to, and which fully comply with the following standards:
- (1) Residential businesses may include but are not limited to beauty shops, barber shops, professional offices and minor repair shops.
  - (2) Residential businesses shall not include the repair and/or maintenance of motor vehicles, large scale manufacturing or any use, which will create noise, noxious odors, or any hazard that may endanger the health, safety or welfare of the neighborhood.
  - (3) The residential business shall not involve group instruction or group assembly of people on the premises.
  - (4) The business or profession must be conducted entirely within the dwelling.
  - (5) The dwelling must be the bona fide residence of the principal practitioner at the time of the application and, if approved, the residential business shall be valid only as long as the principal practitioner resides in the dwelling, is conducting business and has a current business certificate.
  - (6) Residential businesses shall be limited to no more than twenty-five (25) percent of the total heated floor area of the residence.
  - (7) There will be no changes which would alter the character of the dwelling or reveal from the exterior that the dwelling is being used in part for other than residential purposes.
  - (8) The portion of the residence in which the business is conducted shall be completely enclosed in a manner that the business is not visible from the surrounding property.

- (9) No outside storage is allowed.
- (10) Property on which the residential business is proposed must have frontage on a public road.
- (11) Off-street parking shall be provided in accordance with the requirements of section 6-1, off-street parking and loading.
- (12) Access by customers and/or clients shall be 8:00 am through 6:00 pm, Monday through Saturday.
- (13) One commercial vehicle may be parked in the approved parking area on the property.
- (14) A utility trailer needed for the operation of the business must be specifically requested and approved by the Planning Commission.