ARTICLE VII
GENERAL PROVISIONS

Section 70. Non-Conforming Building and Uses.

It is the intent of this Ordinance to recognize that elimination of existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, building, and structures as to avoid any unreasonable invasion of established private property rights.

Therefore, any structure or use of land existing at the time of the enactment of this Ordinance, and amendment of this Ordinance, and amendments thereto, but not in conformity with its use regulations and provisions, may be continued subject to the following provisions and exceptions:

70.1. Unsafe Structures. Any structure or portion thereof declared unsafe by an authority may be restored to a safe condition, provided the requirements in this section are met.

70.2. Alterations. Any change in a non-conforming building, use, or building site or yard area is subject to the following:

70.2.1. No non-conforming building can be structurally altered, except repairs on or installation of plumbing fixtures required by law; the changing of interior partitions; and interior remodeling.

70.2.2. No non-conforming building or lands, except those residential dwellings needing repairs on or installation of plumbing fixtures as required by law, can be substantially added to, moved, or extended in any manner unless such building or land is changed so as to conform with the provisions of this Ordinance.

70.2.3. Whenever an existing residential dwelling must require repairs on or installation of plumbing fixtures which will force the location of the future addition of the dwelling nearer the lot line than the requirements set forth in this Ordinance, the addition to the dwelling shall be allowed to extend to the existing building line but no nearer the property line than any existing portion of the dwelling.

70.3. Extension. A non-conforming use of land shall be restricted to the lot occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building shall not be extended to include either additional building or land after the effective date of this Ordinance.

70.4. Restoration of Damaged Buildings. A non-conforming building, structure, or improvement which is hereafter damaged or destroyed to an extent exceeding fifty (50) percent of the reasonable estimated replacement cost of the structure, building or improvement may not be reconstructed or restored to the same non-conforming use except upon approval of the Commission.

70.5. Change in Use. A non-conforming use, which is changed to a conforming use, shall not be permitted to revert to the original or a less restrictive use.

70.6. Discontinuance. A non-conforming use which became such after the adoption of this Ordinance and which has been discontinued for a continuous period of one year shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.

Section 71. Off –Street Automobile Parking.

Off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this Ordinance.

71.1. General Requirements. For the purpose of this Ordinance, the following requirements are specified:

71.1.1. The term "Off-Street Parking Space" shall mean a space at least nine (9) feet wide and twenty (20) feet in length with a minimum net area of one hundred and eighty (180) square feet, excluding area for egress and ingress and maneuverability of vehicles.

71.1.2. Parking spaces for all dwellings shall be located on the same lot with the main buildings to be served; when feasible.

71.1.3. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Commission may permit such space to be provided on other off-street property, provided such space lies within 600 feet of the property line of such principal use. Such vehicle parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

71.1.4. The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for existing church whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

71.1.5. Area reserved for off-street parking shall not be reduced in area or changed to any other use without Commission approval. ***Sec.71.1.5 - Rev.8.17.04***

71.1.6. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

71.2. Parking Space Requirements for All Districts Except C-3 Central Business District (CBD). Off-street automobile storage or parking shall be provided with vehicular access to a street or alley, and shall be equal in or to at least the minimum requirements for the specific land use set forth.

Land Uses and Parking Requirements:

71.2.1. Dwellings:

(1) One and Two Families – Two (2) spaces for each unit.

(2) Multiple – One and a half (11/2) spaces per dwelling unit except for efficiency apartments for which one (1) space per dwelling unit shall be provided.

(3) Hotels – One (1) space for each bedroom plus one (1) additional space for each five employees.

(4) Bed and Breakfast Inn – The resident owner shall provide (1) off-street parking space for each guestroom.

(5) Libraries, museums – One (1) space for each 500 square feet of gross floor area.

(6) Schools, including kindergartens, play schools, and day care centers – One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high schools and colleges.

(7) Skating rinks, dance hall, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements – One (1) space for each 200 square feet of floor area.

(8) Bowling alleys – Four (4) spaces for each alley.

71.2.2. Health Facilities.

(1) Hospitals, sanitariums, nursing homes, homes for the aged and similar institutional uses – One (1) space for each four (4) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees, including nurses.

(2) Kennels and animal hospitals – A parking area equal to 30 percent of the total enclosed or covered area.

(3) Medical, dental and health offices and clinics – One (1) space for each 200 square feet of floor used for offices and similar purposes.

(4) Mortuaries and funeral parlors – Five (5) spaces per parlor or chapel unit, or one (1) space per four (4) seats whichever is greater.

71.2.3. Businesses.

(1) Automobile repair establishments – One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area.

(2) Food stores – One (1) space for each 200 square feet of floor area.

(3) Restaurants, including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and al similar dining and/or drinking establishments – One (1) space for each 100 square feet of floor area or one (1) space for each four (4) seats provided, whichever is greater.

(4) Office buildings, including banks, businesses, commercial and professional offices and buildings, but excluding medical, dental and health offices and clinics – One (1) space for each 300 square feet of ground floor area, plus one (1) space for each 500 square feet of upper floor area.

(5) General businesses, commercial or personal service establishments catering to the retail trade, but excluding food stores – One (1) space for each 300 square feet of floor area.

(6) Governmental offices – One (1) space for each 300 square feet of ground floor area plus one (1) space for each 500 square feet of upper floor area and one (1) space for each governmental vehicle.

(7) Shopping Centers – Five (5) spaces for each 1,000 square feet of floor area for centers up to 15 acres in size and 5.5 spaces for each 1,000 square feet for centers over 15 acres in size.

(8) Furniture Stores – One (1) space for each 1,000 square feet of gross floor area.

(9) Public Utilities, such as telephone exchanges and substations, radio and TV stations, and electric power and gas substations – A parking area equal to 25 percent of the gross floor area.

71.2.4. Industries.

(1) Commercial, manufacturing and industrial establishments, not catering to the retail trade – One (1) space for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

(2) Wholesale establishments – One (1) space for every fifty (50) square feet of customer service area, plus two spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

71.3. Parking Space Requirements for C-3 Central Business District (CBD). All provisions set forth in Section 71.1 and 71.2 apply to the C-3 Central Business District (CBD) except as follows:

71.3.1. Any commercial building existing on the effective date of this Ordinance may be reconstructed, remodeled or enlarged without increasing the existing off-street parking spaces provided such reconstruction, remodeling or enlargement does not exceed more than ten (10) percent of the original gross commercial floor area. Additional off-street parking must be provided for only that portion of the additional gross commercial floor area in excess of ten (10) percent in accordance with the provisions set forth in this Ordinance.

71.3.2. Off-Street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirements for the following specific land uses.

71.4. Land Uses and Parking Requirements.

(1) Restaurants, including cafes, grills, lunch counters and all similar dining establishments – One (1) space for each six (6) seats provided for patron

use plus one (1) space for each 100 square feet of floor area provided for patron use but not containing seats.

(2) Office buildings, including banks, business commercial, and professional offices and buildings, but excluding medical, dental and health offices and clinics – One (1) space for each 500 square feet of gross floor area.

(3) General business, commercial or personal service establishments catering to the retail trade, but excluding food stores – One (1) space for each 400 square feet of floor area designated for retail sales only.

(4) Government offices – One (1) space for each 500 square feet of gross area and one (1) space for each governmental vehicle.

71.5. Site Requirements. All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements:

71.5.1. All such parking areas shall be hard surfaced with concrete or plant bituminous material and shall be maintained in dust-proof condition and that a good stand of grass be maintained on the remainder of the lot.

71.5.2. Lighting facilities shall be so arranged that light is reflected away from adjacent properties.

71.5.3. The parking lot shall be adequately drained.

71.5.4. Along the lot lines of the parking area which abutt residential districts, a dense planting of trees and shrubs shall be established on a strip of land not less than eight (8) feet in width adjacent to the districts, and provided that such planting be not less than six (6) feet in height and a substantial bumper rail of wood, metal or concrete shall be installed on the inside of the planting strip.

71.5.5. A raised curb of at least six (6) inches shall be erected along all of the property lines, except for driveway openings, and those lot lines abutting residential districts where the requirements in Section 71.5.4 shall prevail.

71.5.6. No sign, whether permanent or temporary, shall be placed within the public right-of-way. Signs and planting strips shall be arranged so that they do not obstruct visibility for drivers or pedestrians.

71.6. Landscaping Requirements. The intent of this section shall be to promote the public health, safety and general welfare by providing for installation and maintenance of certain landscaped areas; to protect the character and stability of residential, business,

institutional and industrial areas and to conserve the value of land and building or surrounding properties and neighborhoods. ***Sec.71.6 – Rev. 10.3.06***

71.6.1. Definitions: As used in this code, unless the context otherwise requires, the following words and phrases shall have the meaning set opposite them for any and all purposes:

(1) ***Amenity*** – Pedestrian shelters, gazebos, decorative paving, pathways and sidewalks, street trees, landscaping, retention ponds when designed according to the specifications of this article, signage when scaled to the pedestrian and constructed of materials and sizes specified in this article and other aesthetic features and characteristics approved by the city.

(2) ***Landscaping*** – Landscaping shall consist of any of the following or a combination thereof: Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and non-living durable material commonly used in landscaping, such as, but not limited to rocks, pebbles, sand, walls or fences, but excluding paving.

(3) ***Shrubs and Hedges*** – A self-supporting, non-deciduous species of plants and normally grown in the City of Perry.

(4) ***Street tree*** – A tree of forty (40) or more feet in height at maturity approved by land use officers.

(5) ***Street planting yard*** – A planting area parallel to the right-of-way designed to provide continuity of vegetation along the right-of-way, a pleasing view from the road and a pedestrian walkway. The planting area shall be a minimum of twenty (20) feet wide and may be used for amenities, landscaping, and monument signs. Parking, merchandise displays, and off-street loading are prohibited in the street planting yard. Fifty (50) percent or ten (10) feet of the planting yard may be located on public right-of-way provided that the adjoining property owner installs and maintains the public land portion of the planting yard and executes a maintenance agreement with the city.

71.6.2. Landscaping of non residential developments shall conform to the minimum requirements hereinafter provided:

(1) ***Installation*** – The owner, tenant and/or agent, if any, shall be jointly and severally responsible for installing landscaping according to accepted commercial planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements of the City of Perry. Landscaped areas shall require protection from vehicular encroachment as herein provided in paragraphs 71.6.1.(5) and 71.5.2.(6). Qualified representatives of the City of Perry shall inspect all landscaping

and no Certificate of Occupancy or similar authorization shall be issued prior to landscaping conforming to the requirements herein provided.

(2) ***Maintenance*** – The owner, tenant and/or agent, if any shall be jointly and severally responsible for maintaining such landscaping in a healthy, neat and orderly condition. The owner shall provide each landscaped area with a readily available water supply.

(3) ***Plant Materials:***

(a) Plant materials used in conformance with provisions of this section shall equal or exceed existing or future standards as set for the State of Georgia. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Grass seed shall be delivered to the job site in sealed containers with Georgia Department of Agriculture tags attached indicating the sod grower's compliance with the Department's quality control program.

(b) Trees shall be species of an average mature spread or crown greater than forty (40) feet and trunk(s), which can be maintained in a clean condition with over seven (7) feet of clear wood. Trees having an average mature spread or crown less than forty (40) feet may be substituted by grouping the same so as to create the minimum forty (40) foot crown spread. Trees shall be a minimum of six (6) feet in overall height immediately upon planting.

(c) Seventy-five percent (75%) of the required trees as determined by this section shall be a species that reaches at least forty (40) feet in height at maturity.

(d) **Shrubs and Hedges** – Shrubs shall be of good quality and in keeping with the architecture and landscaping. Hedges shall be of non-deciduous species and planted and maintained so as to form a continuous, unbroken, solid, visual screening within a maximum of two (2) years after planting.

(e) **Vines** – Vines shall be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.

(f) **Ground Covers** – Ground covers used in lieu of grass shall be placed in such a manner as to present a finished appearance.

(g) **Lawn Grass** – Grass shall be species normally grown as permanent lawn in the City of Perry. Grass areas may be sodded, plugged,

sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion and providing that in areas where other than solid sod is used, nurse-grass seed shall be sown for early coverage with protection until coverage is otherwise achieved.

(4) ***Generally***. All developments shall be landscaped according to a landscape and streetscape plan presented as a part of the site plans. The amount of landscaping required will depend on the amount and location of impervious surfaces excluding the roof of buildings. The required landscaped area will be equivalent to five (5) percent of the impervious area if parking is located in the side or rear yards. If parking is located in the front yard the minimum area for landscaping will be equivalent to ten (10) percent of the impervious area. Landscaping that is located in the portion of the planting yard that is not city right-of-way may be counted towards meeting the requirement.

(5) ***Medians.*** Where medians are required, they shall be landscaped with low-lying (not to exceed two (2) feet high) ground cover, flowers and/or small shrubs that will not interfere with sight visibility or motorists or pedestrians.

(6) ***Street planting yard established.*** An area parallel to the right-of-way being twenty (20) feet in width of which ten (10) feet can be city right-of-way, is hereby established as a street planting yard zone. The yard, as defined, shall be established along the boundary of the parkway right-of-way and private property fronting the parkway. The yard shall be devoted to interest-creating features, sidewalks, landscaping, street trees, or other agreed upon features. Installation and maintenance of features will be the responsibility of property owners.

(7) ***Street trees.*** Street trees provide a good contrast to buildings and pavement and help soften the built environment. They enliven streetscapes by blending natural features with built features. Street trees also help buffer pedestrians from vehicles and offer summer shade. A minimum of one (1) tree per thirty-five (35) linear feet of frontage shall be planted. Trees may be clustered or spaced at no more than thirty five-foot intervals. Street trees shall be placed within the street planting yard, or can be planted on the boundary of the right-of-way and private property. A recommended list of trees is available from the Community Development Department.

(8) ***Perimeter buffers.*** When a single-family residence abuts the boundary of a commercial area, a six-foot privacy fence and a vegetated buffer of at least twenty-five (25) feet in width is required along the entire property

line inside the focus area boundary, between the non-single family development and a single-family residence. Chain link fencing is not acceptable. Plants in the buffer must be a minimum of three (3) feet in height. The buffer must contain a minimum of one (1) tree per fifty (50) feet of lineal lot frontage. Perimeter buffers may be penetrated by utilities and sidewalks and, if determined appropriate by the Community Development Department.

(9) ***Parking lots.*** All parking lots shall contain one canopy tree per twenty (20) parking spaces. Trees must be at least two (2) inches in caliper when planted and be protected by a six-inch standing curbing or other approved protection for the trees.

(10) ***Screening of parking areas.*** When parking areas are provided in a front yard (in between an arterial road right-of-way and a principle building), they shall be visually screened by a minimum two and one-half-foot high evergreen hedge or a landscaped earthen berm to obscure visibility of the parking lot from view from the corridor. Screening may be located in the planting yard if it does not impede other uses or purposes of the yard.

71.6.3. Other Applicable Regulations: The provisions of this Ordinance shall be subject to other applicable regulations where such regulations are more restrictive and not otherwise inconsistent with the provisions of this Ordinance.

Section 72. Off-Street Loading and Unloading Space.

Off-street loading and unloading spaces shall be provided as hereinafter required by this Ordinance.

72.1. Size of Off-Street Loading Spaces. Each off-street loading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Commission may reduce the minimum length accordingly to as little as 35 feet.

72.2. Connection to Street or Alley. Each required off-street loading space shall have direct access to a street or alley or have a driveway, which offers satisfactory ingress and egress for trucks.

72.3. Floor Area Over 10,000 Square Feet. There shall be provided for each hospital, institution, hotel, commercial or industrial building or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than 10,000 square feet, at least one off-street loading space for each 10,000 square feet of floor space

or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

72.4. Floor Area Less Than 10,000 Square Feet. There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than 10,000 square feet, sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley.

72.5. Bus and Trucking Terminals. There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.

72.6. Location of Off-Street Loading Spaces. All required off-street loading spaces shall be located on the same lot as the building, which they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot.

72.7. Permanent Reservation. Area reserved for off-street loading in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified, except where equivalent loading space is provided and approved by the Commission.

Section 73. Control of Curb Cuts and Vision Clearance.

The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

73.1. Curb Cuts. No curb shall exceed fifty (50) feet in length, nor shall curb cuts be closer than twenty (20) feet to other curb cuts or closer than twenty (20) feet to an intersection of two streets measured along the curb line. Curb cuts along State rights-of-way shall meet current Department of Transportation standards.

73.2. Vision Clearance. In all districts except C-3, Central Business District (CBD), no fence, wall, shrubbery, sign, marquees or other obstruction to vision between the heights of two and one-half (2 ½) and ten (10) feet from ground level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroad lines, or of a street intersection with a railroad line.

Section 74. Classification of Streets.

All streets in the City of Perry, Georgia are hereby divided into seven (7) classes as shown on the Official Street Map adopted by the Council and on record in the office of the Zoning Enforcement Officer.

74.1. Freeways are those streets, which are used primarily for fast or heavy through traffic; and which are divided with full control of access and with no crossing at grade.

74.2. Expressways are those highways or streets, which are used primarily for fast or heavy through traffic; and which are divided with full or partial control of access and generally with grade separations at intersections.

74.3. Major Arterial Streets and Highways are those which are used primarily for fast or heavy through traffic. ***Sec. 74.3 – Rev.8.17.04***

74.4. Minor Arterial Streets are those which are used primarily to move traffic from one district of the city to another and which are not designed to serve individual residences. ***Sec. 74.4 – Rev.8.17.04***

74.5. Collector Streets are those which carry traffic from minor streets to the major system of freeways, expressways, and arterial streets and highways.

74.6. Minor or Local Residential Streets, including cul-de-sacs, are those which are used primarily for access to the abutting properties.

74.7. Minor or Local Commercial and Industrial Streets are those which are primarily for access to the abutting commercial and industrial properties.

74.8. Alleys are those which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Section 75. Storage and Parking of Trailers, Recreational Vehicles and Commercial Vehicles. *(Revised 02.05.13)*

Commercial vehicles, recreational vehicles, and trailers of all types, including boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following requirements: ***Sec. 75 – Rev. 6.15.04***

75.1 Commercial vehicles shall be prohibited on residentially zoned property. For the purposes of this section, a commercial vehicle shall be defined as any vehicle larger than an automobile, pick-up truck, SUV, or van, excluding recreational vehicles.

75.1.1. This section shall not apply to any vehicle that is temporarily parked or left standing clearly for the purpose of loading or unloading, provided that the vision of traffic is not obstructed. For the purposes of this subsection, a reasonable amount of time shall be allowed for loading and unloading, the amount of which is to be determined according to the nature and extent of the loading and unloading operation.

75.1.2. This section shall not apply to those commercial vehicles used to provide daily transportation to and from work. In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.

75.2 Hauling trailers or boat trailers shall be permitted if not parked or stored in the front yard, or a side yard, which abuts a street.

75.3 Recreational vehicles shall be permitted if not parked or stored in the front yard, except as permitted in Section 75.4. For the purpose of this section, the front yard shall be defined as the portion of the lot which faces the main entrance to the dwelling located thereon. This shall apply to both interior and corner lots.

75.4. For a period not to exceed seven (7) days a single recreational vehicle shall be permitted to be parked anywhere on a residential lot. During this seven (7) day period the recreational vehicle is allowed to be temporarily occupied.

Section 76. Screening and Lighting.

76.1. In any commercial or industrial district, any operation not conducted with a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height where necessary to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.

76.2. In any district where reference is made requiring adequate screening or buffering of a specified operation, such screen or buffer shall be a wall or fence of uniform material, solid in appearance or tight evergreen hedge not less than six (6) feet in height, as may be required by Perry Planning Commission.

76.3. Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings, and shall be so situated as not to reflect directly into any public rights-of-way.

Section 77. Minimum Distance Between Building.

The following minimum distances between building shall be required unless otherwise specified within this Ordinance.

77.1. The minimum distance between main building located on the same lot or parcel shall be:

77.1.1.	Front to rear arrangement	50 Feet
77.1.2.	Front to front arrangement	40 Feet

77.1.3.	Rear to rear arrangement	30 Feet
77.1.4.	Side to side arrangement	20 Feet
77.1.5.	All other combinations	20 Feet

77.2. There shall be a distance of not less than twenty feet (20') between a main and accessory building located on the same lot or parcel.

Section 78. Zoning For Property To Be Annexed.

All land to be annexed into the corporate limits of the City of Perry shall be zoned in accordance with the procedures required in Section 36-66-4(d) of the *Official Code of Georgia Annotated,* as amended.

Section 79. Development within corporate limits; annexation *(Added 11.15.11)*

79.1 The entirety of a development shall be located within the corporate limits of the City of Perry prior to any permits being issued and/or any land disturbing activities. The entirety of the development shall include those areas with stormwater facilities and/or utilities designed specifically to serve the development and which will be privately maintained. The property required to be in the City shall be subdivided from the remainder of property remaining outside the corporate limits of the City of Perry.

For the purposes of this section, development is defined as the construction of any type of structure and/or activity requiring a permit, i.e. building permit, land disturbance, etc.

The Commission shall have the authority to waive the entirety or a portion of Section 79.1 where practical to do so.

79.2 Any development utilizing a City of Perry utility shall, prior to connection of said utility, be annexed into the corporate limits of the City of Perry unless granted a waiver from said requirements by Mayor and Council.