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Planning Commission Agenda
Monday, June 12, 2023 – 6:00pm
Perry Events Center 1121 Macon Road, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from May 8, 2023 and work session May 22, 2023
5. Announcements
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place cell phones in silent mode.
6. Citizens with Input
7. Old Business
8. New Business
 - A. Public Hearing (Planning Commission decision)
 - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on July 18, 2023)
 - **RZNE- 0070-2023.** Rezone property at 120 Sparrow Street from R-AG, Residential Agricultural to R-1, Single Family Residential. The applicant is Colby Carkoski.
 - **RZNE- 0075-2023.** Rezone property at 101 Big Indian Creek Drive from R-3, Single Family Residential to RM-1, Multi-Family Residential. The applicant is Wilnis Louis.
 - **TEXT-0024-2023.** Revise Section 6-9, sign regulations. The applicant is the City of Perry.
 - **TEXT-0076-2023.** Establish short-term rental permit procedures and standards, delete provisions for bed and breakfast inns, add provisions for interpretation by administrator and appeal of decision of the administrator.
9. Other Business
10. Commission questions or comments
11. Adjournment

All meetings of the Planning Commission are open to the public.
(478) 988-2720

<https://perry-ga.gov/business-services/community-development/planning-and-zoning>

Planning Commission Agenda
Minutes - May 08, 2023

1. Call to Order: Chairman Edwards called the meeting to order at 6:00pm.
2. Roll Call: Chairman Edwards; Commissioners Butler, Guidry, Mehserle, Moody and Ross were present. Commissioner Jefferson was absent.

Staff: Bryan Wood – Community Development Director and Christine Sewell – Recording Clerk

Guests: Bryan Strange – WCH Homes

3. Invocation: was given by Commissioner Moody
4. Approval of Minutes from April 10, 2023, and work session April 24, 2023
Commissioner Moody motioned to approve as submitted; Commissioner Guidry seconded; all in favor and was unanimously approved.
5. Announcements Chairman Edwards referred to the notices as listed
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place cell phones in silent mode.
6. Citizens with Input- None
7. Old Business – None
8. New Business
 - A. Public Hearing (Planning Commission decision)
 - **PLAT-0032-2023**. Preliminary Plat for the Encore at the Parkway. The applicant is Wingate Custom Homes.

Mr. Wood advised the proposed preliminary plat is consistent with the approved PUD plan and the approved PUD standards, except as identified in the recommendation. The zoning of property is a PUD, Planned Unit Development and will be single-family attached and detached residential with 119 Townhouse lots, 166 single-family detached lots and open space of 28.97 acres. Mr. Wood advised approval is recommended with the following conditions: 1). Rear setback for lots FL2 – FL17 and FL49 – FL53 shall be 35 feet; 2). The developer shall construct and furnish a pocket park consistent with plans approved by the Planning Commission; 3). The street named “Union Court” shall be a continuation of “Bridgeway Road”; 4). Developer shall submit evidence of Houston County E911 approval of street names.

Chairman Edwards opened the public hearing at 6:07pm and called for anyone in favor of the request. Mr. Bryan Strange with WCH Homes had no additional information to add and concurred with the staff recommendations. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:08pm.

Commissioner Butler motioned to approve of the application as submitted including four staff conditions; Commissioner Ross seconded; all in favor and was unanimously approved.

Mr. Wood advised the applicant had also submitted plans for the pocket parks and presented renderings of what will be provided that will include Dog Park, Playground, Exercise Park, and Gazebo area. Mr. Wood advised he foresaw no issues with what was presented and it was more than anticipated and recommended approval. Commissioner Butler motioned to approve the park plan as presented; Commissioner Moody seconded; all in favor and was unanimously approved.

B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on June 6, 2023)

- **TEXT-0062-2023.** Amend the LMO to comply with changes to State law by modifying Sections 2-2 and 4-1.2, and by deleting Section 2-3.6. The applicant is the City of Perry.

Mr. Wood advised the request was to amend Article 2, Procedures, and Section 4-1.2, Table of Uses to comply with changes to the Zoning Procedures Law. The State of Georgia adopted modifications to the Zoning Procedures Law which defines the City's Planning Commission as a "Quasi-Judicial" board. As such notice of the Planning Commission hearings was increased from 15 days to 30 days prior to the hearing. The City's "Conditional Use" category would fall under the Commission's purview, rather than being an administrative review. The amendment deletes the procedures for conditional use permits and changes all conditional uses in the Table of Uses to permitted uses. The same conditions, or additional requirements, still apply. The change to the Zoning Procedures Law also imposes additional public notice and hearing requirements when the city proposes to amend the zoning map or the Land Management Ordinance in a manner that would allow multi-family uses in an existing single-family residential zone. Mr. Wood noted this text amendment addresses these changes by separating the notice requirements for informational and public hearings from the other procedures for conducting such hearings.

Chairman Edwards opened the informational hearing at 6:15pm and called for anyone in favor or opposed to the request; there being none the informational hearing was closed at 6:16pm.

Commissioner Ross motioned to recommend approval to Mayor & Council of the text amendment as presented; Commissioner Mehserle seconded; all in favor and was unanimously recommended for approval.

9. Other Business – Mr. Wood solicited input on meeting time change for work sessions as conflicts with Commissioners have risen. Still recommending the 4th Monday but suggested 5:30pm or 6:00pm. The Commission elected to keep on the 4th Monday but begin at 5:30pm.

Mr. Wood provided a draft of a short-term rental ordinance in follow up to April's work session. An appeal process, standards and separation requirements, along with number of occupants, parking and restrictions have been included. Mr. Wood asked for the Commission to review and provide further input at the May work session.

10. Commission questions or comments – None

11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:33pm.

Planning Commission Work Session
Minutes - May 22, 2023

1. Call to Order: Chairman Edwards called the meeting to order at 5:30pm.
2. Roll Call: Chairman Edwards; Commissioners Butler, Ross, Moody, Jefferson and Guidry were present. Commissioner Mehserle was absent.

Staff: Bryan Wood – Community Development Director, Chad McMurrian – Engineering Services Manager, and Christine Sewell – Recording Clerk

3. Invocation- was given by Commissioner Jefferson
4. Citizens with Input- Dianna McConnell 1300 Swift Street, on short term rentals would like to see a distance of 1200 ft: not the proposed 500ft. Ms. Teresa Clubb 1110 Third Street – would like for a limitation on the number of those allowed. Ms. Cathy Lancaster 1301 Swift Street; - would like to see a limitation and more distance.
5. New Business
 - Capital Improvement Projects Update – Mr. McMurrian provided project updates which included: Perry Parkway sewer expansion is in the design phase. Perry Branch – Duncan Ave & Masee Lane delays have pushed project to be completed in July. Hwy 127 widening should be completed by the end of June and new traffic light will be installed at the intersection of Kings Chapel and Houston Lake. The city is working on regional detention pond bids. Perry East water treatment plant is in the design phase. Extending services for Jack Links. The airport has runway rehab and extension plans, along with new hangers in progress. LMIG for the year has been completed and provided a sidewalk update.
 - Short-term Rental regulations draft – Mr. Wood in follow up to last work session and the guidance provided, along with staff research and consulting with the city attorney, which also included review of Arlington Texas ordinance that covered a lot of what the city is currently facing, provided a draft of the proposed ordinance. Mr. Wood showed a map of the currently approved AirBnb's and recommended distance requirements in lieu of a specific number for an area. Mr. Wood then proceeded to review each of the procedures, standards, conditions of approval, effect, expiration, renewal, and revocation. Mr. Wood noted a special exception still had to be filed and approved before the permit issuance. Also added was an appeals process that was not just for short term rentals. Mr. Wood reviewed the details of the application process which included the designation of a local contact, proof of insurance, hotel occupancy tax requirement, separation, parking and number of occupants.

Mr. Wood showed the buffer of various areas of 500ft , 1000ft, and 1250ft; it was noted with 1250ft only one short term rental would be allowed. In reviewing various areas, it was the consensus of the Commission to have a buffer of 1000 feet. The Commission also concurred to remove allowing parking of RV's, trailers, etc.

6. Other Business - None

7. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:35pm.

DRAFT



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STAFF REPORT

From the Department of Community Development

June 6, 2023

CASE NUMBER: RZNE – 0075-2023

APPLICANT: Wilnis Louis

REQUEST: Rezone property from R-3 to RM-1

LOCATION: 101 Big Indian Creek Dr

BACKGROUND INFORMATION: The applicant purchased this .58ac property from its previous owners in hopes of building a duplex on the site. However, unbeknownst to him, the city had a code violation case open on the parcel requiring the previous structure be torn down. This application stops the nuisance abatement process and allows the new owner to begin development of a rehabilitated multi-family structure on the site.

STANDARDS GOVERNING ZONE CHANGES:

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? Applicant is not aware of any covenants or restrictions pertaining to this property.

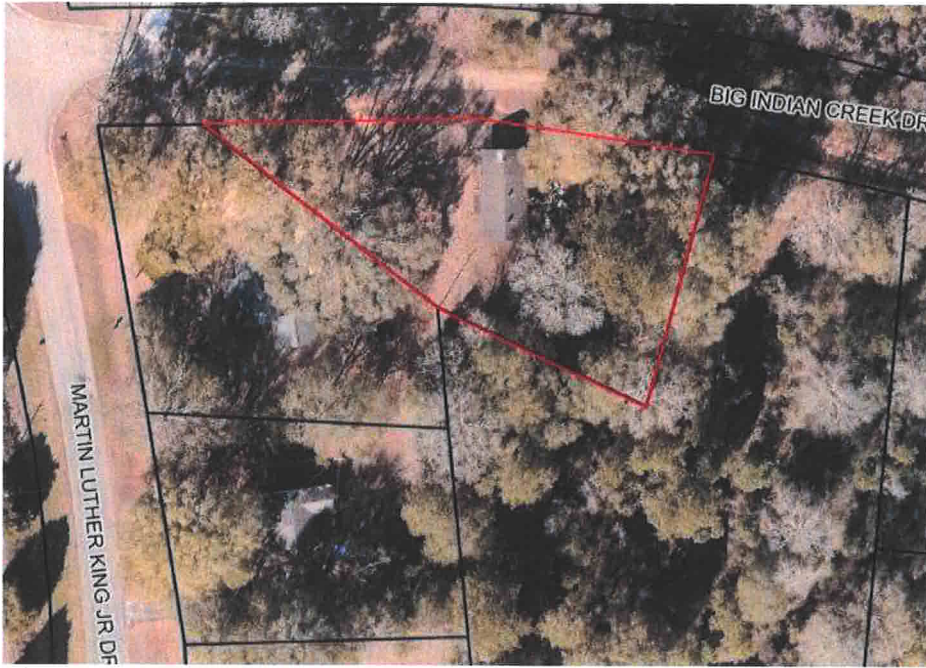
1. The existing land uses and zoning classification of nearby property.

	Zoning	Land Use
North	M-2, General Industrial	Single-family residential
South	R-3, Single-family Residential	Single-family residential
East	M-2, General Industrial	Undeveloped
West	GU – Governmental Use	Undeveloped

2. **The suitability of the subject property for the zoned purposes.** The subject property is suitable for a single-family residential unit.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** There is no diminished value since a single-family residence currently exists on the property.
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** Because the property has been zoned for a single-family residence for years, there is not impact on the health, safety, morals, and general welfare of the public.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** There is no impact to the public under the current zoning.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The property is economically viable as zoned, however it is currently not being used to its highest and best use.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject property has a structure on it that has been vacant for an unknown amount of time. Houses around it have remained occupied as the subject property fell into disrepair.

8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The rezoning will allow another residence which fits the landscape of the surrounding area.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed zoning will not adversely affect the existing uses or usability of adjacent or nearby properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The property is within a Neighborhood Node of a Traditional Neighborhood Character Area.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** The zoning change has no impact on existing public facilities.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** There are no conditions staff is aware of.

STAFF RECOMMENDATION: Staff recommends approval of the zoning change to RM-1, Multi-family Residential District.

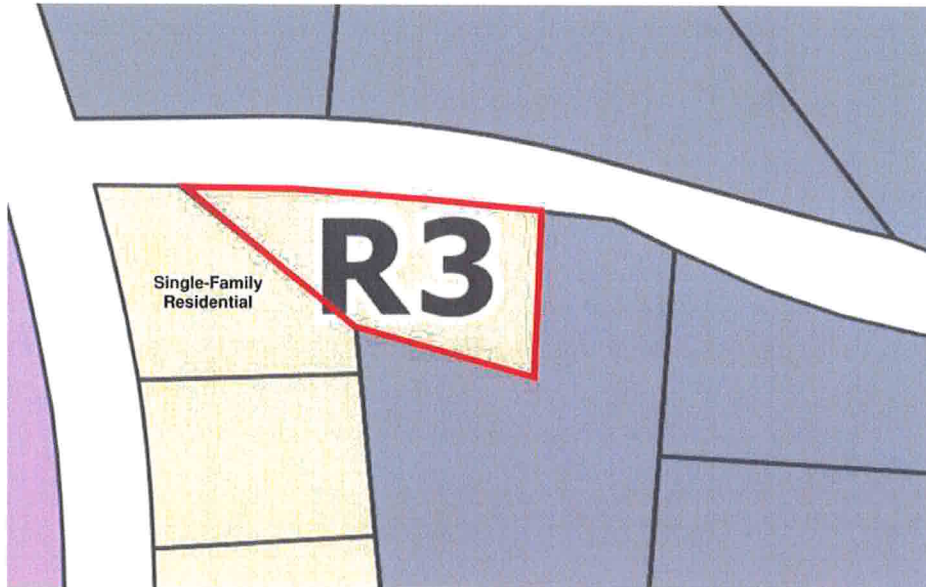


RZNE-0075-2023

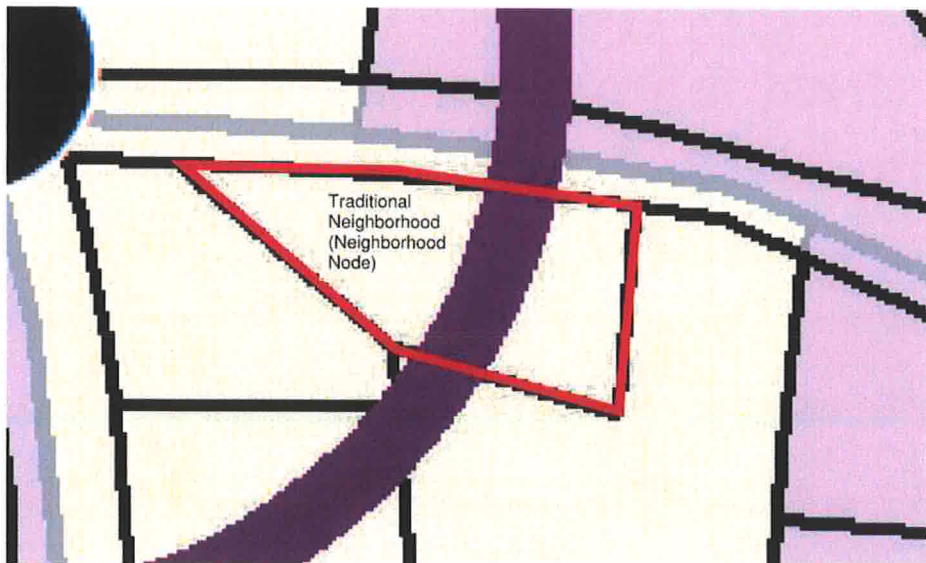
101 Big Indian Creek Dr

R-3 to RM-1

Aerial



Zoning



Character Area



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Application # _____

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	WILNIS LOUIS	WIL-ESTATE INVESTMENT & CONSULTING LLC
*Title	OWNER	LLC
*Address	309 BOWEN DR. WARNER ROBINS, GA 31088	309 BOWEN DR. WARNER ROBINS, GA 31088
*Phone	478-397-0154	478-397-0154
*Email	WLOUIS@WILESTATELLC.COM	WLOUIS@WILESTATELLC.COM

Property Information

*Street Address or Location	101 BIG INDIAN CREEK DR, PERRY GA 31069
*Tax Map Number(s)	0P0330 02G000
*Legal Description	DIXON PROPERTY PB 14/199 272/13TH
A. Provide a copy of the deed as recorded in the County Courthouse, or a mete and bounds description of the land if a deed is not available;	
B. Provide a survey plat of the property;	

Request

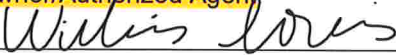
*Current Zoning District	R3	*Proposed Zoning District	RM-1
*Please describe the existing and proposed use of the property Note: A Site Plan or other information which fully describes your proposal may benefit your application.			

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than the date reflected on the attached schedule.
- *Fees:
 - Residential Zoning (R-Ag, R-1, R-2, R-3) - \$300.00 plus \$25.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$500.00 plus \$40.00/acre
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.
- *Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes _____ No X
If yes, please complete and submit a Disclosure Form available from the Community Development office.

8. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

9. Signatures:

*Applicant WILNIS LOUIS	*Date 11 MAY 2023
*Property Owner/Authorized Agent 	*Date 11 MAY 2023

Standards for Granting a Rezoning

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

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

- (1) The existing land uses and zoning classification of nearby property;
- (2) The suitability of the subject property for the zoned purposes;
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (6) Whether the subject property has a reasonable economic use as currently zoned;
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

To whom it may concern,

I am writing to request a rezoning of the property at 101 Big Indian Creek Dr, Perry, GA 31069 from R-3 (Single Family Residential) to an RM-1 (Multi-family Residential) to allow a duplex use. The property is currently an 864 sq ft single-family house built in 1971 and it is in dire need of an upgrade.

The property in question has been vacant and abandoned for several years and has become an eyesore and a safety hazard. By building a duplex on the site, I would be able to modify the existing structure, improve the appearance of the property, and provide affordable housing options for two families.

The proposed duplex use would not be incompatible with the surrounding areas, which already has a mix of single-family use, Wholesale & Light Industrial(M-1), General Industrial (M-2), and Governmental Use (GU). The duplex would comply with all the dimensional and design standards of the district, such as lot size, setback, height, parking, landscaping, and buffering. The duplex would also not generate excessive traffic, noise, or environmental impacts that would adversely affect the neighboring properties.

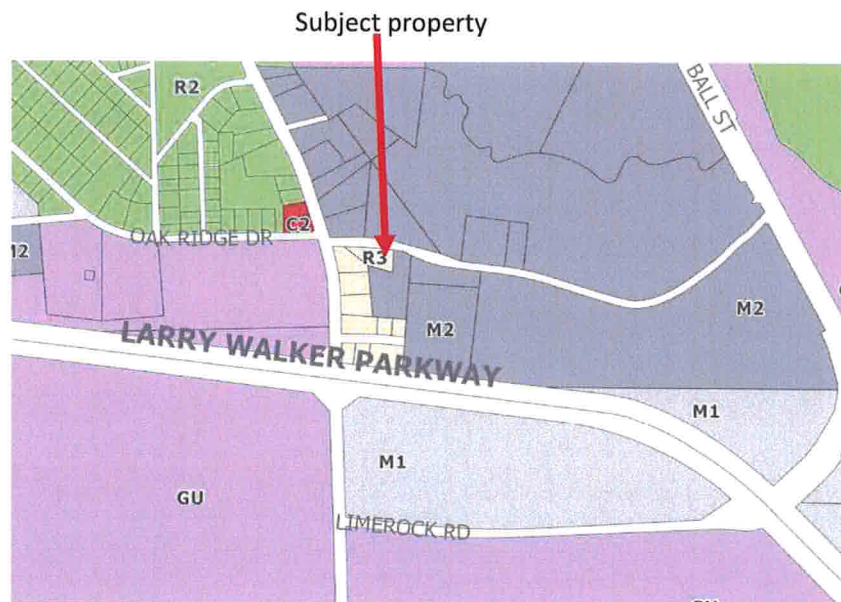
The proposed duplex use would also improve the value of properties in the surrounding area, given the age and make up of the surrounding properties.

Therefore, I respectfully request that the Planning and Zoning Division grant me a rezoning or a special exception to allow a duplex use at 101 Big Indian Creek Dr, Perry, GA 31069. I believe that this would be in the best interest of the city and the community, as it would revitalize a blighted property, increase the tax base, and provide quality housing for potential residents.

Thank you for your consideration.

Sincerely,

WILNIS LOUIS



Standards for Granting a Rezoning

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

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

- (1) The existing land uses and zoning classification of nearby property:
 - The proposed duplex use would not be incompatible with the surrounding areas, which already has a mix of single-family use, Wholesale & Light Industrial(M-1), General Industrial (M-2), and Governmental Use (GU).
- (2) The suitability of the subject property for the zoned purposes:
 - Given the size of the property lot (1 full acre), it is perfectly suitable for the proposed zoning and given the make up of the surrounding areas (mixture of residential, industrial, and governmental), it would be an added value to the overall community.
- (3) The extent to which the property values of the subject property are diminished by the zoning restrictions:
 - The current zoning limits the options available for increasing investment in housing real estate options to effectively serve the industrial/commercial/governmental zones nearby.
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public:
 - The property in question has been vacant and abandoned for several years and has become an eyesore and a safety hazard. This option would certainly benefit the surrounding areas and the public.
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner:
 - By building a duplex on the site, we would be able to modify the existing structure, improve the appearance of the property, the neighborhood, and provide affordable housing options for two families.
- (6) Whether the subject property has a reasonable economic use as currently zoned:
 - As currently zoned, the property has been vacant and abandoned for several years and has become an eyesore and a safety hazard; therefore, it has no economic value to the city or the surrounding areas.
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property:
 - The property has been vacant and abandoned for at least 4 or 5 years, creating a hazard for the community and negatively impact property values for the city and nearby property owners.
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property:
 - The proposed zoning will certainly have a positive impact on all nearby properties and development.
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property:
 - The proposed zoning would improve the appearance of the property, the neighborhood. It would also eliminate the hazardous condition that it currently represent.

(10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan:

- Yes, Given the size of the property lot (1 full acre), it is perfectly suitable for the proposed zoning and given the makeup of the surrounding areas (mixture of residential, industrial, and governmental), and it would be an added value to the overall community.

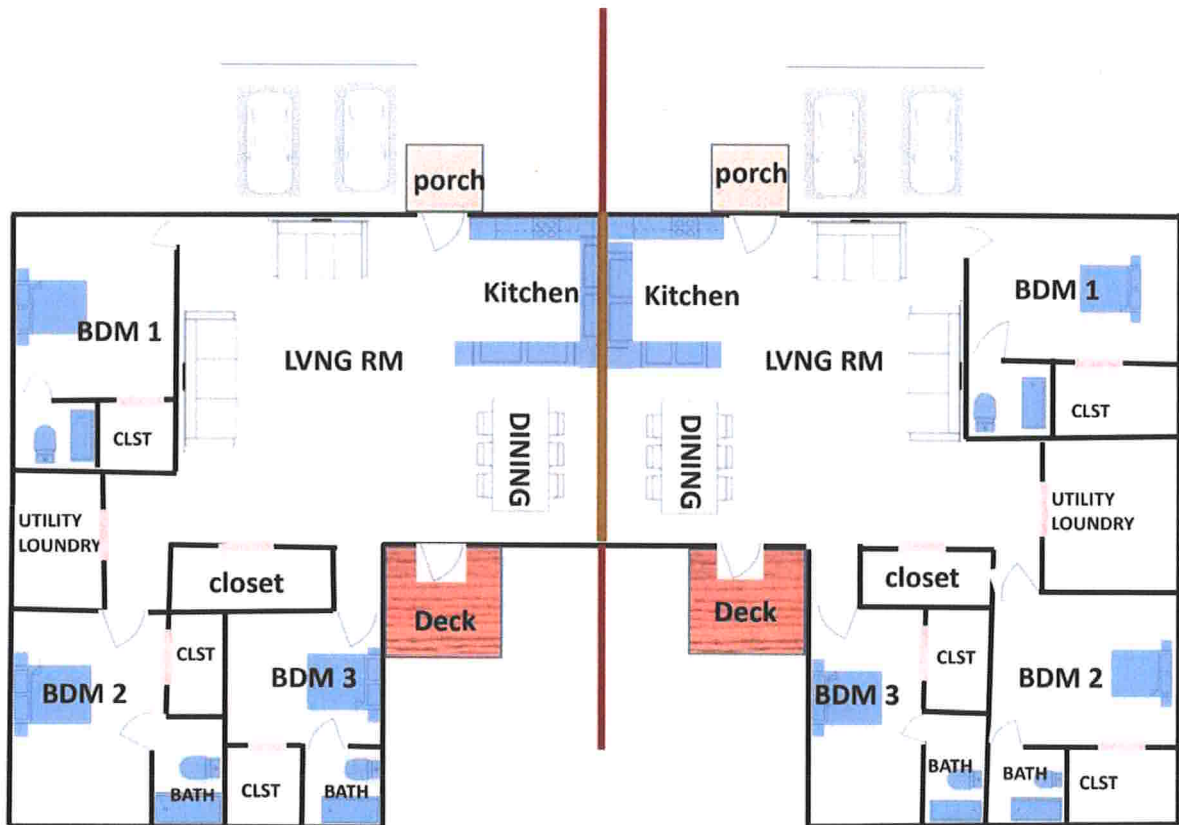
(11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools:

- The proposal will add no additional burden upon existing streets, transportation facilities, utilities, or schools.

(12) Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal:

- The proposed duplex use would complement the surrounding areas, which already has a mix of single-family use, Wholesale & Light Industrial(M-1), General Industrial (M-2), and Governmental Use (GU). The plan would comply with all the dimensional and design standards of the district, such as lot size, setback, height, parking, landscaping, and buffering. The plan would also not generate excessive traffic, noise, or environmental impacts that would adversely affect the neighboring properties.

Preliminary draft of proposed plan for 101 Big Indian Creek Dr.



Type: GEORGIA LAND RECORDS
Recorded: 3/28/2023 12:37:00 PM
Fee Amt: \$50.00 Page 1 of 2
Transfer Tax: \$25.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Superior Court Clerk

Participant ID: 6431121974

BK 10032 PG 315 - 316

Return to: The Cooper Law Firm, LLC, 122 Byrd Way, Suite One, Warner Robins, GA 31088

LIMITED WARRANTY DEED

**STATE OF GEORGIA
COUNTY OF HOUSTON**

This Indenture made this 27th day of March, 2023 between Daisy Amelia Dixon Jackson also known as Amelia Dixon Jackson as party or parties of the first part, hereinafter called Grantor, and WIL-ESTATE INVESTMENT& CONSULTING LLC, a Georgia limited liability company, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcels of land lying and being in Land Lot 272 of the Thirteenth (13th) Land District of Houston County, City of Perry, Georgia, and having such shape, metes, bounds, courses and distances, according to a plat of survey prepared by Milton Beckham Co., certified by Milton V. Beckham, Georgia Registered Land Surveyor No. 1031, dated April 21, 1971, copy of which is of record in Plat Book 14, Page 199, Clerk's Office Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.

Said land is bounded on the north by Big Indian Drive; and, on all other sides by land now or formerly of Mrs. Nettie L. Gordon.

This conveyance and the warranties hereinafter contained are made subject to any and all restrictions, easements, covenants and rights-of-ways affecting said described property as shown on the above referenced plat of survey and as recorded in public records, Clerk's Office, Houston Superior Court.

Said property is known as, under the present system of numbering for Houston County Georgia as 101 Big Indian Creek Drive, Perry, GA 31069.

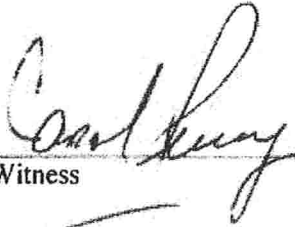
This conveyance is made subject to all matters set forth on Exhibit "A".

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**, subject, however, to all matters set forth in Exhibit "A".


AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:


Witness

 (Seal)
**Daisy Amelia Dixon Jackson also known as
Amelia Dixon Jackson**


Notary Public
(My commission expires) 05-27-2025
(Notary Public Seal Affixed)





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STAFF REPORT

From the Department of Community Development

May 26, 2023

CASE NUMBER: RZNE-070-2023

APPLICANT: Mr. Colby Carkoski

REQUEST: Rezone 1.8 acres of a parcel from R-Ag to R-1

LOCATION: 120 Sparrow Street, Perry, GA 31069

BACKGROUND INFORMATION: The subject property is a vacant parcel in the Birdsong Acres subdivision, totaling 7.68 acres. The applicant is re-platting 1.8 acres upon approval of the R-1 rezoning process. Doing so creates a parcel for a new dwelling while maintaining the 5 acres required per dwelling in the R-Ag zone.

STANDARDS GOVERNING ZONE CHANGES:

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? The applicant is not aware of any covenants and restrictions pertaining to these properties.

1. The existing land uses and zoning classification of nearby property.

	Zoning	Land Use
North	R-Ag, Residential-Agriculture (County)	Single Family Residence
South	RTH – Residential Townhouse	Townhouse
East	R-Ag, Residential-Agriculture (County)	Single Family Residence
West	R-Ag, Residential-Agriculture (County)	Single Family Residence

2. **The suitability of the subject property for the zoned purposes.** The subject property is suitable for a single-family dwelling.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The land is currently vacant, however, there is no diminished value under the current zoning restrictions.
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** The existing R-Ag zoning, and lack of diminished property value does not impact the health, safety, morals, or general welfare of the public.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The general public does not stand to gain anything from keeping the current zoning restrictions.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The subject property is an undeveloped portion of a lot. It has a reasonable economic use under the current zoning.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject property has been vacant since it was platted for a subdivision in 2005.

8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The new use is suitable for the surrounding landscape because the surrounding properties are single-family residences.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed use will have no adverse effects on the usability of the adjacent or nearby properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.**
The subject property is in the “Suburban Residential” character area in the 2022 Joint Comprehensive Plan Update. Suggested land uses in the “Suburban Residential” character area include agricultural, residential, public/institutional, and commercial.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** Rezoning will not have any impact on existing streets, utilities, or schools.
12. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.** The land is being improved with the construction of a new single-family residence that conforms to all dimensional requirements for the R-1 zone. Rezoning also allows for two residences on this parcel without compromising the R-Ag requirement of 5 acres per dwelling.

STAFF RECOMMENDATION: Staff recommends approval of the application.



RZNE-0070-2023

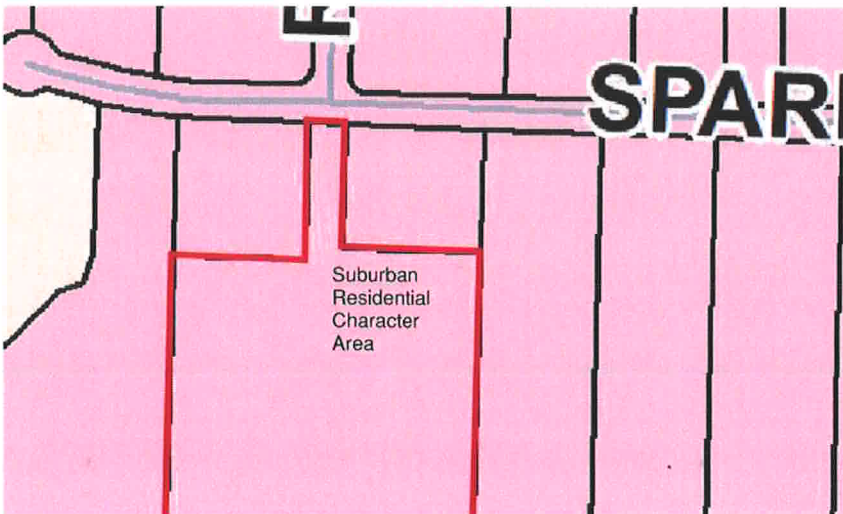
120 Sparrow St

R-Ag to R-1

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # RZNE
0070-2023

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Colby Carkoski	Colby Carkoski
*Title	Mr.	Mr.
*Address	120 Sparrow St, Perry, GA 31069	120 Sparrow St, Perry, GA 31069
*Phone	478-308-0380	478-308-0380
*Email	colbyandnora31088@gmail.com	colbyandnora31088@gmail.com

Property Information

*Street Address or Location	120 Sparrow St, Perry, GA 31069
*Tax Map Number(s)	0P41A0 243000
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a mete and bounds description of the land if a deed is not available; B. Provide a survey plat of the property;

Request

*Current Zoning District	R-Ag	*Proposed Zoning District	R-1
*Please describe the existing and proposed use of the property Note: A Site Plan or other information which fully describes your proposal may benefit your application.			
Section off 1.8 acres from R-Ag-zoned property; requested rezoning into R-1.			

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than the date reflected on the attached schedule.
- *Fees:
 - Residential Zoning (R-Ag, R-1, R-2, R-3) - \$300.00 plus \$25.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$500.00 plus \$40.00/acre
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.
- *Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes No
If yes, please complete and submit a Disclosure Form available from the Community Development office.

8. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
9. Signatures:

*Applicant	<i>Colby Carkoski</i>	*Date	4/19/2023
*Property Owner/Authorized Agent	<i>Colby Carkoski</i>	*Date	4/19/2023

Standards for Granting a Rezoning

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

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

- (1) The existing land uses and zoning classification of nearby property;
- (2) The suitability of the subject property for the zoned purposes;
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (6) Whether the subject property has a reasonable economic use as currently zoned;
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and
- (12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

Answer: No such covenants/restrictions exist; property is strictly residential and re-zoning will not adversely impact community.

(1) The existing land uses and zoning classification of nearby property;

Answer: Nearby property is used for residences only and zoning is mostly Houston County, not City of Perry.

(2) The suitability of the subject property for the zoned purposes;

Answer: Current zoning of entire property is R-Ag which suits it for purposes as intended use is residential and gardening. Proposed zoning would section off part as R-1 which would be used for 1 additional residence.

(3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;

Answer: Current zoning regulations only allow 1 residence on R-Ag. Intended use is to add 1 additional residence on new R-1 section which would increase property value.

(4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;

Answer: Property values would increase, not decrease, due to the addition of an extra tax-paying residence.

(5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;

Answer: The gain to the public could be seen via paying extra taxes, utilities, and increased home values in the area. The individual property owner gains via these circumstances, so no hardship is claimed. Partial re-zoning would benefit all.

(6) Whether the subject property has a reasonable economic use as currently zoned;

Answer: The property does have a reasonable economic use, but the property would be more valuable and the city would gain by allowing partial re-zoning.

(7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;

Answer: Property has apparently always been vacated. No existing structures were present on the property before current owner purchased the property.

(8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;

Answer: The proposed zoning would allow suitable and appropriate use of the property (i.e., residential and garden use) that the nearby properties should not take issue with.

(9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;

Answer: The proposed zoning should and will not adversely impact the nearby properties.

(10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;

Answer: The zoning is in conformity with the Comprehensive Plan. It follows the suggested Land Use Designations and does not diverge from the intent of the plan.

(11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and

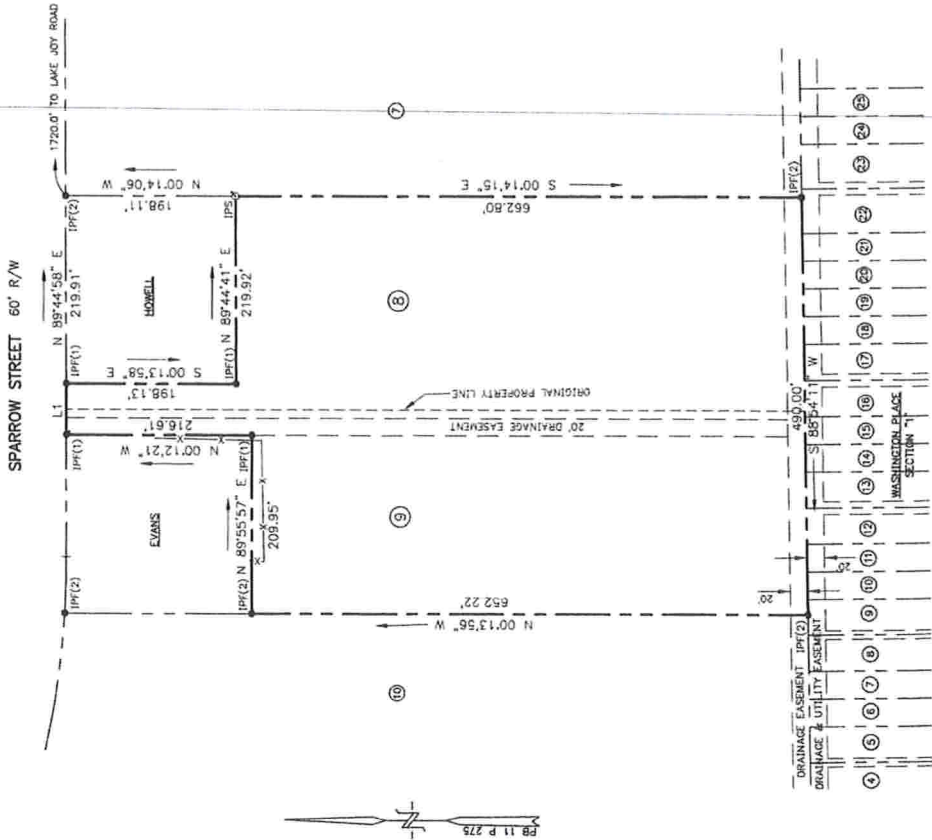
Answer: The resulting re-zoning will only add 1 additional residence to the area, so it will not cause more of a burden upon existing infrastructure than any other typical family residence would.

(12) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Answer: There are no other existing conditions that should present grounds for disapproval of the zoning proposal. There are changing conditions that should give grounds for approval in that the land is currently being planned for improvement and construction of a single-family dwelling by the end of the calendar year.

Type: GEORGIA STANDARD PLATS
 Received: 10/24/2017 4:41:00 PM
 County: Harris County
 Houston, Ga. Clerk Superior Court
 Carolyn V. Sullivan Clerk

Participant ID:
BK 79 PG 256



THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 56,175 FEET AND AN ANGULAR ERROR OF 6 SECONDS OF AN ARC. ALL DISTANCES AND BEARINGS SHOWN ARE CALCULATED FROM ANGLES TURNED AND ALL LINEAR DISTANCES ARE CALCULATED FROM FIELD DATA USING A TOPCON GTS 802A.

THIS MAP HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 751,695 FEET.

LINEAR LOT DATA	
No.	Bearing
1.	S 89°55'57" E 219.92'
2.	N 89°44'58" E 219.92'
3.	S 00°14'06" W 198.11'
4.	N 00°13'56" W 652.22'
5.	N 00°14'16" E 662.80'
6.	S 89°44'41" E 219.92'
7.	N 89°44'41" E 219.92'
8.	S 00°14'06" W 198.11'
9.	N 00°13'56" W 652.22'
10.	S 89°44'41" E 219.92'
11.	N 89°44'58" E 219.92'
12.	S 00°14'06" W 198.11'
13.	N 00°13'56" W 652.22'
14.	S 89°44'41" E 219.92'
15.	N 89°44'58" E 219.92'
16.	S 00°14'06" W 198.11'
17.	N 00°13'56" W 652.22'
18.	S 89°44'41" E 219.92'
19.	N 89°44'58" E 219.92'
20.	S 00°14'06" W 198.11'
21.	N 00°13'56" W 652.22'
22.	S 89°44'41" E 219.92'
23.	N 89°44'58" E 219.92'
24.	S 00°14'06" W 198.11'
25.	N 00°13'56" W 652.22'
26.	S 89°44'41" E 219.92'
27.	N 89°44'58" E 219.92'
28.	S 00°14'06" W 198.11'
29.	N 00°13'56" W 652.22'
30.	S 89°44'41" E 219.92'
31.	N 89°44'58" E 219.92'
32.	S 00°14'06" W 198.11'
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40.	S 00°14'06" W 198.11'
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43.	N 89°44'58" E 219.92'
44.	S 00°14'06" W 198.11'
45.	N 00°13'56" W 652.22'
46.	S 89°44'41" E 219.92'
47.	N 89°44'58" E 219.92'
48.	S 00°14'06" W 198.11'
49.	N 00°13'56" W 652.22'
50.	S 89°44'41" E 219.92'

- NOTES
1. STREET ADDRESS: 120 SPARROW STREET
 2. ZONED RAC
 3. LOT AREA: 7.680 AC.
 4. TAX MAP NO.: 014090
 5. THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA IN ACCORDANCE WITH THE FLOOD INSURANCE RATE MAPS FOR HOUSTON COUNTY, GEORGIA, COMMUNITY MAP NO. 130247 (HOUSTON COUNTY), MAP NO. 131530152E, PANEL 152 OF 300, EFFECTIVE DATE SEPTEMBER 28, 2007. (ZONE "X")

Approved: *[Signature]*
 Houston County Planning Commission

FIELD WORK COMPLETED JUNE 7, 2016
 1" = 100'
 scale

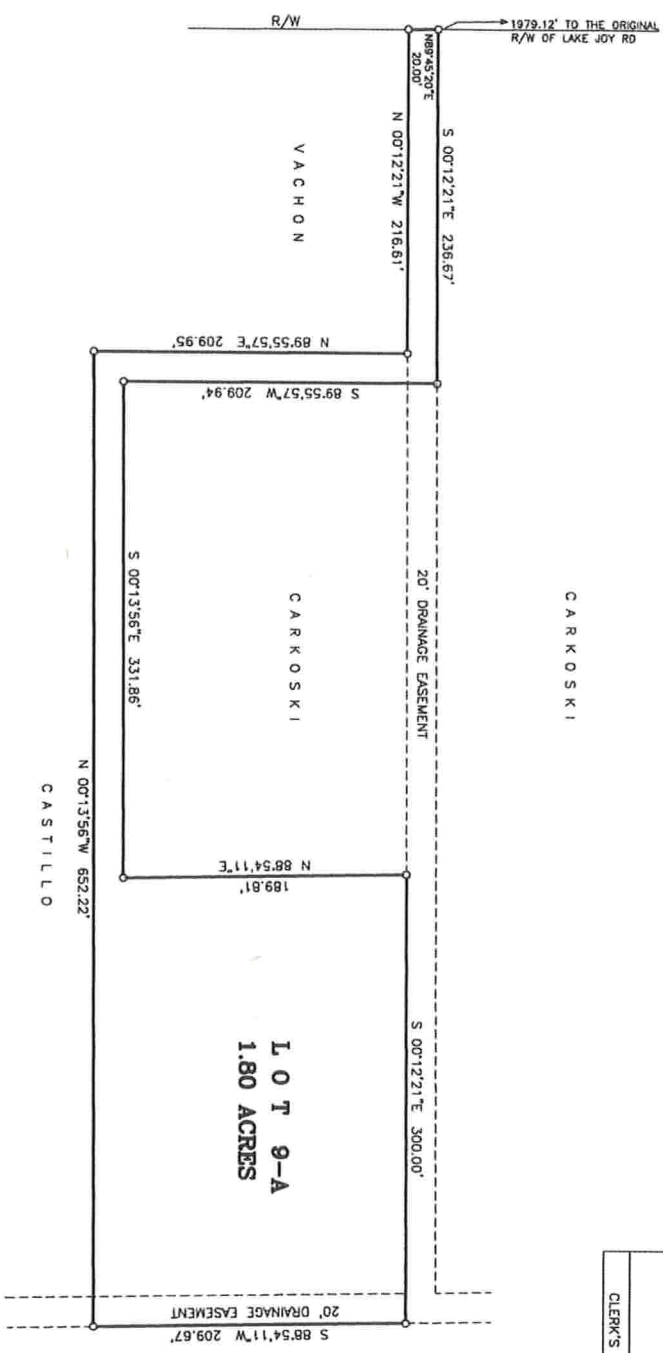
PROPERTY PLAT
 FOR
FERRELL KITCHENS
LOTS 8 & 9
BIRDSONG ACRES
 BLOCK "B"
 TOWN DISTRICT
 HOUSTON COUNTY
 GEORGIA
 SCALE: 1" = 100'
WADDLE & COMPANY
 104 MEADOWCROFT DR.
 WARRNER ROBINS, GA. 31093
 BUS (478) 923-2763
 COA # LSP001005
 EMAIL: WADDLECO@GMAIL.COM



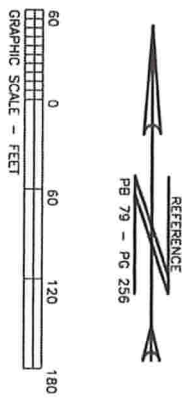
THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 100 OF THE OFFICIAL CODE OF GEORGIA AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

[Signature]
 REC. LAND SURVEYOR

SPARROW STREET
60' R/W



CLERK'S USE ONLY



CERTIFICATION

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-18-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENT BY APPROVAL CERTIFICATIONS, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR STATEMENTS SHOULD BE COMPARED WITH THE APPROVALS OR STATEMENTS OF THE SURVEYOR WHO PREPARED THIS PLAT AS TO INTENDED USE OF ANY PARCELS REPRESENTED. THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-18-67.



PLAT FOR
COLBY J CARROSKI
ELEANOR M CARROSKI
BIRDSONG ACRES BLOCK 'B'
 LOT 9-A
 LAND LOT 109 PERRY, 10TH DISTRICT
 HOUSTON COUNTY, GEORGIA
 SCALE 1"=60' APRIL 14, 2023
JONES SURVEYING COMPANY
 PERRY, GEORGIA (478) 987-2705



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development

June 8, 2023

CASE NUMBER: TEXT-0024-2023

APPLICANT: The City of Perry

REQUEST: Amend the LMO as to sign regulations including Delete certain definitions in Sec. 1-13, Definitions; Replace Sec. 2-3.9, Sign permit (procedures) in its entirety; Replace Section 6-9, Sign standards, in its entirety; Delete Section 9-5, Nonconforming signs. Additionally, amend Sec. 2-1.5, Duties and powers of the administrator, and add Sec. 2-1.6, Duties and powers of the city manager, to designate persons authorized to accept service of an appeal on behalf of the Planning Commission and City Council.

STAFF ANALYSIS: The sign regulations in the Land Management Ordinance were reviewed and are revised to ensure content neutrality – signs will not be regulated based on the content of the sign. Signs are to be regulated only as to time (when they can be displayed), place (location), and manner (size, height, materials, illumination, etc.).

Sign standards are also simplified and placed in table format; standards are modified to encourage monument signs rather than pole signs; sign face area is reduced in most commercial areas; more extensive standards for lighting are included; and signs not provided for in the article are prohibited. Definitions relating to sign regulations, and provisions for nonconforming signs are moved to Section 6-9. Procedures for obtaining a sign permit are updated.

In addition to sign regulations, this amendment designates the staff persons authorized to accept service of an appeal of a zoning decision on behalf of either the planning commission or the city council. This is to be consistent with requirements of State law.

STANDARDS FOR GRANTING A TEXT AMENDMENT:

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

This amendment is not inconsistent with these plans.

- (2) Whether, and the extent to which the proposed amendment is consistent with the provisions of this chapter and related city regulations.

The proposed amendment is consistent with the format of the Land Management Ordinance.

- (3) Whether, and the extent to which there are changed conditions from the conditions prevailing at the time that the original text was adopted.

The amendment addresses recent court decisions regarding content-based sign standards.

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

The amendment is consistent with the needs of the community.

- (5) Whether, and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The Purpose and Intent of the LMO includes:

- Facilitate the creation of a convenient, attractive, and harmonious community.
- Ensure appropriate commercial development patterns along corridors.
- Regulate the density of land and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.

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

The amendment provides appropriate sign standards for all properties, based on the base zoning district and/or overlay zoning district in which a property is located.

- (7) Whether, and the extent to which the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment in and of itself has no impact on the natural environment.

- (8) Whether, and the extent to which the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment in and of itself has no impact on public facilities and services.

STAFF RECOMMENDATION: Staff recommends approval of the proposed text amendment.

Sec. 1-13. Definitions

Delete the following definitions:

Cluster development: A residential subdivision within which individual lot sizes have been reduced to permit the creation of common open space for the residents of the subdivision. All cluster developments must satisfy the requirements specified in section 119.

Portable sign: Any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a code vehicle, and the primary purpose of which is advertising.

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.

Sign area: The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.

Sign, outdoor advertising: A structural poster panel or painted sign, either freestanding 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.

Sign, owner, means a person who either owns the real property upon which a sign is located; or a person who owns the sign itself; or a person whose products, services or cause is promoted by the sign; or a combination of those persons.

Sign structure: A structure composed of a single pole or multiple poles which is located on the ground on top of another structure and which supports no more than two (2) signs.

Sign structure facing: The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.

Replace Sec. 2-1.5 and Add Sec. 2-1.6 as follows:

2-1.5. Duties and powers of the administrator. The administrator shall have the responsibility of interpreting, administering, and enforcing the provisions of the Ordinance unless specifically provided otherwise. In particular, the administrator shall have the following powers and duties under the Ordinance:

- A. *Authorization.* The administrator is authorized to review and make final decisions regarding permits and other development requests as authorized in the Ordinance. The administrator is further authorized to approve or issue any form or certificate necessary to perfect a petition described in Title 5 of the Georgia Code for the planning commission and historic preservation commission and to accept service of such petition on behalf of these commissions during normal business hours at the community development department office.
- B. *Duty.* It shall be the duty of the administrator to administer and enforce the provisions of the Ordinance.
- C. *Records.* The administrator shall keep records of actions on Comprehensive Plan amendments, official zoning map or text amendments, variances, special exceptions, appeals, preliminary and final plats, permits, licenses, certificates of appropriateness, and certificates of occupancy along with notation of all special conditions involved. The administrator shall file and safely keep these records along with copies of all related applications, reviews, opinions, public hearings, sketches, and plans submitted and other related documents that are to be made a part of the public record.
- D. *Review.* All applications and plans for which action by the administrator is authorized shall be reviewed and acted upon within 30 days of receipt of a complete application, except where another time limit is specified for the type of action under review.

2-1.6. Duties and powers of the city manager. In addition to other duties and powers authorized by other provisions of the city code, the city manager shall have the authority to accept service and upon whom service of an appeal of a quasi-judicial decision may be perfected on behalf of the city council during normal business hours at the city manager's office.

Replace Sec. 2-3.9 in its entirety as follows:

2-3.9. *Sign Permit.*

- (A) Purpose. The purpose of this subsection is to provide a mechanism for reviewing applications for sign permits to ensure all signs within the City comply with the standards of section 6-9. Signs.
- (B) Applicability. No sign, except those exempted pursuant to subsection 6-9.11, shall be erected, installed, displayed, structurally altered, or otherwise changed without the sign installer/owner having first obtained a sign permit from the administrator pursuant to this section and the standards of section 6-9. Signs.
- (C) Procedure.
 - (1) Application for sign permit shall be submitted in the form established by the administrator.
 - (2) The administrator shall review and act on an application for sign permit consistent with the procedures and requirements of subsection 2-1.5, duties and powers of the administrator.
- (D) Standards. A sign permit shall be approved upon a finding that the application complies with the standards of section 6-9. Signs.
- (E) Conditions. In approving a sign permit, the administrator may impose conditions on the permit as may be necessary to ensure compliance with the standards of section 6-9. Signs.
- (F) Appeal. An applicant may appeal the decision of the administrator with respect to the issuance of a sign permit pursuant to the provisions of subsection 2-2.1.
- (G) Inspection. Upon completion of the sign authorized by the permit, the applicant shall contact the administrator to inspect and verify compliance with the provisions of this chapter and the conditions of the permit.
- (H) Expiration. If the activity authorized by a sign permit has not begun within six months from the date of issuance, the sign permit shall automatically and immediately be rendered invalid.
- (I) Amendments. A sign permit may be amended, extended, or modified only in accordance with the procedures established for its original approval.

Replace Sec. 6-9 in its entirety as follows:

Sec. 6-9. Sign standards.

Sec. 6-9.1. Purposes.

- (a) It is the purpose of the mayor and city council in enacting these regulations to provide standards to safeguard life, public health, property, and welfare by regulating the location, size, illumination, erection, maintenance, and quality of materials of all signs. More specifically, signs have a powerful impact on the aesthetic environment of the community, and it is the purpose of this article to encourage an aesthetically attractive environment, allowing sufficient opportunities for communications to serve business, interest groups and the public, while complying with the federal and state constitutions and laws. Signs create visual clutter and therefore should be regulated in their size, location, construction, and illumination. Signs can detract from the beauty of the neighborhood and lower property values. In seeking to comply with federal and state law, the city has determined the following: large signs are, as the U.S. Supreme Court has recognized, an aesthetic harm; the state supreme court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment; and, the 11th Circuit has recognized portable signs are visual clutter and a potential traffic hazard. These holdings show that the city's ordinance is within the law and constitutional, which is a goal of the city. The goal of this article is to avoid being an impermissible content-based regulation, and instead to be a permissible time, place, and manner restriction.

- (b) Many signs can also be a hazard and negatively impact traffic safety by distracting drivers and blocking views of other vehicles and dangers, by making intersections more treacherous, and by making it difficult to see oncoming traffic when entering a roadway. Therefore, it is also the purpose of this article to prevent those harms by regulating signs to safe locations, safe sizes, with proper and safe illumination and construction.

Sec. 6-9.2. Jurisdiction and applicability of code requirements.

- (a) This article shall apply to all properties within the incorporated areas of the city. This article shall not relate to the copy or message on signs within the city.
- (b) All signs and sign structures shall be constructed and maintained in conformance with the state minimum standard codes.
- (c) If any provisions or requirements of this article are in conflict with any other provision or requirement of this article or any other applicable governmental law, ordinance, resolution, rule, or other governmental regulation of any kind, the more restrictive rule or standard takes precedence.

Sec. 6-9.3. General provisions and definitions.

- (a) No sign shall be placed or maintained within the city except in conformity with this article.
- (b) Notwithstanding any other restrictions in this article, any sign, display, or device allowed under this article may contain any commercial or non-commercial message, or any political or non-political message; except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3.
- (c) Height limitations in this article control over the general height limitations of this article and apply to any structure that contains a sign. For example, a church spire or radio antenna with a sign would be subject to the height limitations of this article, rather than general height limitations.
- (d) Definitions. The general definitions and interpretative rules of this chapter shall also be used. To the extent those general rules or definitions conflict with these specific definitions, these definitions shall control. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandoned sign means a sign and/or sign structure which no longer correctly directs or exhorts any person, or advertises a bona fide business, lessor, owner, product, or service.

Animated sign means any sign that all or any part thereof visibly moves or imitates movement in any fashion whatsoever. Any sign that contains or uses for illumination any lights (or lighting devices) that change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part automatically.

Area of sign (copy area) means the area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, or material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed.

Banner means a sign hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. This definition expressly excludes flags.

Canopy means any permanent roof-like structure, including awnings and marquees, projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Canopy sign means any sign attached to, or made a part of, the front, side, or top of a canopy. These signs are regulated as wall signs.

COA means a certificate of appropriateness issued by the Historic Preservation Commission or the administrator upon recommendation of the Main Street Advisory Board.

Copy means the wording or graphics on a sign surface in either permanent or removable form.

Erect means to build, construct, attach, hang, place, suspend, paint or affix.

Establishment means a commercial, industrial, institutional, educational, office, business, or financial entity.

Flag means any fabric sign, regardless of the message conveyed, mounted to a flagpole on one side only.

Freestanding sign means any sign which is independent from any building or other structure and is entirely supported by a single or multiple pedestals that are permanently attached at or below ground level.

Frontage, building, means the length of an outside building wall facing a street, or portion thereof.

Frontage, street, means the length of the property line of any one parcel along a street on which it borders.

Ground sign means a sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in this definition, as are signs on poles, frames, or other mounting structures other than buildings.

Illuminated sign means a sign which contains an internal source of light, or which is designed or arranged to reflect light from an artificial source.

Mansard roof sign means any sign attached to or erected within 12 inches of an actual or simulated mansard roof of a building, with the sign face parallel to and within the limits of the building, but not exceeding the roofline, and not deemed to be a roof sign. These signs are regulated as wall signs.

Manual reader board means a portion of a ground sign on which copy is changed manually.

Monopole sign means a freestanding sign that is erected on a single pedestal attached to the ground for the display of messages irrespective of the number of faces or the configuration of the faces.

Monument sign means a permanent sign with little or no open space between the ground and the sign face and constructed of stone, concrete, masonry, stucco, or equal architectural material. These signs are regulated as ground signs.

Multiple-message sign means a sign or portion of a sign which changes the message or copy on the sign face mechanically or electronically by movement or rotation of panels or slats, or by changing electronic display on the sign face more than once per day.

Painted wall sign means any sign that is applied with paint or similar substance on the face of a wall.

Permanent sign means a sign permanently affixed to a building or the ground.

Person means any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Planned center means a nonresidential development with multiple establishments that are separately owned and operated.

Portable sign means any sign supported by its own frame or trailer, with or without wheels, that is designed to move from one place to another.

Post and arm sign means a permanent sign supported by a single upright post with a horizontal arm from which a sign is suspended. These signs are regulated as ground signs.

Projecting sign means any sign affixed to a building or wall, which horizontally extends more than 12 inches beyond the surface of a building or wall.

Roof sign means any sign erected, constructed, and maintained upon or over the roof of any building or projects above the roofline.

Roof sign (integral) means any sign erected or constructed as an integral part of a normal roof structure of any design. No part of the sign can extend vertically above the highest portion of the roof, and no part of the sign can be separated from the rest of the roof by a space of more than six inches.

Setback means the distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sidewalk, sandwich, or A-frame sign means a sign which is normally in the shape of an "A" of some variation, which is usually two-sided.

Sign means any display of words, shapes or images designed to convey a message to the viewer, located on the exterior of any dwelling, building or structure, or located anywhere on a lot upon a dedicated supporting structure or device, including poles, banners, windows, and similar devices.

Sign face means the actual message-carrying portion of the sign that can be used to display content, including any area that can display or does display words, pictures, or other communicative elements of the sign, including the background color.

Sign structure means and includes all the elements of the sign, including its supporting structure, sign face, base, lights, and every portion of the sign.

Street means any public or private right-of-way for automobile use. This excludes alleyways, parking lots and driveways.

Under canopy sign means a sign that is suspended from the underside of a canopy, is perpendicular to the wall surface of a building, and whose copy is not clearly visible from the public right-of-way.

Wall face means a measurement of area equal to the height of the structure from the ground to the coping or eave of the roof multiplied by the width of the wall associated with the individual business. The wall face is to be measured for each wall independently.

Wall sign means a sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building and does not project more than 12 inches from the building face.

Window sign means a sign having its message visible from the exterior of a building that is either located within a building so as to be visible through a window or affixed directly to the window either inside or outside the building.

Sec. 6-9.4. Permitted signs.

- (a) *Standard permitted signs.* The following signs are permitted in the following zoning districts. If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this article shall be prohibited. These regulations apply to signs located on any lot or development.
- (b) *Address required on ground signs.* All ground signs exceeding six square feet in area shall include the address of the parcel on which the sign is located. When a sign is oriented to a street other than the street to which the address is assigned, the address shall include the street name of the assigned address.

Sec. 6-9.5. Residential district sign standards.

Signs in residential districts. Signs permitted in the residential base zoning districts (R-Ag, R-1, R-2, R-2A, R-3, R-TH, RM-1, RM-2, R-MH, FBR) shall comply with the provisions in Table 6-9-1. Signs on one- and two-family lots are exempt from obtaining a sign permit.

Table 6-9-1. Standards for Signs in Residential Districts						
Zoning District	Use	Sign Type	Maximum Square Feet per Sign Face	Maximum Number per Lot	Maximum Height	
R-Ag, R-1, R-2, R-2A, R-3, R-TH, RM-1, RM-2, R-MH, FBR	One- and Two-family Dwelling	Ground	4	2	4	
			1	4	2	
		Window	1	2	n/a	
		Wall-mounted Flag	15	1	n/a	
	Subdivision Development	Monument	24 total per pole	1 flagpole	20	
			32	2 single sided or 1 double sided	8	
	Multi-family and Nonresidential	Monument; Post & Arm	24	1	8	
			Wall-mounted Flag	15	1 per tenant	n/a
			Ground-mounted Flag	40 total per pole	1 flagpole	30
	All ground signs and flagpoles shall be set back at least 10 feet from the property lines					

Sec. 6-9.6. Nonresidential district sign standards.

- (a) *Ground signs in nonresidential districts.* Ground signs permitted in the nonresidential base zoning districts, and the PC, DD, and NC overlay districts shall comply with the provisions in Table 6-9-2.

Table 6-9-2. Standards for Ground Signs in Nonresidential Districts							
Zoning and Overlay District	Sign Type	Maximum Square Feet per Sign Face			Maximum Number per Lot	Maximum Height (feet)	Illumination Allowed
		Not based on lot size	Lot size > 3 acres	Lot size 3 acres or less			
C-1, C-2, M-1, M-2, GU, IMU, and MUC	Monument; Monopole	n/a	100	75	2	20	Internal or External
	Ground-mounted Flag	48 total per pole	n/a	n/a	3 flagpoles	35	External only
Parkway Corridor Overlay (PC)	Monument	n/a	100	75	1 per street front	20	Internal or External
	Ground-mounted Flag	Same as base zoning district					
LC, OI, NMU	Monument; Post & Arm	32	n/a	n/a	1 per street front	15	External only
	Ground-mounted Flag	48 total per pole	n/a	n/a	1 flagpole	35	
C-3, Downtown Development Overlay (DD)	Monument; Post & Arm	32 for Monument; 12 for Post & Arm	n/a	n/a	1 per street front	10	External; Internal by COA only
	Ground-mounted Flag	48 total per pole	n/a	n/a	1 flagpole	35	External only
Neighborhood Commercial Corridor Overlay (NC)	Monument; Post & Arm	32	n/a	n/a	2	15	Internal or External
	Ground-mounted Flag	Same as base zoning district					
All ground signs and flagpoles must be set back at least 10 feet from the property lines							

(b) *Wall, canopy, projecting and under canopy signs in nonresidential districts.* Wall, canopy, projecting and under canopy signs in the nonresidential base zoning districts and PC, DD, NC overlay districts shall comply with the provisions of Table 6-9-3.

Table 6-9-3. Standards for Wall, Canopy, Projecting, and Under Canopy Signs in Nonresidential Districts					
Zoning District	Sign Type	Maximum Number (multi-tenant building)	Maximum Number (single-tenant building)	Maximum Square Feet per Sign Face	Illumination Allowed
C-1, C-2, M-1, M-2, GU, IMU, MUC	Wall or Canopy	1 per tenant's exterior wall	1 per exterior wall	300 or 10% of each wall area, whichever is less	Internal or External; Canopy External Only
	Projecting*	1 per tenant	1	6	
	Under Canopy*	1 per tenant entrance	1 per building entrance	4	
LC, OI, NMU, Neighborhood Commercial Corridor Overlay (NC)	Wall or Canopy	1 per tenant's building frontage	1 per building frontage	100 or 10% of each wall area, whichever is less	Internal or External; Canopy External Only
	Projecting*	1 per tenant	1	6	
	Under Canopy*	1 per tenant entrance	1 per building entrance	4	
C-3, Downtown Development Overlay (DD)	Wall or Canopy	1 per tenant's building frontage	1 per building frontage	1 for each linear foot of tenant's building frontage	External Only
	Projecting*	1 per tenant	1	6	
	Under Canopy*	1 per tenant entrance	1 per building entrance	4	
All Districts	Wall-mounted Flag	1 per tenant	1	24	External Only
Parkway Corridor Overlay (PC)	Same as base zoning district				
*Projecting signs and under canopy signs require 78" clearance from finished grade.					

(c) Additional standards for signs in the C-3 zoning district, and the DD overlay district.

(1) Wall signs in a planned center shall be composed of individual letters not exceeding 18 inches in height.

(2) All signs require a Certificate of Appropriateness unless the administrator determines that a sign complies with the provisions of this section.

(3) Prohibited signs in C-3 and DD districts:

a. Multiple message signs.

- b. Neon tube signs, including neon and rope light building outlining.
- c. Signs incorporating reflective and luminescent materials.

Sec. 6-9.7. Additional Ground Signs.

In addition to ground signs permitted in sections 6-9.5 and 6-9.6, additional ground signs are authorized during certain periods of time as described in Table 6-9-4. Such signs are exempt from obtaining a sign permit. Property address is not required on such signs.

Table 6-9-4. Standards and Time for Additional Ground Signs								
Zoning District		R-Ag, R-1, R-2, R-2A, R-3, R-TH, RM-1, RM-2, R-MH, FBR					C-1, C-2, C-3, M-1, M-2, LC, OI, GU, IMU, MUC, NMU	
Use		Maximum	One- and two-family dwelling	One- and two-family dwelling subdivision	Multi-family	Nonresidential	Multi-family	Nonresidential
Time Period When Allowed	120 Days Prior to, through 14 days after, a Primary, General Election, Runoff, or Referendum	Number per lot	4	n/a	4	4	4	4
		Size (square feet)	4	n/a	4	4	4	4
		Height (feet)	4	n/a	4	4	4	4
	During the period when a property or tenant space is for sale, lease, or rent	Number per lot	*	n/a	*	*	*	*
		Size (square feet)	6	n/a	6	6	6	24
		Height (feet)	4	n/a	6	6	6	8
	Upon the Issuance of a permit for development through the Issuance of the final Certificate of Occupancy	Number per lot	2	1 per subdivision	1	1	1	1
		Size (square feet)	4	32	32	32	32	32
		Height (feet)	4	10	10	10	10	10
*1 per 500 feet of street frontage per street front Ground signs must be set back at least 10 feet from the property lines and are not allowed in public rights-of-way								

Sec. 6-9.8. Banners.

Banners are permitted for any use except one-and two-family dwellings, subject to the following standards:

- (1) A banner shall be permitted for up to 30 consecutive days, and not more than 90 days per calendar year.
- (2) A banner shall not exceed 16 square feet in area.
- (3) One banner shall be permitted per tenant.
- (4) The banner shall be attached to a flat wall or to a rigid ground-mounted frame in a manner such that the banner does not become an animated sign.
- (5) A sign permit shall be required for each 30-day display.

Sec. 6-9.9. Multiple message signs.

- (a) Multiple message signs may be incorporated as part of the ground sign(s) otherwise permitted in each nonresidential zoning or overlay district, per the provisions of Table 6-9-5.

Table 6-9-5. Standards for Multiple Message Signs in Nonresidential Districts	
Zoning and Overlay District	Maximum Portion of Sign Face Allowed to be Multiple Message
C-1, C-2, M-1, M-2, GU, IMU, MUC, and Parkway Corridor Overlay (PC)	32 square feet or 50 percent of allowable sign face, whichever is less
Interstate Corridor Overlay District (IC)	100 percent of allowable sign face only when sign is located within 20 feet of I-75 right-of-way
LC, OI, NMU, C-3, Downtown Development Overlay (DD), and Neighborhood Commercial Corridor Overlay District (NC)	Six square feet provided message does not change more than once per day

- (b) When the message of a multiple-message sign is changed mechanically, it shall be accomplished in three seconds or less. When the message of a multiple-message sign is changed in an electronic manner, through the use of light emitting diodes, back lighting or other light source, the transition shall occur within two seconds. No multiple-message sign may change its message or copy, or any pictures or images that are part of the message, more frequently than once every ten seconds.
- (c) When any multiple-message sign is located within 150 feet of any residential district, the display of multiple-messages shall discontinue between the hours of 11:00 p.m. and 6:00 a.m., and the sign shall be static and not display more than one message during that period.
- (d) Multiple message signs shall incorporate a photocell or similar technology that adjusts the brightness of the sign relative to the outdoor ambient light.

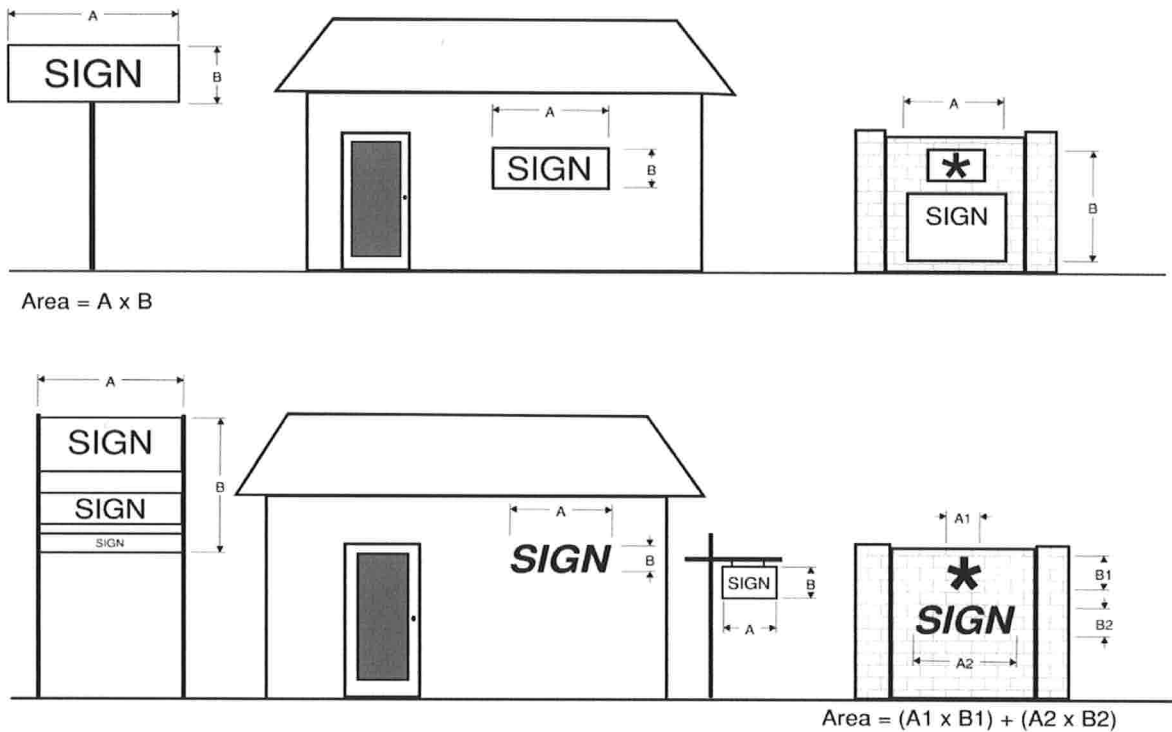
Sec. 6-9.8. Regulations for signs.

- (a) *Location, height, and setback.*

- (1) The property owner must give permission for all sign placement on the owner's property, through the issuance of a letter signed by the owner.
 - (2) All signs must comply with all side and rear setbacks of this chapter.
 - (3) Signs can be located in front setback areas, but all signs and sign structures must be set back at least ten feet from the public right-of-way. No portion of a sign or sign structure shall encroach on or overhang the public right-of-way, except for projecting and under-canopy signs as allowed in the Downtown Development Overlay District, or any other person's property. Furthermore, for safety reasons, no sign shall be located closer than ten feet from the back of the curb of a public roadway, or if there is no curb, from the edge of the pavement.
 - (4) Distances are measured from the closest portion of the sign (whether that is the base, sign face, or the sign structure) to the property line(s).
 - (5) The height requirements of a sign shall be computed as the length of a straight vertical line from normal grade to the height of the highest attached component of the sign or sign structure. Normal grade shall be considered the lower of:
 - a. Existing grade of the site of the sign prior to construction of the sign; or
 - b. The newly established grade at the base of the sign after construction, exclusive of any filling, beaming, mounding, or excavating solely for the purpose of locating the sign.
- (b) *Number.* For the purpose of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. A double-sided (double-faced) sign is counted as one sign.
- (c) *Illumination.*
- (1) Ground signs shall not be internally illuminated except where expressly permitted by this article. All signs may be externally illuminated. External illumination of any sign in any district shall be positioned and shielded so that the light source does not shine directly into the path of motorists on a public right-of-way or into the windows of adjacent dwellings or businesses without the permission of the owner and occupant thereof.
 - (2) No sign shall give off light which glares, blinds, or has any other adverse effect on traffic or adjacent properties. The light from an illuminated sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. This shall be determined by measuring the footcandles that fall on adjacent properties or the public right-of-way. No sign shall exceed 0.5 footcandle at any adjacent property line in a residential district or two footcandles at any public right-of-way.
 - (3) Flashing, blinking or otherwise varying illumination are not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted.
 - (4) All externally illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light trespass, such as light shining into residences or other neighboring structures.

- (5) All internally illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
- (6) All illuminated signs over ten feet in height shall either be internally illuminated, when authorized, or illuminated by external lighting fixtures not visible to passing motorists.
- (d) *Calculation of area.* The area of a sign is calculated by determining the area of the smallest rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples:

Examples of Sign Face Area Measurements



- (e) *Unusual-shaped signs.* Unusual-shaped signs are signs that are any shape other than a rectangle, and include signs with projecting elements or features, round, oval, and triangular signs, signs with more than four sides, signs in the shape of an animal, object, or device, and so forth. For all such signs, the area is determined by calculating the area of the smallest rectangle that will completely enclose all elements of the sign face.

Sec. 6-9.9. Safety and construction standards.

- (a) *Engineering approval.* All signs in excess of 15 feet in height should be constructed according to plans approved by a state registered professional engineer. The sign owner shall produce such approved plans at the request of the administrator.
- (b) *Official confusion.* Signs which contain or are in imitation of an official traffic sign or signal are prohibited.

- (c) *Fire safety.* No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.
- (d) *Corner visibility.* No sign or sign structure above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets, or of a street intersection with a railroad right-of-way.
- (e) *Traffic visibility.* No sign shall obstruct the view of vehicles entering the roadway (i.e., the view of oncoming traffic by vehicles attempting to enter the road).
- (f) *Good repair.* All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair. Any structure formally used as a sign, but not in use for any other purpose, must be removed by the owner of the property within ten days after written notification from the administrator or 30 days after its use as a valid sign has ceased, after which time, the city may cause the removal of the sign at the owner's expense.
- (g) *Removal of unsafe signs and safety hazards.* The city may remove a sign in violation of this chapter, without giving notice to any party, if said sign is upon the public right-of-way or upon other public property, or said sign poses an immediate safety threat to the life or health of any members of the public.

Sec. 6-9.10. Prohibited signs.

The following types of signs are prohibited:

- (1) Roof signs and roof signs (integral).
- (2) Rotating signs.
- (3) Signs with more than two sides.
- (4) Animated signs, except where expressly permitted.
- (5) Sidewalk, sandwich, or A-frame signs, except in DD overlay district.
- (6) Portable signs (mobile, trailer).

Sec. 6-9.11. Signs not required to obtain a sign permit.

The following types of signs do not require a sign permit, provided they comply with the provisions of this article:

- (1) Ground signs less than 49 inches in height.
- (2) Window signs.
- (3) Flags.
- (4) Signs installed on a public right-of-way by the City of Perry, Houston County, Peach County, or the State of Georgia.
- (5) Signs authorized in Section 6-9.7.

Sec. 6-9.12. Procedures; permits.

- (a) Except as specifically exempted from the provisions of this article, a person or firm may not legally maintain, post, display, enlarge, erect, move, or substantially change a sign that is taller than 48 inches without first obtaining a permit from the Administrator. Signs using electrical wiring and connections (i.e., illuminated signs), as well as larger signs, may require additional permits under the city building code.
- (b) All parties are advised to consult with the Administrator to avoid erecting signs that violate this article. No person shall obtain a vested right to maintain a sign that does not comply with this article at the time it is erected. Signs erected in violation of this article shall be removed or reconstructed in compliance with this article.
- (c) See Sec. 2-3.9 for application requirements and procedures.

Sec. 6-9.13. Nonconforming signs.

Signs existing legally at the time of the adoption or amendment of the ordinance from which this article is derived, but which do not conform to newly adopted or amended provisions of this article solely because of a change in this article, and not because of a change to the sign, may remain as legal nonconforming signs, subject to the following provisions:

- (1) There must be existing property rights in the sign;
- (2) The right to continue a nonconforming sign is confined to the sign owner or his transferee;
- (3) A nonconforming sign may be restored to its original condition, provided that not more than 50 percent of the sign is destroyed. The 50 percent is to be determined by 50 percent of the value of the materials of the sign, inclusive of poles and other structural members, immediately prior to damage;
- (4) A nonconforming sign when relocated or moved shall no longer be considered a nonconforming sign and thereafter shall be subject to all the provisions of law and of these rules;
- (5) The sign must remain substantially the same as it was on the effective date of the adoption of the ordinance from which this article is derived which rendered the sign nonconforming. Extension, enlargement, replacement, rebuilding, adding lights to a non-illuminated sign, re-erection of the sign, or replacing a manual reader board with a multiple message sign will be considered a change in the existing sign. The maintenance will be limited to:
 - a. Replacement of nuts and bolts, and light bulbs;
 - b. Additional nailing, riveting, or welding;
 - c. Cleaning and painting;
 - d. Manipulating to level or plumb the device, but not to the extent of adding guys or struts for stabilization of the sign structure;
 - e. A change of the message, including changing faces, as long as similar materials are used, and the sign face is not enlarged or modified in shape;

- (6) At no time may changes be made in a nonconforming sign which would increase the value of the sign;
- (7) A nonconforming sign may continue as long as it is not abandoned, destroyed, discontinued, or purchased by any governmental agency. Any sign suffering damage in excess of normal wear cannot be repaired without:
 - a. Notifying the Administrator in writing of the extent of the damage, the reason the damage is in excess of normal wear, and providing a description of the repair work to be undertaken, including the value of the sign materials and the cost of the repair; and
 - b. Receiving written notice from the Administrator authorizing the repair work as described above. If said repair is authorized by the terms of this article, the Administrator shall mail such notice to the applicant within 30 days of receipt of the information described in subsection (7)(a) of this section.
- (8) A nonconforming sign with a sign face exceeding 200 square feet in area which is destroyed or damaged by more than 50 percent of its replacement value and is authorized to be reestablished under a permit issued by the Georgia Department of Transportation, shall only be reestablished as a monopole sign. Such reestablished sign shall not exceed the sign face area and height of the sign prior to damage or destruction.

Delete Section 9-5. Nonconforming Signs, in its entirety and replace with "Sec.9-5. Reserved."



Where Georgia comes together.

Application # TEXT-0024-2023

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

Applicant	
*Name	Bryan Wood for the City of Perry
*Title	Director of Community Development
*Address	1211 Washington Street, Perry, GA 31069
*Phone	478-988-2714
*Email	bryan.wood@perry-ga.gov


Request

*Please provide a summary of the proposed text amendment:

Replace Section 6-9, Signs, in its entirety. The purpose of this text amendment is to revise the sign standards to ensure they are content-neutral.

Instructions

1. The application, fee (made payable to the City of Perry), and proposed text of the amendment must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. Fees: Actual cost of required public notice.
3. The applicant must state the reason for the proposed text amendment. See Sections 2-2 and 2-3.2 of the Land Management Ordinance for more information.
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
6. The applicant must be present at the hearings to present the application and answer questions that may arise.
7. Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No X
If yes, please complete and submit the attached Disclosure Form.
8. The applicant affirms that all information submitted with this application, including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
9. Signatures:

<p>*Applicant </p>	<p>Bryan Wood, Director of Community Development, for the City of Perry</p>	<p>*Date 2/13/2023</p>
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Standards for Amendments to the Text of the Land Management Ordinance

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

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

This amendment is not inconsistent with these plans.

(2) Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations.

The proposed amendment is consistent with the format of the Land Management Ordinance.

(3) Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted.

The amendment addresses recent court decisions regarding content-based sign standards.

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

The amendment is consistent with the needs of the community.

(5) Whether, and the extent to which, the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The Purpose and Intent of the LMO includes:

- Facilitate the creation of a convenient, attractive, and harmonious community.
- Encourage appropriate commercial development patterns along corridors.
- Regulate the density of land and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.

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

The amendment provides appropriate sign standards for all properties.

(7) Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment in and of itself has no impact on the natural environment.

(8) Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment in and of itself has no impact on public facilities and services.

Comparison of Proposed and Existing Sign Regulations

Proposed Residential Districts Sign Regulations

Sec. 6-9.5. Residential district sign standards.

Signs in residential districts. Signs permitted in the residential base zoning districts (R-Ag, R-1, R-2, R-2A, R-3, R-TH, RM-1, RM-2, R-MH, FBR) shall comply with the provisions in Table 6-9-1. Signs on one- and two-family lots are exempt from obtaining a sign permit.

Table 6-9-1. Standards for Signs in Residential Districts						
Zoning District	Use	Sign Type	Maximum Square Feet per Sign Face	Maximum Number per Lot	Maximum Height	
R-Ag, R-1, R-2, R-2A, R-3, R-TH, RM-1, RM-2, R-MH, FBR	One- and Two-family Dwelling	Ground	4	2	4	
			1	4	2	
		Window	1	2	n/a	
		Wall-mounted Flag	15	1	n/a	
		Ground-mounted Flag	24 total per pole	1 flagpole	20	
	Subdivision Development	Monument	32	2 single sided or 1 double sided	8	
	Multi-family and Nonresidential	Monument; Post & Arm	24	1	8	
			Wall-mounted Flag	15	1 per tenant	n/a
			Ground-mounted Flag	40 total per pole	1 flagpole	30
	All ground signs and flagpoles shall be set back at least 10 feet from the property lines					

Existing Residential Sign Regulations

6-9.6. *Signs in residential zoning districts.*

- (A) Other than subdivision entrance signs allowed under section 6-9.7, parcels located in residential zoning districts shall not contain signs having a sign area greater than four (4) square feet. Signs having a height of greater than five (5) feet shall not be located in residential zoning districts. Illuminated signs shall not be located in residential zoning districts. Signs meeting the standards of this section are exempt from permitting requirements.
- (B) Flagpoles in residential zoned districts shall not exceed twenty-five (25) feet in height or the height of the primary structure, whichever is less. The flagpoles shall be no further from the structure than fifty (50) percent of the distance from the face of the structure to the public right-of-way.

6-9.7. *Residential subdivision entrance signs.* Residential subdivisions consisting of more than two (2) parcels may erect one (1) monument sign at each entrance to the subdivision. Such sign shall not exceed a height of ten (10) feet above the grade level of the center line of the adjacent street and shall not have a sign area greater than twenty-five (25) square feet. Such entrance signs shall not count toward the maximum allowable signage on a residential parcel.

Proposed Non-residential Districts Ground Sign Regulations

- Size of sign face proposed to be the same for monument and monopole signs to remove incentive for pole signs.
- Combined standards for “Lot size less than three (3) acres, but equal to or greater than 30,000 square feet” and “Lot size less than 30,000 square feet”.

Table 6-9-2. Standards for Ground Signs in Nonresidential Districts							
Zoning and Overlay District	Sign Type	Maximum Square Feet per Sign Face			Maximum Number per Lot	Maximum Height (feet)	Illumination Allowed
		Not based on lot size	Lot size > 3 acres	Lot size 3 acres or less			
C-1, C-2, M-1, M-2, GU, IMU, and MUC	Monument; Monopole	n/a	100	75	2	20	Internal or External
	Ground-mounted Flag	48 total per pole	n/a	n/a	3 flagpoles	35	External only
Parkway Corridor Overlay (PC)	Monument	n/a	100	75	1 per street front	20	Internal or External
	Ground-mounted Flag	Same as base zoning district					
LC, OI, NMU	Monument; Post & Arm	32	n/a	n/a	1 per street front	15	External only
	Ground-mounted Flag	48 total per pole	n/a	n/a	1 flagpole	35	
C-3, Downtown Development Overlay (DD)	Monument; Post & Arm	32 for Monument; 12 for Post & Arm	n/a	n/a	1 per street front	10	External; Internal by COA only
	Ground-mounted Flag	48 total per pole	n/a	n/a	1 flagpole	35	External only
Neighborhood Commercial Corridor Overlay (NC)	Monument; Post & Arm	32	n/a	n/a	2	15	Internal or External
	Ground-mounted Flag	Same as base zoning district					
All ground signs and flagpoles must be set back at least 10 feet from the property lines							

Existing Non-residential Ground Sign Regulations

6-9.11. *Nonresidential district sign standards.* Signs permitted and regulated in the nonresidential zoning districts:

(A) C-1, C-2, M-1, M-2, GU, IMU, and MCU Districts.

- (1) Pole signs in the C-1, C-2, M-1, M-2, GU, IMU, and MUC Districts shall meet the following criteria:
 - (a) Pole signs shall be limited to two (2) such signs per parcel. Pole signs shall not exceed a height of twenty (20) feet.
 - (b) Individual pole signs for parcels exceeding three (3) acres shall not exceed a sign area of one hundred fifty (150) square feet. The total square feet of pole signs shall not exceed two hundred twenty (220) [square feet].

- (c) Pole signs for parcels less than three (3) acres, but equal to or greater than thirty thousand (30,000) square feet, shall not exceed a sign area of ninety (90) square feet. The total square feet of pole signs shall not exceed one hundred fifty (150) square feet.
 - (d) Pole signs for parcels less than thirty thousand (30,000) square feet in size shall not exceed a sign area of seventy (70) square feet. The total square feet of pole signs shall not exceed one hundred (100) square feet.
- (3) Monument and ground signs in the C-1, C-2, M-1, M-2, GU, IMU, and MUC Districts shall meet the following criteria:
- (a) Monument or ground sign area shall not exceed sixty (60) square feet and shall be limited to one (1) such sign per parcel per street frontage. A maximum of two (2) monument or ground signs are permitted.
 - (b) A monument or ground sign erected under this section shall be in place of, not in addition to, a pole sign.
 - (c) The maximum height for monument or ground signs in these districts shall not exceed twenty (20) feet.
- (B) CP, LC, OC, IN, and NMU Districts.
- (1) Pole signs in the CP, LC, OC, and NMU Districts shall meet the following criteria:
- (a) Individual pole signs shall not exceed a sign area of thirty-two (32) square feet. The total square feet of pole signs shall not exceed sixty-four (64) square feet.
 - (b) Pole signs shall be limited to one (1) such sign per parcel per street frontage. A maximum of two (2) pole signs are permitted per parcel. The maximum height for pole signs in these districts shall not exceed twenty (20) feet.
- (3) Monument and ground signs in the CP, LC, OC, and NMU Districts shall meet the following criteria:
- (a) Monument or ground sign area shall not exceed thirty-two (32) square feet and shall be limited to one (1) such sign per parcel per street frontage.
 - (b) A monument or ground sign erected under this section shall be in place of, not in addition to, a pole sign.
 - (c) The maximum height for monument or ground signs in these districts shall not exceed fifteen (15) feet.
- (C) C-3 District.
- (1) Post and arm signs in the C-3 District shall meet the following criteria:
- (a) 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 street. A maximum of two (2) post and arm signs are permitted per parcel.
 - (b) The maximum height for a post and arm sign shall be ten (10) feet.
 - (c) The maximum sign area for a post and arm sign shall be twelve (12) square feet.
 - (d) A post and arm sign erected under this section shall be in place of, not in addition to, a monument sign or ground sign.
 - (e) All post and arm signs shall display the numerical municipal address except those designed to be viewed from a street which is different from the street which the business is addressed.
- (3) Monument and ground signs in the C-3 District shall meet the following criteria:
- (a) Monument or ground sign area shall not exceed thirty-two (32) square feet and shall be limited to one (1) such sign per parcel per street frontage. A maximum of two (2) monument or ground signs are permitted per parcel.
 - (b) A monument or ground sign erected under this section shall be in place of, not in addition to, a post and arm sign.
 - (c) The maximum height for monument or ground signs in this district shall not exceed fifteen (15) feet.

- (d) Monument signs shall include a base with a landscaped planting area or planter box which is at minimum the length of the sign and the structural support and of sufficient width to allow for sustaining planted vegetation.
- (e) All monument or ground signs shall display the numerical municipal address except those designed to be viewed from a street which is different from the street which the business is addressed.

6-9.12. *Overlay district sign standards.* Signs permitted and regulated in the non-residential zoning districts. Whenever there is conflict between the signage permitted in an overlay district and the underlying zoning district, the more restrictive shall apply.

(A) PC, Parkway Corridor District.

- (1) Pole signs in the PC District shall meet the following criteria:
 - (a) Pole signs for parcels exceeding three (3) acres shall not exceed a sign area of one hundred (100) square feet. The total square feet of pole signs shall not exceed two hundred (200) square feet.
 - (b) Pole signs for parcels less than three (3) acres, but equal to or greater than thirty thousand (30,000) square feet shall not exceed a sign area of seventy (70) square feet. The total square feet of pole signs shall not exceed one hundred forty (140) square feet.
 - (c) Pole signs for parcels less than thirty thousand (30,000) square feet in size shall not exceed a sign area of fifty (50) square feet. The total square feet of pole signs shall not exceed one hundred (100) square feet.
 - (d) Pole signs shall be limited to one (1) such sign per parcel per street frontage. A maximum of two (2) pole signs are permitted.
 - (e) The maximum height for pole signs in these districts shall not exceed twenty (20) feet.
 - (f) Single pole (monopole) pole signs are prohibited in this overlay district.
 - (g) No illuminated signs shall be located within seventy-five (75) feet of a residential district.
- (3) Monument and ground signs in the PC District shall meet the following criteria:
 - (a) Monument or ground signs shall not exceed sixty (60) square feet of total area and shall be limited to one (1) such sign per parcel per street frontage. A maximum of two (2) monument or ground signs are permitted.
 - (b) A monument or ground sign erected under this section shall be in place of, not in addition to, a pole sign.
 - (c) The maximum height for monument or ground signs in this district shall not exceed twenty (20) feet.
 - (d) No illuminated monument or ground sign shall be located within seventy-five (75) feet of a residential district.

(B) NC, Neighborhood Commercial Corridor District.

- (1) Pole signs in the NC District shall meet the following criteria:
 - (a) Pole signs shall not exceed a sign area of thirty-two (32) square feet.
 - (b) Pole signs shall be limited to one (1) such sign per parcel per street frontage. A maximum of two (2) pole signs are permitted.
 - (c) The maximum height for pole signs in these districts shall not exceed fifteen (15) feet.
 - (d) A single pole (monopole) pole sign is prohibited in this overlay district.
 - (e) No illuminated pole signs shall be located within seventy-five (75) feet of a residential district.
- (3) Monument and ground signs in the NC District shall meet the following criteria:
 - (a) Monument or ground signs shall not exceed a sign area of thirty-two (32) square feet.
 - (b) A monument or ground sign erected under this section shall be in place of, not in addition to, a pole sign.
 - (c) Monument or ground signs shall be limited to one (1) such sign per parcel per street frontage. A maximum of two (2) monument or ground signs are permitted.
 - (d) The maximum height for monument or ground signs in this district shall not exceed fifteen (15) feet.

- (e) No illuminated monument or ground signs shall be located within seventy-five (75) feet of a residential district.

(C) DD, Downtown Development District/PMS, Main Street District.

(1) Post and arm signs in the DD/PMS District shall meet the following criteria:

- (a) 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 street. A maximum of two (2) post and arm signs are permitted per parcel.
- (b) The maximum height for a post and arm sign shall be ten (10) feet.
- (c) The maximum sign area for a post and arm sign shall be twelve (12) square feet.
- (d) A post and arm sign erected under this section shall be in place of, not in addition to, a monument or ground sign.
- (e) All post and arm signs shall display the numerical municipal address except those designed to be viewed from a street which is different from the street which the business is addressed.

(3) Monument and ground signs in the DD District shall meet the following criteria:

- (a) Monument or ground sign area shall not exceed thirty-two (32) square feet and shall be limited to one (1) such sign per parcel per street frontage. A maximum of two (2) monument or ground signs are permitted per parcel.
- (b) A monument or ground sign erected under this section shall be in place of, not in addition to, a post and arm sign.
- (c) The maximum height for monument or ground signs in these districts shall not exceed fifteen (15) feet.
- (d) Monument signs shall include a base with a landscaped planting area or planter box which is at minimum the length of the sign and the structural support and of sufficient width to allow for sustaining planted vegetation.
- (e) All monument or ground signs shall display the numerical municipal address except those designed to be viewed from a street which is different from the street which the business is addressed.

(4) Character signs: One (1) character sign per business shall be permitted without permit. However, the Perry Main Street Design Committee shall review and approve all character signs before placement.

(5) Memorial signs or tablets which include names of buildings and date of erection when cut into masonry, bronze or other such materials are exempted from permitting.

(6) 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 frontage.

(7) Prohibited signs in DD/PMS District.

- (a) Electronic message boards/video boards except for LED price signs at gas stations provided they do not change more than one (1) time per hour.
- (b) No signs containing reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark shall be permitted.
- (c) Off premise signs: Signs on a parcel which do not pertain to a business on that parcel.
- (d) Neon tube signs.

6-9.4. *Exemptions from sign permit requirements—nonresidential zones.* In the nonresidential zones, the following types of signs shall be exempt from permit requirements and shall not count towards the maximum aggregate sign area limits provided in sections 6-9.11 and 6-9.12:

(M) **Flags:** Every parcel may display no more than three (3) flags. Flagpoles in nonresidential zoned districts shall not exceed sixty (60) feet in height. The dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed fifty (50) percent of the vertical height.

The flagpoles, in all zoning districts, shall be no further from the structure than fifty (50) percent of the distance from the face of the structure to the public right-of-way.

Proposed Non-residential Districts Wall Sign Regulations

Table 6-9-3. Standards for Wall, Canopy, Projecting, and Under Canopy Signs in Nonresidential Districts					
Zoning District	Sign Type	Maximum Number (multi-tenant building)	Maximum Number (single-tenant building)	Maximum Square Feet per Sign Face	Illumination Allowed
C-1, C-2, M-1, M-2, GU, IMU, MUC	Wall or Canopy	1 per tenant's exterior wall	1 per exterior wall	300 or 10% of each wall area, whichever is less	Internal or External; Canopy External Only
	Projecting*	1 per tenant	1	6	
	Under Canopy*	1 per tenant entrance	1 per building entrance	4	
LC, OI, NMU, Neighborhood Commercial Corridor Overlay (NC)	Wall or Canopy	1 per tenant's building frontage	1 per building frontage	100 or 10% of each wall area, whichever is less	Internal or External; Canopy External Only
	Projecting*	1 per tenant	1	6	
	Under Canopy*	1 per tenant entrance	1 per building entrance	4	
C-3, Downtown Development Overlay (DD)	Wall or Canopy	1 per tenant's building frontage	1 per building frontage	1 for each linear foot of tenant's building frontage	External Only
	Projecting*	1 per tenant	1	6	
	Under Canopy*	1 per tenant entrance	1 per building entrance	4	
All Districts	Wall-mounted Flag	1 per tenant	1	24	External Only
Parkway Corridor Overlay (PC)	Same as base zoning district				
*Projecting signs and under canopy signs require 78" clearance from finished grade.					

Existing Non-residential Districts Wall Sign Regulations

6-9.11. *Nonresidential district sign standards.* Signs permitted and regulated in the nonresidential zoning districts:

(A) C-1, C-2, M-1, M-2, GU, IMU, and MCU Districts.

- (2) Wall, awning, projecting and hanging signs in the C-1, C-2, M-1, M-2, GU, IMU, and MUC Districts shall meet the following criteria:
 - (a) Wall signs shall not project more than five (5) feet above the wall.
 - (b) Wall signs shall not project beyond the building face by more than twelve (12) inches. Awning signs shall not project beyond the building face by more than six (6) feet.
 - (c) The maximum aggregate area of wall and awning signs shall not exceed three hundred (300) square feet or ten (10) percent of the aggregate area of the wall faces of the premises to which the sign relates, whichever is less.
 - (d) 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 the face of the building of three (3) feet. No sign shall project into a vehicular use area.

- (e) Hanging signs shall not be 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. Sign area shall count towards permissible wall sign area.
- (f) The maximum wall sign height shall be ten (10) feet.
- (g) Each building tenant shall be limited to one (1) wall or awning sign on each wall.

(B) CP, LC, OC, IN, and NMU Districts.

- (2) Wall, awning, projecting and hanging signs in the CP, LC, OC, and NMU Districts shall meet the following criteria:
 - (a) Wall signs shall not project more than five (5) feet above the wall.
 - (b) Wall signs shall not project beyond the building face by more than twelve (12) inches. Awning signs shall not project beyond the building face by more than six (6) feet.
 - (c) Wall and awning signs shall not exceed a sign area of one hundred (100) square feet or ten (10) percent of the wall face of the premises to which the sign relates; whichever is less, on each street-facing wall.
 - (d) 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 the face of the building of three (3) feet. No sign shall project into a vehicular use area.
 - (e) Hanging signs shall not be 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. Sign area shall count towards permissible wall sign area.
 - (f) The maximum wall or awning sign height shall be six (6) feet.
 - (g) Each building tenant shall be limited to one (1) wall or awning sign on each street-facing wall.

(C) C-3 District.

- (2) Wall, awning, hanging and projecting signs in the C-3 District shall meet the following criteria:
 - (a) Wall and awning signs shall not have an aggregate area exceeding one (1) square foot for each lineal foot of building or store frontage, whichever is less.
 - (b) Wall signs shall not project above the wall.
 - (c) Wall signs shall not project beyond the building face by more than twelve (12) inches.
 - (d) 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 the face of the building of five (5) feet. No sign shall project into a vehicular use area.
 - (e) Hanging signs shall not be 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. Sign area shall count towards permissible wall sign area.
 - (f) Wall signs in shopping centers shall be channel letter signs and shall not exceed eighteen (18) inches in height.

6-9.12. *Overlay district sign standards.* Signs permitted and regulated in the non-residential zoning districts. Whenever there is conflict between the signage permitted in an overlay district and the underlying zoning district, the more restrictive shall apply.

(A) PC, Parkway Corridor District.

- (2) Wall, awning, projecting and hanging signs in the PC District shall meet the following criteria:
 - (a) Wall signs shall not project more than five (5) feet above the wall.
 - (b) Wall signs shall not project beyond the building face by more than twelve (12) inches. Awning signs shall not project beyond the building face by more than six (6) feet.

- (c) The maximum aggregate area of wall and awning signs shall not exceed three hundred (300) square feet or ten (10) percent of the aggregate area of the wall faces of the premises to which the sign relates, whichever is less.
- (d) 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 the face of the building of three (3) feet. No sign shall project into a vehicular use area.
- (e) Hanging signs shall not be 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. Sign area shall count towards permissible wall sign area.
- (f) The maximum wall sign height shall be ten (10) feet.
- (g) Each building tenant shall be limited to one (1) wall or awning sign on each wall.

(B) NC, Neighborhood Commercial Corridor District.

(2) Wall, awning, projecting and hanging signs in the NC District shall meet the following criteria:

- (a) Wall signs shall not project more than five (5) feet above the wall.
- (b) Wall signs shall not project beyond the building face by more than twelve (12) inches. Awning signs shall not project beyond the building face by more than six (6) feet.
- (c) The maximum aggregate area of wall and awning signs shall not exceed thirty-two (32) [square feet] or ten (10) percent of the aggregate area of the wall faces of the premises to which the sign relates, whichever is less.
- (d) 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 the face of the building of three (3) feet. No sign shall project into a vehicular use area.
- (e) Hanging signs shall not be 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. Sign area shall count towards permissible wall sign area.
- (f) The maximum wall sign height shall be six (6) feet.
- (g) Each building tenant shall be limited to one (1) wall or awning sign on each wall.

(C) DD, Downtown Development District/PMS, Main Street District.

(2) Wall, awning, projecting and hanging signs in the DD/PMS District shall meet the following criteria:

- (a) Wall signs shall not project above the wall.
- (b) Wall signs shall not project beyond the building face by more than twelve (12) inches.
- (c) Wall and awning signs shall not have an aggregate area exceeding one (1) square foot for each lineal foot of building or store frontage, whichever is less.
- (d) Wall signs in shopping centers shall be channel letter signs and shall not exceed eighteen (18) inches in height.
- (e) 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 the face of the building of five (5) feet. No sign shall project into a vehicular use area.
- (f) Hanging signs shall not be 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. Sign area shall count towards permissible wall sign area.

Proposed Standards for Additional Ground Signs

Sec. 6-9.7. Additional Ground Signs.

In addition to ground signs permitted in sections 6-9.5 and 6-9.6, additional ground signs are authorized during certain periods of time as described in Table 6-9-4. Such signs are exempt from obtaining a sign permit. Property address is not required on such signs.

Table 6-9-4. Standards and Time for Additional Ground Signs								
Zoning District		R-Ag, R-1, R-2, R-2A, R-3, R-TH, RM-1, RM-2, R-MH, FBR				C-1, C-2, C-3, M-1, M-2, LC, OI, GU, IMU, MUC, NMU		
Use		Maximum	One- and two-family dwelling	One- and two-family dwelling subdivision	Multi-family	Nonresidential	Multi-family	Nonresidential
Time Period When Allowed	120 Days Prior to, through 14 days after, a Primary, General Election, Runoff, or Referendum	Number per lot	4	n/a	4	4	4	4
		Size (square feet)	4	n/a	4	4	4	4
		Height (feet)	4	n/a	4	4	4	4
	During the period when a property or tenant space is for sale, lease, or rent	Number per lot	*	n/a	*	*	*	*
		Size (square feet)	6	n/a	6	6	6	24
		Height (feet)	4	n/a	6	6	6	8
	Upon the Issuance of a permit for development through the Issuance of the final Certificate of Occupancy	Number per lot	2	1 per subdivision	1	1	1	1
		Size (square feet)	4	32	32	32	32	32
		Height (feet)	4	10	10	10	10	10
*1 per 500 feet of street frontage per street front.								
Ground signs must be set back at least 10 feet from the property lines and are not allowed in public rights-of-way								

Existing standards

6-9.12. *Overlay district sign standards.* Signs permitted and regulated in the non-residential zoning districts. Whenever there is conflict between the signage permitted in an overlay district and the underlying zoning district, the more restrictive shall apply.

(C) DD, Downtown Development District/PMS, Main Street District.

(6) 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 frontage.

6-9.4. *Exemptions from sign permit requirements—nonresidential zones.* In the nonresidential zones, the following types of signs shall be exempt from permit requirements and shall not count towards the maximum aggregate sign area limits provided in sections 6-9.11 and 6-9.12:

(J) Construction signs located on the premises relating to active construction projects.

Proposed Standards for Multiple Message Signs

Sec. 6-9.9. Multiple message signs.

- (a) Multiple message signs may be incorporated as part of the ground sign(s) otherwise permitted in each nonresidential zoning or overlay district, per the provisions of Table 6-9-5.

Table 6-9-5. Standards for Multiple Message Signs in Nonresidential Districts	
Zoning and Overlay District	Maximum Portion of Sign Face Allowed to be Multiple Message
C-1, C-2, M-1, M-2, GU, IMU, MUC, and Parkway Corridor Overlay (PC)	32 square feet or 50 percent of allowable sign face, whichever is less
Interstate Corridor Overlay District (IC)	100 percent of allowable sign face only when sign is located within 20 feet of I-75 right-of-way
LC, OI, NMU, C-3, Downtown Development Overlay (DD), and Neighborhood Commercial Corridor Overlay District (NC)	Six square feet provided message does not change more than once per day

- (b) When the message of a multiple-message sign is changed mechanically, it shall be accomplished in three seconds or less. When the message of a multiple-message sign is changed in an electronic manner, through the use of light emitting diodes, back lighting or other light source, the transition shall occur within two seconds. No multiple-message sign may change its message or copy, or any pictures or images that are part of the message, more frequently than once every ten seconds.
- (c) When any multiple-message sign is located within 150 feet of any residential district, the display of multiple-messages shall discontinue between the hours of 11:00 p.m. and 6:00 a.m., and the sign shall be static and not display more than one message during that period.
- (d) Multiple message signs shall incorporate a photocell or similar technology that adjusts the brightness of the sign relative to the outdoor ambient light.

Existing Standards for Electronic Message Board

6-9.13. *Electronic message/video boards.* Electronic message/video board signs are only permitted in the locations described in this section and only after approval from the administrator. Whenever there is conflict between an overlay district and the underlying zoning district, the more restrictive shall apply.

- (A) Permitted zoning districts: Electronic message board/video board signs are permitted in the C-1, C-2, OC, IN, M-1, M-2, GU, IMU, and MUC districts.
- (B) Permitted overlay districts: Electronic message board/video board signs are permitted in the AD, PC, IC, and NC overlay districts.
- (C) An electronic message/video board sign in which the electronic display area exceeds two (2) feet in height shall maintain a steady sign face without change for no less than ten (10) seconds. Transition time between displays shall be at least one (1) second.
- (D) The electronic message/video board sign is subject to same size and placement requirements of this section.

Proposed Standards for Banners

Sec. 6-9.8. Banners.

Banners are permitted for any use except one-and two-family dwellings, subject to the following standards:

- (1) A banner shall be permitted for up to 30 consecutive days, and not more than 90 days per calendar year.
- (2) A banner shall not exceed 16 square feet in area.
- (3) One banner shall be permitted per tenant.
- (4) The banner shall be attached to a flat wall or to a rigid ground-mounted frame in a manner such that the banner does not become an animated sign.
- (5) A sign permit shall be required for each 30-day display.

Existing Standards for Banners

6-9.8. *Banners.* Banners shall be permitted in nonresidential zoning districts subject to the approval of a banner permit issued by the Community Development Department. The banners shall not be larger than sixteen (16) square feet in area (cumulative). The banner shall be attached flat to a building wall by metal fasteners or may be freestanding if attached to a top rail and the side ground supports are braced in such a manner as to avoid sagging. A banner permit may be issued for each occurrence not to exceed two (2) fourteen-day periods per calendar year per establishment.



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development

June 8, 2023

CASE NUMBER: TEXT-0076-2023

APPLICANT: The City of Perry

REQUEST: Amend the LMO to establish procedures and standards for short-term rental permit (Sec. 2-3.6, 4-3.5); Delete provisions relating to “Bed and breakfast inn” (Sec. 1-13, 4-3,3(B), 4-1.2); Establish procedure for interpretations of the administrator (Sec. 2-3.19); Update Enforcement provisions (Article 10).

STAFF ANALYSIS: With the growing popularity of short-term rental units, this amendment is intended to address potential negative impacts of the use on the neighborhood character of residential subdivisions, to minimize adverse impacts to the housing supply caused by the conversion of residential units to visitor accommodation use, and to minimize adverse impacts on surrounding properties. Standards and other references to “bed and breakfast inn” are proposed to be deleted as this use also meets the definition of short-term residential rental. An annually renewable short-term residential permit is proposed along with the procedures and standards for granting such permits:

Procedures:

- Initial permit requires special exception for residential zoned properties; administrative review for commercial properties.
- Renewal permit issued by staff.
- Inspection of property required for compliance with life safety codes.
- Permit is not transferrable to another owner or property.
- Permit can be administratively revoked for violation of requirements.
- Revocation may be appealed to Planning Commission.
- One-year waiting period if revoked.
- Existing STRs must obtain renewal permit and comply with standards by December 29, 2023.

Standards:

- 1,000-foot separation between STRs; one STR per parcel for residential zoned properties.
- Occupants limited to 2 per bedroom + 2; not to exceed 10.
- Minimum 24-hour stay.
- Parking restrictions.
- Curfew and no amplified sound between 10:00 pm and 9:00 am.
- Posted “House Rules” required.
- Local contact person required.
- Responsible person, at least 21 years of age, must sign rental agreement.
- Cannot be used for events.
- Permit must be posted and used in all advertisements.
- Proof of insurance required.

- Perry occupational tax certificate required.
- Payment of hotel occupancy tax required – City may require documentation to verify compliance.

All previously approved STRs meet the proposed 1,000-foot separation requirement.

In addition to addressing short-term rentals, the amendment adds procedures for interpretations of the LMO and zoning map by the administrator. This section provides the means for requesting an interpretation, how and when the administrator responds, and provides for appeal of such interpretations.

Article 10 is being amended to provide section numbering consistent with other articles of the LMO, and to update the list of permits referenced under “Specific violations.”

STANDARDS FOR GRANTING A TEXT AMENDMENT:

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

This amendment is not inconsistent with this plan.

- (2) Whether, and the extent to which the proposed amendment is consistent with the provisions of this chapter and related city regulations.

The proposed amendment is consistent with the format of the Land Management Ordinance.

- (3) Whether, and the extent to which there are changed conditions from the conditions prevailing at the time that the original text was adopted.

Short-term rentals are becoming more popular. Procedures for interpretations of the LMO and zoning map by the administrator were not included in the original document.

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

The amendment is intended to address concerns regarding the impact of short-term rentals on residential neighborhoods.

- (5) Whether, and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The amendment is not inconsistent with the purpose and intent of the Land Management Ordinance. The amendment will establish a process and standards which will address the negative impacts of short-term rentals in residential neighborhoods.

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

The amendment is expected to allow the development of short-term rentals in a manner which does not disrupt the residential character of a neighborhood.

- (7) Whether, and the extent to which the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment in and of itself has no impact on the natural environment.

(8) Whether, and the extent to which the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment in and of itself has no impact on public facilities and services.

STAFF RECOMMENDATION: Staff recommends approval of the proposed text amendment.

Proposed Text:

Delete the definition of "Bed and breakfast inn" and replace the definition of "Short-term residential rental" with "Short-term rental unit."

1-13. Definitions.

~~*Bed and breakfast inn* means an owner-occupied dwelling having ten or fewer guest rooms where overnight accommodations are provided to transients for compensation. Meals may or may not be provided. The short-term rental of rooms in an owner-occupied dwelling is classified as a bed and breakfast inn. This use type is regulated under the "visitor accommodations" use category in article 4, use regulations.~~

~~*Short-term residential rental* means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. This use type is regulated under the visitor accommodations use category in article 4, use regulations.~~

Short-term Rental Unit means a privately owned residential dwelling or any separable portion of such dwelling, rented for occupancy for lodging or sleeping purposes for a period of less than 30 consecutive days, counting portions of calendar days as full days. This term is not applicable to other types of visitor accommodations, health care, or institutions. This use type is regulated under the visitor accommodations use category in article 4, use regulations.

Delete section 4-3.3(B) Bed and breakfast inn and replace with "reserved."

- 4-3.3. (B) ~~Bed and breakfast inn. Bed and breakfast inns shall be permitted by special exception provided the following requirements are met:~~
- ~~(1) The proposed use of the property will not adversely affect the immediate neighborhood.~~
 - ~~(2) The proposed use of the property will not create noise, light or traffic conditions detrimental to the neighboring residents.~~
 - ~~(3) No exterior alterations, other than those necessary to assure the safety of the structure, shall be made to the swelling for the purpose of providing a bed and breakfast inn.~~
 - ~~(4) No meals other than breakfast may be served by the resident owner to paying guests.~~
 - ~~(5) The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.~~
 - ~~(6) The resident owner shall comply with all business license and revenue collection ordinances of the City of Perry and the State of Georgia.~~
 - ~~(7) The building shall comply with all requirements for dwellings included in the International Residential Code.~~
 - ~~(8) The resident owner provides one (1) off-street parking space for every guest room.~~
 - ~~(9) The principal use of any such structure or structures shall be residential.~~

Replace Section 2-3.6 as follows:

2-3.6. *Short-term Rental Permit.*

- (A) *Purpose.* The purpose of a short-term rental permit is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public, through the regulation of short-term rental property. The intent of a short-term rental permit is to preserve the neighborhood character of residential subdivisions within the City of Perry, to minimize adverse impacts to the housing supply caused by the conversion of residential units to visitor accommodation use, and to minimize adverse impacts on surrounding properties.
- (B) *Applicability.* An owner who desires to use its property as a short-term rental shall obtain a short-term rental permit prior to using, allowing the use of, or advertising the use of said property as a short-term rental unit.
- (C) *Procedure.*

1. *Initial application.*
 - a. Application for short-term rental permit in a residential zoning district shall require a special exception pursuant to section 2-2.2. The owner shall demonstrate compliance with the standards in sections 2-3.5 and 4-3.5.
 - b. The administrator is authorized to issue a short-term rental permit located in a non-residential zoning district pursuant to section 2-1.5. The owner shall comply with the standards in Section 4-3.5.
 2. *Renewal of permit.* The administrator is authorized to issue a renewal permit for short-term rental pursuant to the provisions of this section.
 3. *Inspection required.* No permit or renewal permit shall be approved for a short-term rental until the City has inspected the premises and found the premises to comply with minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a reinspection fee may be charged for each subsequent inspection.
- (D) *Standards.* A short-term rental permit shall be issued only upon a finding that the owner has demonstrated compliance with all of the goals, policies, and standards of this ordinance and, in particular, with the standards in section 4-3, standards for specific uses.
- (E) *Conditions of approval.* In approving a short-term rental permit or renewal permit, City Council or the administrator may impose restrictions and conditions on the approval, the proposed use, and the premises to be used, as are required to ensure compliance with the general goals and policies of this chapter or with particular standards of this ordinance to prevent or minimize adverse effects from the proposed short-term rental on surrounding lands. The restrictions and conditions imposed must be related in both type and scale to the impact that the short-term rental would have on the public and surrounding properties. All conditions imposed shall be expressly set forth in the permit.
- (F) *Effect.* A short-term rental permit shall authorize the owner to operate only the particular short-term rental approved in the permit. A short-term rental permit shall not be transferred to another property or owner.
- (G) *Expiration.* A short-term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner.
- (H) *Renewal of permit.* An application for a short-term renewal permit may be filed beginning 30 days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete. The administrator may require such certifications deemed necessary and proper to ensure continuing compliance with this chapter.
1. An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection (C)(1) of this Section.
 2. If a complete application for a short-term renewal permit is submitted less than 15 days prior to expiration of the current permit, the administrator in his or her sole discretion may grant a one-time extension of the current permit not to exceed ten days.
- (I) *Revocation of permit.*
1. *Grounds.* Any permit issued hereunder may be revoked by the administrator if the permit holder has:
 - a. received more than two citations for violations of this chapter or any other provision of the Code of the City of Perry within the preceding 12-month time period; or
 - b. failed or refused to comply with an express condition of the permit and remains in non-compliance ten days after being notified in writing of such non-compliance; or
 - c. knowingly made a false statement in the application; or
 - d. otherwise become disqualified for the issuance of a permit under the terms of this chapter.

2. *Notice.* Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three days from the date of mailing.
3. *Appeal.* The permit holder shall have ten days from the date of such revocation in which to file notice with the administrator of their appeal from the order revoking said permit. The appeal shall follow the procedures of section 2-2.1. An appeal shall not stay the denial or revocation of a permit unless otherwise directed by the administrator.
4. *One year waiting period.* In the event an owner's short-term rental permit is revoked by the administrator, a renewal permit shall not be issued for a short-term rental on the premises for one year of the date such permit was revoked. During the waiting period, a short-term rental permit may be issued to the owner of property located within 1,000 feet of the premises of the revoked permit.

(J) *Discontinuance.*

1. The owner of a short-term rental unit legally established prior to August 1, 2023, shall obtain a renewal permit pursuant to this section or discontinue the short-term rental use no later than December 29, 2023. The owner shall demonstrate compliance with the standards in section 4-3.5.
2. If the short-term rental permit is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.

Add Section 2-3.19 as follows:

2-3.19. *Interpretations by the administrator.*

- (A) *Authority.* Interpretations of this chapter shall be made by the administrator, including interpretations of the text of this chapter, interpretations of the zoning district boundaries, interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district, and interpretations of procedures and application requirements for permits.
- (B) *Initiation.* A written interpretation may be requested by the city council, the planning commission, the historic preservation commission, any resident, any landowner, or any person having rights in contract in land in the city, or their authorized agent. The request shall be in writing and provide sufficient information and detail necessary to make an interpretation.
- (C) *Rendering of interpretation.* After the request for interpretation has been determined provide sufficient information and detail to make an interpretation, the administrator shall review and evaluate the request in light of the comprehensive plan, this chapter, the zoning district map, and other relevant codes and statutes, and the render an interpretation. The administrator may consult with the city attorney and other city staff before rendering an interpretation.
- (D) *Form.* The interpretation shall be in writing and sent to the requestor by regular mail or email.
- (E) *Appeal.* Any person aggrieved by a written interpretation by the administrator may appeal the interpretation pursuant to subsection 2-2.1, variances and appeals of administrative decisions.
- (F) *Official record.* The administrator shall maintain a record of written interpretations that shall be available for public inspection during normal business hours.

Add Section 4-3.5 as follows:

4-3.5. *Short-term rental.* The standards in this subsection are required for all short-term rental properties.

(A) *Definitions.* As used in this subsection, the following definitions apply:

Advertise means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

Bedroom means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

Occupant means any individual person living, sleeping, or possessing a building, or portion thereof. A person is not required to pay rent, provide in-kind services, or be named in any lease, contract, or other legal document to be considered an occupant.

Premises means property, a lot, plot, or parcel of land, including any structures or portions of structures thereon.

Responsible person means the signatory of an agreement for the rental, use and occupancy of a short-term rental unit, who shall be an occupant of that short-term rental unit, who is at least twenty-one years of age, and who is legally responsible for ensuring that all occupants of the short-term rental unit and/or their guests or visitors comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental unit.

(B) *Short-term rental permit required.* An annual short-term rental permit or renewal permit is required pursuant to Sec. 2-3.6.

(C) *Designation of local contact person required.* The owner shall designate the name and contact information of a local contact person who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local contact person must be able to and shall be present at the premises within one hour of a call from administrator, or his designee. A local contact person must be authorized to make decisions regarding the premises and its occupants. A local contact person may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release the owner of any liability under this chapter.

(D) *Proof of insurance required.* The owner shall provide documentation of host protection or other commercial general liability insurance commensurate with the operations of the short-term rental that provides coverage of \$1 million per occurrence. Such coverage shall indicate that the property is being used as a short-term rental. A certificate of insurance must be on file with the administrator. Proof of insurance shall be required at the time of application and notice of cancelation of insurance must be provided to the administrator within 30 days.

(E) *Hotel occupancy taxes; Request for occupancy history.* The owner shall remit all hotel occupancy taxes required under State law and Chapter 15 of the Code of the City of Perry. Upon request of the administrator or the City of Perry Finance Director, the owner of the premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner.

(F) *Occupational tax certificate required.* The owner shall obtain and maintain a City of Perry occupational tax certificate for the period(s) covered under the short-term rental permit or renewal permit.

(G) *Separation of short-term rentals.* Within residentially zoned districts, a short-term rental shall not be located within 1,000 feet of a permitted short-term rental, measured from property line of the permitted short-term rental to the property line of a proposed short-term rental.

- (H) *Short-term rentals per premises.* Within residentially zoned districts, no more than one short-term rental shall be permitted per premises.
- (I) *Restrictions on the number of occupants.* The owner or local contact person shall not rent, allow, provide, or advertise for more than two (2) persons per bedroom, plus two (2) additional persons, when using the premises as a short-term rental unit. Regardless of the number of bedrooms on the premises, it shall be unlawful for more than ten persons, including children, to occupy a short-term rental unit at any one time, or to exceed the maximum occupancy shown on the short-term rental permit. A visual inspection by a city employee of more than ten persons at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this section.
- (J) *Parking restrictions.* The maximum number of motor vehicles allowed at a short-term rental unit shall be limited to the number of available off-street parking spaces. It shall be unlawful for an owner to permit, allow or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface. It shall be unlawful for an occupant of a short-term rental unit to park a motor vehicle on a residential street near a short-term rental. It shall be unlawful for an occupant of a short-term rental unit, or an owner thereof to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, utility trailer, or commercial vehicle on the premises of a short-term rental unit.
- (K) *Minimum stay required.* An owner or person shall not rent or lease a short-term rental unit for a period of less than 24 hours.
- (L) *Physical conversion of premises prohibited.* Within residentially zoned districts, the owner shall not convert a garage to living space, remodel, renovate, enlarge, or otherwise modify premises to add additional bedrooms for use as a short-term rental. It shall be unlawful for an owner or person to pave or otherwise cover pervious soil to create additional on-premises parking without prior approval from the administrator.
- (M) *Noise restrictions.* It shall be unlawful to allow or make noise or sound that exceeds the limits set forth in the City's noise ordinance, §17-55.
- (N) *On-premises curfew requirements.* The owner shall not allow the congregation of occupants outside on the premises between the hours of 10:00 p.m. and 9:00 a.m.
- (O) *Trash pickup requirements.* The owner or occupant shall not allow trash and refuse to accumulate in an unsanitary manner. If the owner does not remove trash and refuse from the premises after each individual occupancy, the owner or occupant shall place all residential solid waste curbside for collection and disposal by the city, or its authorized representative, no later than 6:00 a.m. on the day of collection and no earlier than 3:00 p.m. on the day before the scheduled collection day. The mobile toter shall be removed from curbside no later than 8:00 a.m. on the day after collection.
- (P) *Advertising, promoting, or allowing of special events prohibited.* An owner or occupant shall not advertise or promote a special event or allow the advertising and promotion of a special event (e.g., banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e., utilize the premises as an 'event venue' or 'convention center' as defined in this chapter).
- (Q) *Notice to occupants of short-term rentals.* An owner or person operating a short-term rental shall provide a notice of instructions (also known as "host rules") to occupants staying at the premises in a form developed by the administrator. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on noise, and curfew times.
- (R) *Written rental agreement required.* The owner shall require a written rental agreement with a responsible person for the short-term rental unit which shall contain the following provisions:

- a. the responsible person's agreement to abide by all of the requirements of this chapter, any other applicable city ordinances, state and federal law and acknowledge that his or her rights under the agreement may not be transferred or assigned to anyone else;
 - b. the responsible person's acknowledgement that it shall be unlawful to make any noise or sound that exceeds the limits set forth in the city's noise ordinance; and
 - c. the responsible person's acknowledgement and agreement that violation of the agreement or this chapter may result in immediate termination of the agreement and eviction from the short-term rental unit by the owner or local contact person, as well as the potential liability for payments of fines levied by the city.
- (S) *Permit to be displayed.* A copy of the approved short-term rental permit shall be posted at a conspicuous location inside the front entrance(s) to the short-term rental unit.
- (T) *Use of assigned permit number required.* An owner or person shall not advertise a short-term rental unit in any medium without including the current permit number assigned by the administrator.
- (U) *Use of unauthorized permit number prohibited.* An owner or person shall not use, advertise, or promote or allow the use, advertisement or promotion of a short-term rental using a permit number not assigned to the owner or person, or to a different address, or to a different dwelling unit.

Replace Article 10 as follows:

ARTICLE 10. – ENFORCEMENT

Sec. 10-1. Purpose.

This article establishes procedures through which the city seeks to ensure compliance with the provisions of this chapter and obtain corrections for ordinance violations. It also sets forth the remedies and penalties that apply to violations of this chapter. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

Sec. 10-2. Compliance required.

Compliance with all provisions of this chapter is required pursuant to city code section 1-10.

Sec. 10-3. Violations.

10-3.1. General violations.

- (A) Any failure to comply with a requirement, standard, prohibition, or limitation imposed by this chapter or the terms or conditions of any permit or other development approval or authorization granted pursuant to this chapter, shall constitute a violation of this chapter punishable as provided in this article.
- (B) Permits issued on the basis of plans and applications approved by the city council, planning commission, board of zoning appeals, design review panels, administrator, or other officials or agencies where additional approval is required, authorize only the use, arrangement, location and construction set forth in such permits and development approvals, and no other use, arrangement, location or construction.

10-3.2 Specific violations. It shall be a violation of this chapter to do any of the following:

- (A) Construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, structure, or sign without first obtaining the appropriate permit or permit approval, or without complying with the terms and conditions of the permit or approval required to engage in such activity, or to engage in development or subdivision of any land in contravention of this chapter, including the conditions and terms of all required permits and development approvals.
- (B) Excavate, grade, cut, clear, or undertake any other land-disturbing activity contrary to the requirements of this chapter or without first obtaining all necessary approvals required by this chapter or other applicable regulations.
- (C) Create, expand, replace, or change any nonconformity except in compliance with this chapter.
- (D) Reduce or diminish the requirements or development standards below the minimum required by this chapter.
- (E) Increase the intensity or density of use of any land or structure except in accordance with the requirements of this chapter.
- (F) Fail to comply with any terms, conditions, or limitations placed by the city council, planning commission, or administrator, upon any development approval, including official zoning district map amendment, designation of a planned unit development (PUD) zone district classification, annexation and zoning of land, special exception permit, short-term rental permit, variance permit, certificate of appropriateness, sign permit, mural permit, temporary use permit, site plan permit, land disturbance permit, minor subdivision plat, preliminary plat for subdivision, final plat for subdivision, certificate of development conformance, certificate of occupancy, or other form of authorization.
- (G) Fail to remove any sign installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed.
- (H) Fail to comply with a certificate of appropriateness, which shall include the discontinuance of work or lack of progress toward achieving compliance with a certificate of appropriateness for a period of six months.

Sec. 10-4. Responsible person.

Any person who violates this chapter shall be subject to the remedies and penalties set forth in this article.

Sec. 10-5. Enforcement generally.

- 10-5.1. *Responsibility for enforcement of zoning provisions.* The administrator shall be responsible for enforcing the provisions of this chapter. The administrator shall be provided with the assistance of such other persons as the city manager may direct.
- 10-5.2. *Notice of violations.* When the administrator finds that any building, structure, or land is in violation of this chapter, the administrator shall send a written notice to the person responsible for such violation. Such notice shall be copied to the owner (if the owner is not responsible for the violation) and shall indicate the nature of the violation, order the necessary action to abate the violation, and give a deadline for correcting the violation. If a violation is not corrected within a reasonable period of time as provided in the notification, the administrator shall take appropriate action as provided in subsection 10-6.1, remedies and penalties available to city, to correct and abate the violation and to ensure compliance with this chapter.
- 10-5.3. *Complaints regarding violations.* Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the administrator, who shall maintain a record of the complaint. The complaint shall be investigated promptly by the administrator and action taken to abate or correct the violation.
- 10-5.4. *Inspections to ensure compliance.* Upon presentation of proper credentials, the administrator may enter any building, structure, land, or premises to ensure compliance with the provisions of this chapter. These

inspections shall be carried out during normal business hours unless the administrator determines there is an emergency necessitating inspection at another time or times.

10-5.5. *Right of appeal.* Any person aggrieved or affected by an enforcement action may appeal such action to the planning commission pursuant to procedures for decisions and interpretations of the administrator in Article 2, Administration.

Sec. 10-6. Remedies and penalties.

10-6.1. *Remedies and penalties available to city.* The city may use any combination of the following enforcement actions, remedies, and penalties pursuant to city code section 1-10 to correct, stop, abate, and enjoin a violation of this chapter:

- (A) *Citation noting violation.* The administrator may issue a citation to the person pursuing the activity or activities in violation of this chapter, requiring appearance before the municipal court.
- (B) *Stop order.* The administrator may issue and serve upon a person pursuing the activities in violation of this chapter a stop work order requiring that the person stop all activities in violation of this chapter.
- (C) *Permit suspension or revocation.* Any development permit, approval, certificate, or other form of authorization required under this chapter may be suspended or revoked if the administrator determines that:
 - (1) There is a failure to comply with the approved plans, specifications, terms or conditions required under the permit or development approval;
 - (2) The permit or development approval was procured by false representation; or
 - (3) The permit or development approval was issued in error.

Written notice of suspension or revocation shall be mailed or served upon the property owner, agent, applicant, or other person to whom the permit was issued, or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the notice.

- (D) *Civil remedies.* In addition to all other remedies and penalties outlined in this article, the administrator may initiate an action or proceeding for injunction or mandamus or other appropriate action or proceeding to prevent, abate, or correct a violation of this chapter or to prevent the occupancy of the building, structure or land.
- (E) *Criminal remedies.* Criminal penalties shall be as provided by city code section 1-10.

10-6.2 *Private civil relief.* In case a building, structure, or land is or is proposed to be used in violation of this chapter, an adjacent or neighboring property owner or tenant who would be specially damaged by the violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land.

10-6.3 *Additional remedies available for sign violations.* In addition to the remedies and penalties provided in subsection 10-6.1, remedies and penalties available to city, and subsection 10-6.2, private civil relief, signs that are in violation of the provisions of this article shall be subject to the following provisions:

- (A) *Notice of violation.* The administrator may send notice to the sign owner, the sign installer, and anyone deemed to have an interest in the subject sign stating the nature of the violation, and granting an appropriate period of time, not to exceed 30 days, to correct the violation.
- (B) *Impoundment.*
 - (1) The administrator may impound the sign and send notice stating that the sign has been impounded, the reason for the impoundment, and the process for claiming the sign. An impounded sign shall be held for ten calendar days from the date of the notice, during which time the sign owner may recover the sign. If the sign is not claimed within the ten-day period, the administrator may dispose of the sign without compensation to the sign owner.

(2) The administrator may impound signs displayed on public rights-of-way or other public properties and dispose of them without notice.

(C) *Payment of costs of sign removal.* If the administrator determines that it is necessary to remove a sign, the sign removal may be assigned either to city staff or to a private contractor approved by the city pursuant to its rules of procurement. Upon completion of the removal, the city department or the city's contractor shall submit an invoice to the city's finance officer for payment. The sign owner shall pay the costs directly to the city or the costs will become a lien against the real property upon which it was incurred and shall be collected in the same manner as city taxes or by other method permitted by law.

Notice may be provided to the sign owner, tenant or property owner by regular mail addressed to the last known address, by facsimile, by email, or any combination, as reasonable under the circumstances.

10-6.4 *Additional remedies available for mural violations.* In addition to the remedies and penalties provided in subsection 10-6.1, remedies and penalties available to city, and subsection 10-6.2, private civil relief, murals that are in violation of the provisions of this chapter shall be subject to the following provisions:

(A) *Notice of violation.* The administrator may send notice to the owner of the structure upon which the mural is located stating the nature of the violation, and granting an appropriate period of time, not to exceed 30 days, to correct the violation.

(B) *Costs for Repair or removal of murals.* If the mural is not repaired or removed within the prescribed time period of the violation notice, the city or a private contractor approved by the city pursuant to its rules of procurement may enter the premises to repair or remove the mural. Upon completion of the repair or removal, the city or the city's contractor shall submit an invoice to the city's finance officer for payment. The property owner shall pay the costs directly to the city or the costs will become a lien against the real property upon which it was incurred and shall be collected in the same manner as city taxes or by other method permitted by law.

Notice may be provided to the owner of the structure by regular mail addressed to the last known address, by facsimile, by email, or any combination, as reasonable under the circumstances.

10-6.5 *Remedies cumulative.* The remedies provided for violations of this chapter, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

Replace Table 4-1-1 in Section 4-1.2 as follows:

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

Use Category	Use Type	Zoning Districts																Additional Regulations (Sections)																				
		Residential								Nonresidential									Form Based Code 2																			
		R1	R2	R3	RTH	RM1	RM2	RMH	OI	C1	C2	C3	LC	M1	M2	GU	IMU		MUC	NMU	FBR																	
Self-Service Storage Vehicle Sales and Services	All Uses									P	S			P	P		P							6-6.2														
	Automobile rental									P	P ¹			P				P	S					4-3.3(F)														
	Automobile sales									P	P ¹			P				P	S					4-3.3(F)														
	Automobile repair									P	S ¹			P				P	S					4-3.3(A & F)														
	Automobile service									P	P ¹							P	P	S				4-3.3(A & F)														
	Automobile wash and detailing									P	P ¹							P	S	S																		
	Boat/ recreational vehicle rental & sales									P				P				P	S																			
	Taxicab service									P					P																							
	Tire sales and installation									P	P ¹			P				P	P	P																		
	Towing service													P	P																							
Visitor Accommodations	Truck and trailer rental and sales								P				P					P	S																			
	Campground								S																													
	Hotel or motel							S	P	P	P							P	P	S																		
	Recreational vehicle park								S															4-3.3(D)														
	Short-term rental unit	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	S				4-3.5														
Service and Industrial Uses																																						
Agricultural Operations	Farm winery	S																		S	S ¹		P	P									S	S				
	Riding stable/academy	P																		S	P ¹		P	P													4-3.4(A)	
	All other uses	P	S	S	S							S								S	S ¹		P	P													4-3.4(A)	
Industrial Services	Contractor's office with on-site storage/fabrication											S								P			P	P														
	Truckstop or travel plaza																			P			P	P														
	All other uses																			P			P	P														
Manufacturing and Production	Artisan production establishment											S								P			P	P														
	Brewery, distillery																				P	S		P	P													
	Heavy manufacturing																																					
Mining Operations	Light manufacturing, general																			P																		
	All uses																			P			P	P														

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

- 1 – These uses are not permitted in the Downtown Development Overlay District. For "Personal services, all other" and "Retail sales and services, all other", the limitation applies only to massage parlors that are not part of a "health club/spa" or "medical facility other than hospital" and tattoo establishments.
- 2 – Uses in the Form Based Code districts are subject to standards of the Form Based Code in Appendix A of this chapter.
- 3 – Massage parlors that are not part of a "health club/spa" or "medical facility other than hospital" and tattoo establishments are not permitted.
- 4 – Townhouses are permitted only within the Downtown Development Overlay District within these base zoning districts.



Where Georgia comes together.

Application # TEXT-0076-2023

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

	Applicant
*Name	Bryan Wood for the City of Perry
*Title	Director of Community Development
*Address	1211 Washington Street, Perry, GA 31069
*Phone	478-988-2714
*Email	bryan.wood@perry-ga.gov


Request

*Please provide a summary of the proposed text amendment:

Establish Short-Term Rental Permit and standards. Delete "Bed and Breakfast Inn" from LMO. Establish procedures for Interpretation of LMO and Appeal of Administrator Decision. Sections modified: 1-13, 2-3.6, 4-1.2, 4-3.3; Sections added: 2-3.19, 2-3.20, 4-3.5

Instructions

1. The application, fee (made payable to the City of Perry), and proposed text of the amendment must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. Fees: Actual cost of required public notice.
3. The applicant must state the reason for the proposed text amendment. See Sections 2-2 and 2-3.2 of the Land Management Ordinance for more information.
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
6. The applicant must be present at the hearings to present the application and answer questions that may arise.
7. Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No X
If yes, please complete and submit the attached Disclosure Form.
8. The applicant affirms that all information submitted with this application, including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
9. Signatures:

*Applicant	 Bryan Wood, Director of Community Development, for the City of Perry	*Date	5/12/2023
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Standards for Amendments to the Text of the Land Management Ordinance

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

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

This amendment is not inconsistent with these plans.

(2) Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations.

The proposed amendment is consistent with the format of the Land Management Ordinance.

(3) Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted.

Short-term rentals are becoming more popular.

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

The amendment is intended to address concerns regarding the impact of short-term rentals on residential neighborhoods.

(5) Whether, and the extent to which, the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The amendment is not inconsistent with the purpose and intent of the Land Management Ordinance. The amendment will establish a process and standards which will address the negative impacts of short-term rentals in residential neighborhoods.

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

The amendment is expected to allow the development of short-term rentals in a manner which does not disrupt the residential character of a neighborhood.

(7) Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The amendment in and of itself has no impact on the natural environment.

(8) Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The amendment in and of itself has no impact on public facilities and services.