

**Perry Planning Commission -Agenda  
Monday, April 11, 2016  
6:00pm  
Perry City Hall – Council Chambers**

**CALL TO ORDER**

**ROLL**

**INVOCATION**

**NEW BUSINESS**

**APPROVAL OF MINUTES FROM MARCH 28, 2016 MEETING**

**ANNOUNCEMENTS**

The Campaign Notice, per O.C.G.A. 36-67A-3

Please turn cell phones off

**OLD BUSINESS**

- 1). #V-16-03 – 1001 North Davis Drive

**PUBLIC HEARING (Planning Commission Decision)**

- 1). #V-16-06 106 Broomsedge Lane

**INFORMATIONAL HEARING (Planning Commission recommendations to City Council)**

\*Tabled from March 28, 2016 meeting

- 1). PLDO Amendment – Removal of General Courtney Hodges Blvd. corridor from Downtown Development District
- 2). PLDO Amendment – Downtown Development District Architectural and Signage Control Standards for Certificate of Appropriateness Permits

**OTHER MATTERS**

**ADJOURN**

Perry Planning Commission  
Minutes – March 28, 2016

**CALL TO ORDER:** Chairman Martin Beeland called the meeting to order at 6:05 pm.

**ROLL:** Chairman Beeland; Commissioners Clarington, Jefferson, Poole, Williams and Yasin were present. Commissioner Mehserle was absent.

**STAFF:** Lee Gilmour\* – City Manager, Dan Bass – Building Inspector, and Cyndi Houser – Recording Clerk.

\*Mr. Gilmour arrived at 7:00 pm.

**GUESTS:** Michael Vartenisian, Phillip Ramsey, Cason Anderson and Alex Fite-Wassilak- TSW

**INVOCATION:** was given by Commissioner Poole.

**APPROVAL OF MINUTES FROM MARCH 14, 2016 MEETING:** Commissioner Jefferson motioned to approve the minutes as submitted; Commissioner Clarington seconded; all in favor and was unanimously approved.

**ANNOUNCEMENTS:**

The Campaign Notice, per O.C.G.A. 36-67A-3

Please turn cell phones off.

**PUBLIC HEARING:** (Planning Commission Decision)

1) #V-16-04 100 Arapaho Drive

Dan Bass – Building Inspector read the applicant’s request which was for a variance to PLDO Section 91 Minimum Setbacks, R-1 Side yard corner lot, Minor Street, along with staff responses.

Chairman Beeland opened the public hearing at 6:08 pm and called for anyone in favor or opposed.

In favor:

Mr. Vartenisian spoke on his own behalf stating that it would be a hardship to re-do the work required for the setbacks.

Mr. Phillip Ramsey – 503 Shoshone Circle, had no objections to the request.

Opposed: None

Chairman Beeland closed the hearing at 6:15 pm.

Chairman Beeland inquired of Mr. Vartenisian why the measurements were not accurate. Mr. Vartenisian stated he mismarked the boundary line. Mr. Bass explained the shape of the lot and the placement of the house were unusual. After some general discussion, Commissioner Yasin motioned to approve the set back at 20'; Commissioner Williams seconded and the motion carried unanimously.

Chairman Beeland requested the informational hearings be moved to the end of the agenda.

#### OTHER MATTERS

##### Training Workshop on form Based Zoning Code

In order to move forward with the form based initiative, Mr. Alex Fite-Wassalak reviewed and explained the procedures that had taken place for the City of Perry. The training was a way of implementing the vision; simplifies the process; includes three zone-types for Perry and the design guidelines are regulatory rather than suggestions giving more teeth to this type of zoning. Form based zoning will also make a more market friendly environment. A question and answer session concluded the presentation.

The Commission returned to the informational hearings.

#### INFORMATIONAL HEARING(S)

- 1) PLDO Amendment – Removal of General Courtney Hodges Blvd. corridor from Downtown Development District
- 2) PLDO Amendment – Downtown Development District Architectural and Signage Control Standards for Certificate of Appropriateness Permits

Mr. Gilmour requested items 1 & 2 be postponed until the next meeting. Commissioner Jefferson moved to table items 1 & 2. Commissioner Poole seconded the motion and it carried unanimously.

- 3) PLDO Amendment – Form based code General Courtney Hodges Blvd

Commissioner Jefferson moved to approve Form Based Zoning as presented and to recommend approval to Council; Commissioner Clarrington seconded the motion and it carried unanimously.

ADJOURN: There being on further business to come before the board, the meeting was adjourned at 7:10pm.

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## Memorandum

**TO:** Perry Planning Commission

**FROM:** Christine Sewell – Administrative Assistant 

**DATE:** April 1, 2016

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Tabled from the March 14<sup>th</sup> meeting was the variance request for 1001 North Davis Drive.

As you will recall this was for the LED sign at the corner of North Davis Drive and Houston Lake Road. Mr. Myers, the applicant, requested additional time so he could speak with the area residents.

I have provided the packet again for your review. As of this writing no additional information has been received from the applicant.

Thank you.

# STAFF REPORT

**CASE NUMBER:** V-16-03

**APPLICANT:** Cherokee Pines Golf Course

**REQUEST:** A variance to allow construction of free standing sign with electronic reader board.

**LOCATION:** 1001 North Davis Drive - P42-6

**ADJACENT ZONING/LAND USES:**

Parcel: R-1	-Vacant Land
North: R-1	-Single Family Dwelling
South: R-1	-Vacant Land
East: R-2	-Vacant lot/Single Family Dwelling
West: R-1	-Vacant Lot/Single Family Dwelling

**SECTION OF ORDINANCE BEING VARIED:**

Request variance to section 106.11, Signs in Residential Zoning Districts

**CONDITIONS NECESSARY FOR A VARIANCE:**

1. *Are there any special conditions resulting in a hardship?* The existing sign is a nonconforming sign.
2. *Is the hardship the result of the applicant's own actions?* The hardship is the result of previous owners receiving permission in 1967 to erect a directional sign for Perry Country Club. (Copy Attached)
3. *Can the violation be remedied by other means?* The sign could be permanently removed or left as is.
4. *Is request the minimum needed to remedy the violation?* The request would expand the violation.
5. *Was the violation deliberate, intentional, or the result of negligence?* The violation was the result of previous owners.
6. *Will the request be detrimental to the use and enjoyment of neighboring properties?* The current sign is directional in use only and as such has been there for a long time. The neighborhood is accustomed to the current sign.

7. *Has a variance been previously granted for this property?* There have been no variances granted for this property

**REQUEST ANALYSIS:** The request is asking for a nonconforming directional sign to be upgraded to an outdoor advertising sign in a Residential zone with a electronic reader board.

**STAFF CONCLUSIONS:** The application to change the existing directional sign for the one submitted with the variance application is a tremendous change to the approval given by Council in 1967. The sign proposed would be classified as an outdoor advertising sign in accordance with the definition on page eleven of the PLDO. Outdoor advertising signs are not a permitted use in R-1 classifications. A variance to change the use of a property is not legal and should be handled with a rezoning request. Further, if the sign is to be allowed it should be licensed by the State of Georgia as a billboard sign. The Planning Commission does not have the authority to approve a variance regarding the use of property.

#2

PH2-6

### SIGN PERMIT APPLICATION

PERRY, GEORGIA

Date January 5, 1967

1. Perry Country Club  
NAME OF OWNER

1001 N. Davis Drive  
ADDRESS

2. Pro directing Country Club Personnel.  
NAME OF PERSON OR FIRM ERECTING SIGN

3. 40" x 60"  
SIZE OF SIGN

4. Kind of Sign:

- Temporary
- Real Estate
- Profession Name Plate
- Bulletin Board
- Business Identification
- Memorial
- Traffic or Municipal
- Advertising

Applicant B.B. Hall President

Address 614 Woodland Drive

OK  
By Council

[Signature]

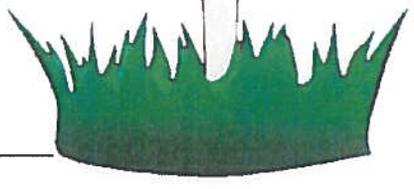
January 11, 1967  
Mr. Davis <sup>gave</sup> his OK  
to erect this  
sign on his  
property.  
Corner North Davis  
Drive and Houston  
1-1/2 W. Road.



• Golf • Gym •  
**CHEROKEE  
PINES**  
• Resturant • Pool •

ROTARY CLUB  
MEETS TODAY

- LED  
Sign





904 Jernigan Street • Perry, GA 31069 • (478) 987-2443 • Fax (478) 987-3013

February 23, 2016

City of Perry  
Community Development

To whom it may concern:

I am the owner of the property at the NW corner of Houston Lake Rd. and North Davis Drive on which Mr. Marty Myers wishes to construct a sign for Cherokee Pines Golf. I have reviewed the sign design and location and approve of both. Please grant whatever variances are necessary to allow his installation and use.

If there are any questions and for further information, please contact my sons, Davis Cosey or Jim Sexton at 478-987-2443.

Sincerely,

A handwritten signature in blue ink that reads "Mrs. W.J. Sexton".

Mrs. W.J. Sexton  
1411 Park Avenue  
Perry, GA 31068

Letter of Objection for Proposed Sign  
At the Intersection Of  
Houston Lake Road and Davis Dr.

Dear Sirs,

As the homeowner at 1007 N. Davis Dr., I object to the placement of the LED sign for the following reasons:

1. The brightness of an electronic sign would distract drivers taking the turn onto Davis Dr. from Houston Lake Road thus creating a safety hazard.
2. North Davis Drive is already congested from Perry High School traffic as well as during game or high school events and used by many people as a shortcut to Highway 41.
3. An alternative route which would be a more appropriate location is at the corner of Houston Lake Road and Country Club Road which leads directly to the country club and thereby would divert some of the traffic load away from the already congested intersection of the proposed location
4. Brightness of the sign at night would also affect homeowners of houses nearby or directly in sight of the sign.
5. The question of maintenance of the property directly underneath the sign is of concern should the sign malfunction or break.
6. There is concern that the sign will adversely affect the property value of the homes in an area that is zoned residential.

Thank you for the opportunity to state our case for those of us who reside in this area.

Respectfully,

Charles and Victoria Walsh  
1007 N. Davis Drive  
Perry, Ga 31069

Recd 3/14/16

Recd 3/14/10

Notes

Letter of objection



1. Reasons are in that corner as very compact.
2. If in the entry to my subdivision, which shouldn't be entered with a tag. sign advertising a summer property value while sleep.
3. The light will cause more accidents at the intersection with its tag light shining lights.
5. It could be place in the summer section of our beautiful town.

Notes

P.S. The one shoe has an entrance to their home with a electronic dog barking advertisement a summer.



Janner + Mary  
 Start  
 1721 Milton Way  
 Corner of Milton Way  
 and North Davis

# STAFF REPORT

**CASE NUMBER: V-16-06**

**APPLICANT:** Timothy Vancura

**REQUEST:** A variance to allow second Home Occupation Business in a single family dwelling

**LOCATION:** 106 Broomsedge Lane, P64-44

**ADJACENT ZONING/LAND USES:**

Parcel: PUD	-Single Family Dwelling
North: PUD	-Single Family Dwelling
South: PUD	-Single Family Dwelling
East: PUD	-Single Family Dwelling
West: PUD	-Single Family Dwelling

**SECTION OF ORDINANCE BEING VARIED:** Section 104, Home Occupations (4) No more than one home occupation;

**CONDITIONS NECESSARY FOR A VARIANCE:**

- 1. Are there any special conditions resulting in a hardship?* There are no special conditions.
- 2. Is the hardship the result of the applicant's own actions?* Yes, by applying for the second license the hardship resulted
- 3. Can the violation be remedied by other means?* No, currently the owners have a Home Occupation License issued in March of 2015 for photography and this request is for made to order musical instruments.
- 4. Is request the minimum needed to remedy the violation?* The request is the minimum needed to allow the issuing of a second license.
- 5. Was the violation deliberate, intentional, or the result of negligence?* There is currently no violation.
- 6. Will the request be detrimental to the use and enjoyment of neighboring properties?* The request should not be detrimental to the use and enjoyment of surrounding properties.

7. *Has a variance been previously granted?* There are no records of a Variance being granted for this lot.

**REQUEST ANALYSIS:** The applicant is requesting a Variance to allow a second Home Occupation business.

**STAFF CONCLUSIONS:** The request for the second Home Occupation License is necessary due to section 104 of the PLDO limiting the number to one. The second business is strictly on-line and should not create any additional disruption to the neighborhood. Staff has no issue with the request.

Community Development Department  
1211 Washington Street  
Perry, GA 31069

Timothy VanCura  
106 Broomsedge Lane  
Kathleen, GA 31047

To whom it may concern,

3/16/2016

I am a homeowner in Kathleen, GA currently residing at 106 Broomsedge Lane and I am interested in opening a business conducting the online sale of made-to-order musical instruments. I am writing in hopes that I can obtain a waiver to the City of Perry's Code of Ordinance, Section 104.1, Intent, line item 5, which states:

"No more than one home occupation is allowed in a residence at one time".

My wife is a current home occupation business owner registered both with the City of Perry and the Secretary of State in Georgia. She works part-time as a self-employed photographer who utilizes our current address as the registered location of her business. Her operations at home are limited to a designated workspace where she processes digital photographs, manages a website and stores her photography equipment. All in-person/customer interaction takes place away from our residence and her business operates in full compliance with the guidelines of Section 104.2, Home Office.

Upon approval of a waiver to the regulation aforementioned, I too would be utilizing our residence simply as a home office. All transactions will take place via phone, internet or in-person sales away from home. To further illustrate my business' compliance with Section 104.2, I would like to provide the following statements (numbered corresponding to each line item of the regulation) to address any potential concerns with operating two home office businesses at the same address:

1. All in-person commerce would take place off-site, away from our residence.
2. There will be no operations conducted by either business that would bring potential endangerment to any residents in our neighborhood.
3. There will be no additional noise, dust, vibration, etc. detectable beyond the dwelling unit.
4. There will be no customers, at any time, permitted to visit our residence.
5. Upon approval of the waiver, the combined space utilized for both home offices would not exceed the permissible 25% of the heated square footage in our home.
6. There will be no modifications altering the character of our residence and there will be nothing revealed from the exterior to indicate that a business is located at our residence.
7. There will be no outside display or storage.
8. There will be no additional employees operating at this address.
9. There is not, and will not be a "business-only" vehicle on the property.
10. Deliveries of goods will not exceed the interval as described in this section. Items shipping out from both businesses will be delivered personally at a dispatch terminal.

It is my hope, as a prospective business owner, that by illustrating my intention to respect and follow all regulatory municipal codes that I will receive approval and be granted a waiver to

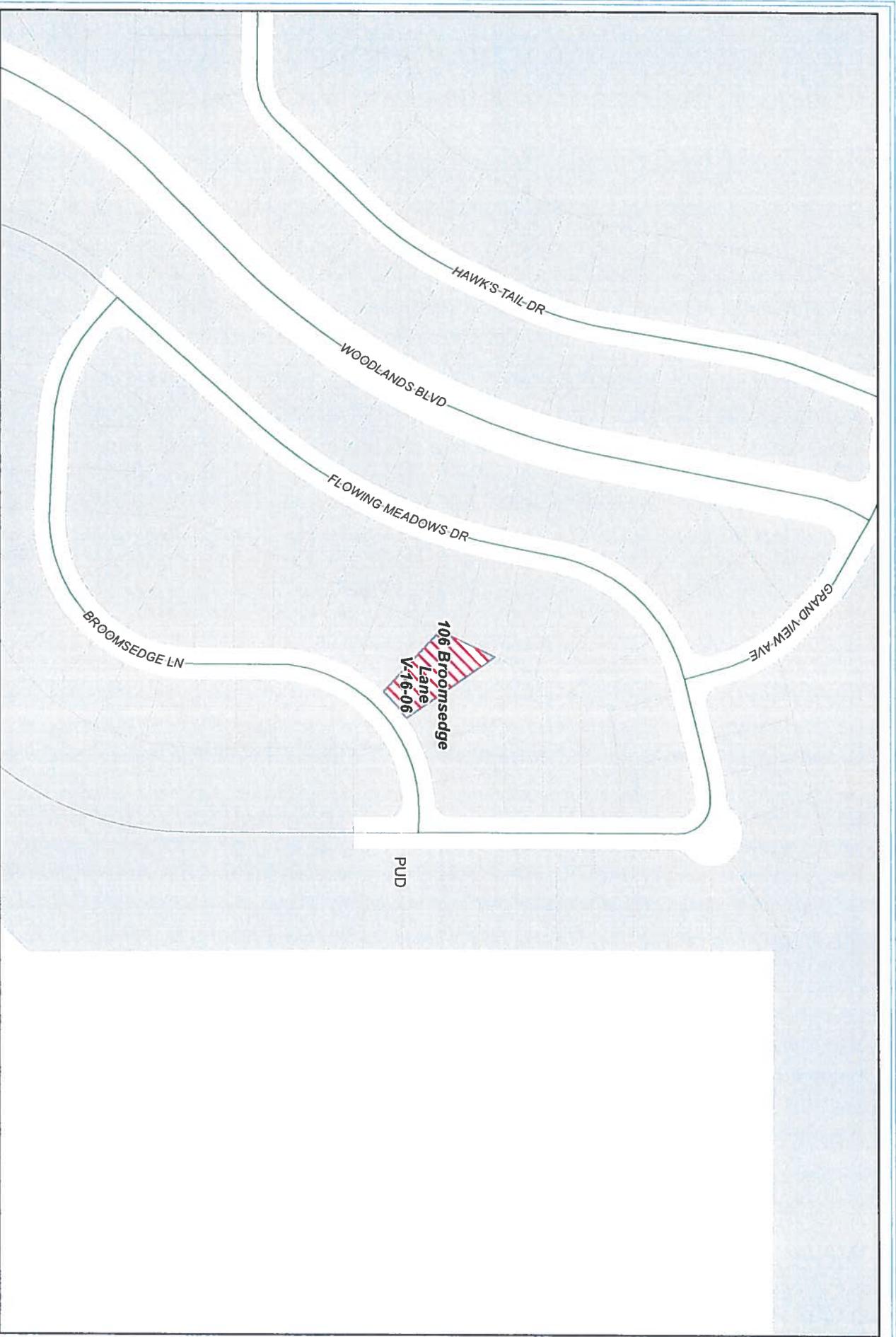
operate one additional business at my home address. Upon approval, I will pursue registration both with the City of Perry and the Secretary of State. I have spoken with personnel from the City of Perry's Licensing Department and understand that there may be supplementary conditions in order to operate my business secondary to my wife's at our address; I will respect and abide by any additional stipulations provided to me. Additionally, I would like to state that I foresee no circumstances where having an additional business at my location will disrupt the normal day-to-day lives of the residents in my neighborhood. I have communicated with several of my neighbors my intent to start a business secondary to my wife's and have received positive verbal support.

Thank you for your time and consideration.

Respectively,

A handwritten signature in black ink, reading "Timothy VanCura". The signature is written in a cursive style with a large, sweeping initial "T" and a long, horizontal flourish extending to the right.

Timothy VanCura



**Legend**

	<b>Perry Zoning</b>		<b>C3</b>		<b>GU</b>		<b>OC</b>		<b>IN</b>		<b>M1</b>		<b>M2</b>		<b>R2</b>
	<b>LC</b>		<b>C1</b>		<b>OC</b>		<b>PUD</b>		<b>R1</b>		<b>R3</b>		<b>R2A</b>		<b>R3</b>
	<b>C2</b>		<b>M1</b>		<b>R1</b>		<b>RAG</b>		<b>RMH</b>		<b>RMH</b>		<b>RMH</b>		<b>RMH</b>



1 inch = 200 feet



# City of Perry Zoning Review

Case: V-16-06



Where Georgia comes together

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## Memorandum

**TO:** Perry Planning Commission

**FROM:** Christine Sewell – Administrative Assistant 

**DATE:** April 1, 2016

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Tabled from the March 28<sup>th</sup> meeting was the PLDO Amendment for Section 83.2.3 District Boundaries – Downtown Development District. This is for the removal of General Courtney Hodges Blvd.

Attached is the back-up that has been previously submitted. Administration will be in attendance at the April 11<sup>th</sup> meeting.

Thank you.

# City of Perry

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478-988-2705  
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## MEMORANDUM

TO: Planning Commission Members

FROM: Lee Gilmour, City Manager

DATE: February 4, 2016

REFERENCE: Establishment of New District

When the General Courtney Hodge Boulevard corridor was added to the Downtown District Authority, it was anticipated the addition would benefit the property owners/tenants of the corridor. The passage of time indicates that the interests and needs of the corridor are very unique and substantially different from the downtown district. Many of the benefits of the downtown district, such as façade loans, could be provided to the corridor through the Department of Economic Development without it being in the district.

Attached is a site map of the Courtney Hodges Strategic Planning District. The Administration recommends using this area as a starting point to establish a new district with its own advisory board.

Cc: Mayor/Council  
DDA  
Main Street Advisory Board  
Main Street Design Committee  
Mr. R. Smith  
Mr. C. Edgemon

**COPY**

# City of Perry

## Economic Development Department

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

Cc: Perry Main Street Advisory Board

From: Main Street Coordinator Catherine Edgemon

Date: Mar. 4, 2016

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

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

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

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

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

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

**COPY**

# City of Perry

## Economic Development Department

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

Cc: Perry Downtown Development Authority

From: Main Street Coordinator Catherine Edgemon

Date: Feb. 24, 2016

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

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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## Memorandum

**TO:** Perry Planning Commission

**FROM:** Christine Sewell – Administrative Assistant 

**DATE:** April 1, 2016

---

Tabled from the March 28<sup>th</sup> meeting was the PLDO Amendment for Appendix B Standards – Downtown Development District of the City of Perry.

Attached is the back-up that has been previously submitted. Thank you.

**City of Perry**  
**Community Development Department**  
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## Memorandum

**TO:** Perry Planning Commission

**FROM:** Christine Sewell – Administrative Assistant 

**DATE:** March 16, 2016

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On the March 28, 2016 agenda presented for a recommendation to Mayor & Council will be a PLDO amendment for Appendix "B" Standards – Downtown Development District of the City of Perry – Architectural and Signage Control Standards for Certificate of Appropriateness Permits.

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

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

Should you have any questions, please feel free to contact me. Thank you.

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

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

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

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

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

**2.01 DEFINITIONS**

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

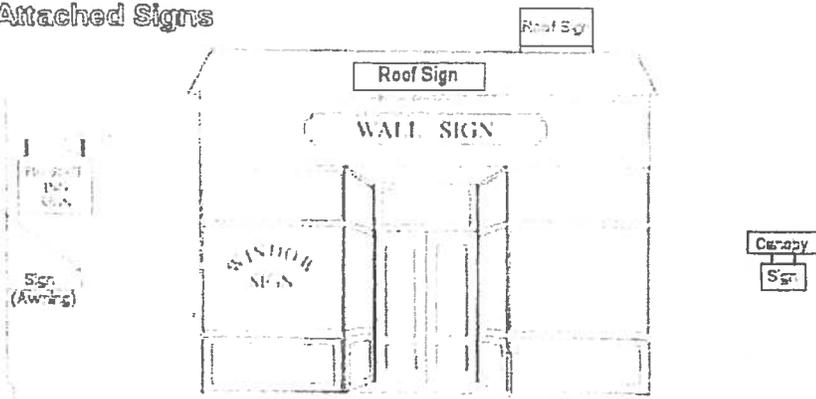
- 7) Canopy: A structure made of cloth, metal, or other material whose frames are support by posts affixed to the ground. A canopy may be attach to a building (porte-cochere) or free standing such as those used to cover gasoline islands.
- 8) Civic Event Sign: A sign posted to advertise or provide direction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

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

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

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

### Examples Attached Signs



### Examples Freestanding Signs

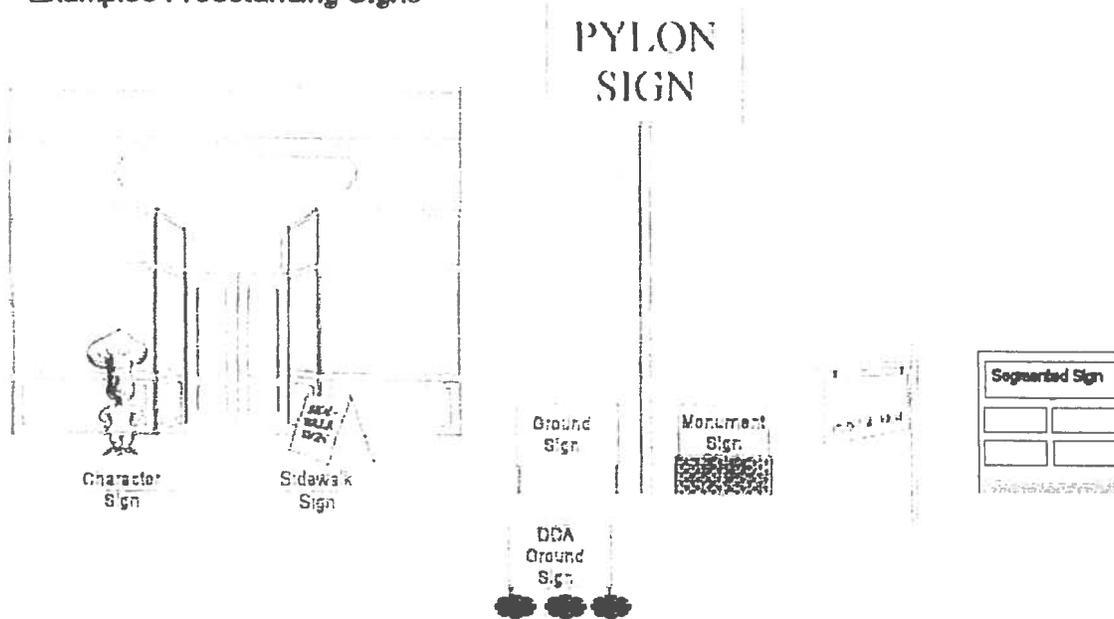


Figure 1. Sign Types.

## 2.02 – TEMPORARY SIGN PERMITS

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

## **2.03 PROHIBITED SIGNS**

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

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

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

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

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

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

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

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

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

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

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

## **2.04 EXEMPT SIGNS**

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

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

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

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

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

## **2.05 SIGN STANDARDS**

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

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

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

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

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

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

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

## **2.06 CONSTRUCTION AND MAINTENANCE OF SIGNS**

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

## **2.07 NON-CONFORMING SIGNS**

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