ARTICLE VIII
USE REQUIREMENTS BY DISTRICTS

Section 80. Residential Districts.

80.1. R-1, Single-Family Residential Districts.

80.1.1. Intent of District. This district is intended to be used for single-family residential areas with low population density. Additional permitted uses, by special exception include related non-commercial, recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from encroachment of uses not performing a function necessary to the residential environment.

80.1.2. Within R-1 Single-Family Residential Districts, the following uses are permitted:

(1) Single-family dwellings.

(2) Accessory building and uses when located on the same lot or parcel of land as the main structure and customarily incidental thereto and provided the requirements in Section 102 are met.

(3) Fall-out shelters provided the requirements in Section 103 are met.

(4) Home swimming pools provided the location is not closer than ten (10) feet to any property line and the pool is enclosed by a wall or fence of at least four (4) feet in height. *(Rev. 09.20.16)*

(5) Public utility structures and buildings provided that the installation is properly screened. No office shall be permitted and no equipment shall be stored on the site.

(6) Dogs and cats provided the requirements in Section 117 are met.

(7) Satellite dish antennas provided the requirements in Section 108 are met.

(8) Home Offices are provided in section 104. ***Sec. 80.1.2.(8)-Rev.8.20.02***

80.1.3. The following uses may be permitted as special exceptions by the Council in accordance with Section 172:

(1) Churches and related accessory buildings provided they are located on a lot fronting an arterial or collector street and are placed not less than 50 feet from any property line.

(2) Residential businesses as provided in Section 104. ***Sec. 80.1.3.(2) - Rev. 8.20.02***

(3) Kindergartens, play schools and day care centers and homes.

(4) Public and private schools, libraries, excluding business and trade schools.

(5) Golf, swimming, tennis, or country clubs, privately owned and operated community clubs or associations, athletic fields, parks, and recreation areas, provided that no building for such purposes is located within 100 feet of any property line.

(6) Additional dwellings on a single lot, provided the requirements of Section 116 are met.

(7) Horses, ponies and fowl provided the requirements in Section 117 are met.

(8) Agriculture, forestry, livestock and poultry production, provided that the area available for said operation is not less than ten (10) acres in area, and that no structure containing poultry or livestock and no storage of manure or odor or dust producing substance or use shall be located within two hundred (200) feet of a property line. Provided, however, there shall be no more than one (1) horse, cow or pig or combination thereof per one (1) acre, no more than one (1) goat or sheep or combination thereof per one-half (1/2) acre and no more than ten (10) fowl or rabbits or combination thereof per one-half (1/2) acre. All animals (except domestic animals, i.e., dog, cat) shall be kept in a structure or corral. ***Sec.80.1.3(8) - Rev.8.19.03***

(9) Bed and Breakfast Inns provided the requirements in Section 109 are met.

(10) Farm Winery

80.1.4. Conservation Subdivision Option. Any proposed residential development within this district may be submitted for review and approval in compliance with the Cluster Development option provisions specified in Section 119 of this Ordinance.

80.2. R-2, Two-Family Residential Districts.

80.2.1. Intent of District. This is a residential district to provide for a medium population density. The district permits a mixture of dwelling types; to provide

more interesting aesthetic categories of dwelling; and to situate these uses where they are well served by public and commercial services.

80.2.2. Within the R-2 Two-Family Residential Districts, the following uses are permitted

(1) Any use permitted in an R-1 District.

(2) Two-family dwelling (duplex).

(3) Townhouses, provided the requirements in Section 101 are met.

(4) Satellite dish antennas provided the requirements in Section 108 are met.

(5) Home offices are provided in Section 104. ***Sec. 80.2.2.(5) - Rev.8.20.02***

80.2.3. The following uses may be permitted as special exceptions by the Council in accordance with the provisions of Section 172:

(1) Any use permitted by special exception in an R-1 District.

(2) Residential businesses as provided in Section 104. ***Sec.80.2.3.(2) - Rev.8.20.02***

(3) Farm Winery

80.2.4. Conservation Subdivision Option. Any proposed residential development within this district may be submitted for review and approval in compliance with the Conservation Subdivision Option provisions specified in Section 119 of this Ordinance.

80.3. R-2A, Single-Family Residential Districts.

80.3.1. Intent of District. This is a residential district to provide for a medium population density for single-family dwelling units. This district will allow the increase in density over R-1 but will provide protection from other R-2 uses that may not be suitable for a given area.

80.3.2. Within the R-2A Single-Family Residential District, the following uses are permitted:

(1) Any use permitted in an R-1 District.

(2) Home Offices are provided in Section 104. ***Sec. 80.3.2.(2) - Rev.8.20.02***

80.3.3. The following uses may be permitted as special exception by the Council in accordance with the provisions of Section 172:

(1) Any use permitted by special exception in an R-1 District.
(2) Residential businesses as provided in Section 104. ***Sec. 80.3.3.(2) -Rev. 8.20.02***
(3) Farm Winery

80.2.4. Conservation Subdivision Option. Any proposed residential development within this district may be submitted for review and approval in compliance with the Conservation Subdivision Option provisions specified in Section 119 of this Ordinance.

80.4. R-3, Multi-Family Residential Districts.

80.4.1. Intent of District. This is a residential district to provide for high population density. The principal use of land may range from single-family dwelling to high density multiple-family apartment uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted.

80.4.2. Within the R-3 Multi-Family Residential Districts, the following uses are permitted: ***Sec. 80.4.2 – Rev 10.4.05***

(1) Any use permitted in an R-2 District.

(2) Multi-family dwelling.

(3) Hotels.

(4) Single-family attached dwellings provided that the requirements in Section 101 are met.

(5) Satellite dish antennas provided the requirements in Section 108 are met.

(6) Home office as provided in Section 104. ***Sec. 80.4.2 (6) - Rev.8.20.02***

80.4.3. The following uses may be permitted as special exception by the Council in accordance with the provisions of Section 172:

(1) Residential businesses as provided Section 104.***Sec. 80.4.3 (1) - Rev.8.20.02***

(2) Hospitals, sanitariums, clinics, convalescent or nursing homes.

(3) Clubs and lodges, provided that food service facilities are limited to their members and guests.

(4) Churches and related accessory buildings, provided they are located on a lot fronting an arterial or collector street and are placed not less than 50 feet from any property line.

(5) Kindergarten, play schools, and day care centers and homes.

(6) Golf, swimming, tennis, or country clubs, privately-owned and operated community clubs or associations, athletic fields, parks and recreation areas, provided that no building for such purpose is located within 100 feet of any property line.

(7) Public and private schools and libraries.

(8) Family personal care homes subject to the rules of the Georgia Department of Human Resources governing personal care homes.

(9) Group personal care homes subject to the rules of the Georgia Department of Human Resources governing personal care homes.

(10) Agriculture, forestry, livestock and poultry production, provided that the area available for said operation is not less than ten (10) acres in area, and that no structure containing poultry or livestock and no storage of manure or odor or dust producing substance or use shall be located within two hundred (200) feet of a property line. Provided, however, there shall be no more than one (1) horse, cow or pig or combination thereof per one (1) acre, no more than one (1) goat or sheep or combination thereof per one-half (1/2) acre and no more than ten (10) fowl or rabbits or combination thereof per one-half (1/2) acre. All animals (except domestic animals, i.e., dog, cat) shall be kept in a structure or corral. ***Sec. 80.4.3(10) - Revised 8.19.03***

(11) Bed and breakfast inns provided the requirements in Section 109 are met.

(12) Halfway houses and drug rehabilitation centers. The final decision regarding the placement of a halfway house or drug rehabilitation center must be preceded by a public hearing held at least six (6) months and not more than nine (9) months prior to the date of the final zoning decision per OCGA 36-66-4. This requirement is in addition to the normal special exception hearing requirements. ***Sec.80.4.3 (12) - Rev.1.6.04***

(13) Farm Winery

80.2.4. Conservation Subdivision Option. Any proposed residential development within this district may be submitted for review and approval in

compliance with the Conservation Subdivision Option provisions specified in Section 119 of this Ordinance.

80.5. R-MH, Residential Manufactured Home.

80.5.1. Intent of District. The intent of this district shall be to provide adequate locations and densities for manufactured home parks, individual manufactured homes and other uses permitted by these regulations within this district.

80.5.2. Permitted Uses. Within an R-MH District, the following uses are permitted:

(1) Any use permitted in an R-1 District.

(2) Individual manufactured homes.

(3) Manufactured home parks provided the requirements in Section 100 are met.

(4) Manufactured home subdivisions provided the requirements in Section 100 are met.

(5) Service and auxiliary buildings located and specifically designed to serve only the residents of one manufactured home park, not to include automobile or manufactured home repair facilities of any type. Permitted buildings shall be limited to the following uses:

(a) Manufactured home park management office.

(b) Storage for maintenance tools, equipment, and supplies.

(c) Residence for the exclusive use of a watchman, caretaker, owner or manager of a manufactured home park.

(d) Recreation, assembly, and laundry facilities for the exclusive use of the manufactured home residents and their guests.

(6) Home offices as provided in Section 104. ***Sec. 80.5.2.(6) - Rev. 8.20.02***

80.5.3. Uses permitted by special exception. The following uses may be allowed by special exception by the Council in accordance with the provisions of Section 172:

(1) Any use allowed by special exception in an R-1 District.

(2) Residential businesses are provided in Section 104.

(3) Farm Winery

Sec. 80.5.3.(2) - Rev.8.20.02

80.2.4. Conservation Subdivision Option. Any proposed residential development within this district may be submitted for review and approval in compliance with the Conservation Subdivision Option provisions specified in Section 119 of this Ordinance.

80.6. R-AG, Agricultural-Residential District.

80.6.1. Intent of District. This district is established to protect rural areas against the blight and depreciation which can result from premature development; to encourage the development of rural areas in a coordinated and orderly manner; to protect the use of land adjoining roads passing through the rural portions of the city against strip development which can lead to traffic congestion and traffic hazards.

80.6.2. Permitted Uses. Within an R-AG Agricultural District, the following uses are permitted:

(1) Single-family dwellings.

(2) Accessory buildings and uses when locate on the same lot or parcel of land as the main structure and customarily incident thereto and provided the requirements in Section 102 are met.

(3) Home swimming pools provided the location is not closer than ten feet (10') to any property line and the pool is enclosed by a wall or fence of at least four feet (4') in height. *(Rev. 09.20.16)*

(4) Agriculture, forestry, livestock and poultry production, provided that the area available for said operation is not less than ten (10) acres in area, and that no structure containing poultry or livestock and no storage of manure or odor or dust producing substance or use shall be located within two hundred (200) feet of a property line. Provided, however, there shall be no more than one (1) horse, cow or pig or combination thereof per one (1) acre, no more than one (1) goat or sheep or combination thereof per one-half (1/2) acre and no more than ten (10) fowl or rabbits or combination thereof per one-half (1/2) acre. All animals (except domestic animals, i.e., dog, cat) shall be kept in a structure or corral. *Sec. 80.6.2(4) - Rev. 8.19.03*

(5) Churches and related accessory buildings, provided they are located on a lot fronting an arterial or collector street and are placed not less than 50 feet from any property line.

(6) Public utility structures and buildings provided installation is properly screened as required in Section 76. No office shall be permitted and no equipment shall be stored on the site.

(7) Individual manufactured homes.

(8) Signs as provided in Section 106.

(9) Home Offices are provided in Section 104. ***Sec. 80.6.2 (9) – Rev. 8.20.02***

80.6.3. Uses Permitted by Special Exception. The following uses may be permitted as a special exception by the Council in accordance with the provisions of Section 172:

(1) Public or privately owned and operated golf, swimming, tennis, or country clubs, athletic fields, parks, and other recreation areas, provided that no building for such purposes is located within 100 feet of any property line.

(2) Residential businesses as provided in Section 104. ***Sec. 80.6.3.(2) - Rev. 8.20.02***

(3) Kindergartens, play schools, and day care centers and day care homes.

(4) Public of Private schools and libraries.

(5) Cemeteries, provided they are located abutting a paved road and shall be screened six feet (6') from adjoining properties.

(6) Tenant houses, and one-family dwellings, when located on the same lot or tract as the principal residence, on the basis of one residence structure for each five (5) acres in addition to the minimum lot area required for the principal residence, and subject to all the yard requirements of this district.

(7) Sale of products and commodities raised on the premises provided that no structure for such sales shall be closer than 25 feet to either the front or side property lines.

(8) Riding stable and academics, provided that no structure, pen, or corral housing animals shall be closer than 200 feet to any property line.

(9) Sanitariums, rest homes, hospitals, and animal kennels.
(10) Communication towers.
(11) Farm Winery

Section 81. Commercial Districts.

81.1. C-1, Highway Commercial District.

81.1.1. Intent of District. Within a C-1 Highway Commercial District, uses are restricted to those which are designed to serve the automobile, its passengers and highway users rather than individuals who use an automobile as a convenience to perform necessary daily and weekly personal needs. The district is intended to be restricted to State and Federal highways which may also have other business districts located on them.

81.1.2. Required Conditions. All businesses servicing, storage of 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, miniature golf courses, 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.

81.1.3. Within C-1 Highway Commercial Districts, the following uses are permitted:

(1) Automobile service stations provided the requirements in Section 105 are met.

(2) Amusement enterprises, such as miniature and Par-3 golf, golf driving ranges, skating rinks and similar enterprises but excluding "go-kart" type miniature auto racing tracks.

(3) Automobile laundry or car wash provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process sufficient to contain a number of vehicles (at 200 square feet per vehicle) equal to one-third of the practical hourly capacity of the washing machine and in addition that curb breaks be limited to two (2) each, not to exceed 20 feet to a street intersection.

(4) Hotels and motels. As part of the hotel or motel, one (1) dwelling may be established for security purposes on the site, for a site manager or facility owner. The dwelling must be attached to the commercial use. The dwelling cannot be a detached structure. The dwelling and the commercial

use must have similar architectural features and be constructed of similar materials. ***Sec-81.1.3 (4) – Rev. 11.15.05***

(5) Signs as provided in Section 106.

(6) Bus stations.

(7) Automobiles, recreational vehicles, horse trailer sales and mobile homes sales, automobile repair garages, mechanical and body, provided all operations are conducted in a building which shall not have any openings, other than a stationary window, within one hundred (100) feet of a residential district and which shall not store or otherwise maintain any parts or waste material outside such building. ***Sec.81.1.3 – Rev.6.15.04***

(8) Restaurants, including drive-in establishments, proved that such a drive-in establishment, abuts a residential district by a six (6) foot high masonry wall and having no light shining directly into a residential district.

(9) Nightclubs, bars and taverns provided no said establishment be within one hundred (100) yards of any church building or within two hundred (200) yards of any school building, educational building, school grounds, or college campus. In determining whether said establishment is within the one hundred (100) yard limitation for church buildings or within two hundred (200) yard limitation for school or educational buildings, school grounds, or college campuses; the measurement shall be made from property line to property line from the nearest two (2) points between the properties in question. However, in cases where the two (2) properties abut the same street, road, highway, or other right-of-way, the measurement shall be made from the nearest two (2) points between the buildings in question. Further, should said establishment abut any residential district, a six foot (6') high masonry wall shall be erected and have no light shining directly into the residential district.

(10) Public utilities such as electrical substations, telephone exchanges, and similar uses.

(11) Churches, synagogues and temples and attendant educational recreational buildings.

(12) Multi-family dwellings provided that the site requirements for R-3 Residential Districts are adhered to.

(13) Recreational vehicle parks provided the requirements in Section 100 are met. ***Sec. 81.1.3 – Rev.6.15.04***

(14) Truck terminals provided that acceleration and deceleration lanes of at least 200 feet are provided for trucks entering and leaving the site and that the truck traffic so generated will not create a safety hazard or unduly impede traffic movement.

(15) Theaters, including drive-in theaters provided acceleration and deceleration lanes of at least 200 feet are provided for the use of vehicles entering or leaving the theater and the volume of concentration of traffic will not constitute a safety hazard or unduly impede highway traffic movements, and
provided the screen is not visible from any expressway, freeway, arterial or collector street located within 2,000 feet of such screen.

(16) Accessory buildings and uses when located on the same lot or parcel of land as the main structure and customarily incidental thereto, provided the requirements in Section 102 are met.

(17) Sale of souvenirs, gifts, novelties, pottery and sundries tailored to the tourist business.

(18) Temporary use including the sale of Christmas trees, carnivals, church bazaars, sale of seasonal fruit and vegetables from roadside stands, but such uses not permitted for a period to exceed four (4) months in any calendar year.

(19) Veterinary hospitals or clinics, provided any structure of open area used for such purpose shall be a minimum of one hundred (100) feet from a residential district.

(20) Ambulance service.

(21) Boat sales, indoor and outdoor.

(22) Bowling alleys.

(23) Self-service laundry.

(24) Satellite dish antennas provided the requirements in Section 108 are met.

(25) Adult entertainment establishments provided the requirements of Section 110 are met.

81.1.4. The following uses may be permitted as special exceptions by the Council in accordance with Section 172:

(1) Single tenant retail buildings exceeding 35,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to.

(2) Shopping centers exceeding 50,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to. ***Sec. 81.1.4. (1 & 2) - Rev. 3.1.05***

(3) Farm Winery

81.2. C-2, General Commercial District.

81.2.1. Intent of District. The intent of this district shall be to provide a commercial district designed to serve the automobile, its passengers, and highway users and to provide community shopping facilities consisting of a wide variety of sales and service facilities and locations that will be accessible to all shoppers and highway users or both.

81.2.2. 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, miniature golf courses, 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.

81.2.3. Within the C-2 Commercial Districts, the following uses are permitted:

(1) Any retail business or commercial use in which there is no processing of 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 ten (10) persons.

(d) Banks and drive-in banks.

(e) Bicycle and motorcycle stores.

(f) Book, stationary, camera of photographic supply stores.

(g) Confectionery stores.

(h) Clothing, shoe, millinery, dry goods, and notion stores.

(i) Drug stores.

(j) Ice cream stores.

(k) Furniture, home furnishing, including office furniture and equipment stores.

(l) Florist, nursery and gift shops.

(m) Grocery, fruit, vegetable, meat markets, delicatessen, catering, and supermarkets.

(n) Hardware and paint stores.

(o) Jewelry stores.

(2) Any of the following service businesses:

(a) Barber and beauty shops.

(b) Café, grill, lunch counters, and restaurants, night clubs, bars, taverns, and drive-in restaurants.

(c) Dress making and tailoring shops.

(d) Dry cleaning and laundry establishments including pick-up stations and self-service laundry.

(e) Shoe repair shops.

(3) Office buildings.

(4) Bowling alleys and billiard rooms.

(5) Bus and railroad terminal facilities.

(6) Accessory buildings and uses when located on the same lot or parcel of land as the main structure and customarily incidental thereto, provided the requirements in Section 102 are met.

(7) Fall-out shelters provided the requirements in Section 103 are met.

(8) Signs as provided in Section 106.

(9) Automobile service stations provided the requirements in Section 105 are met.

(10) Theaters, including drive-in theaters, provided that for drive-in theaters acceleration and deceleration lanes of at least two hundred (200) feet in length are provided for the use of vehicles entering or leaving the theater and the volume or concentration of traffic will not constitute a traffic hazard or unduly impede high traffic movements and provided the screen is not visible from any expressway, freeway or arterial or collector street located within two thousand (2,000) feet of such screen.

(11) Public utility structures and buildings, including electric and natural gas, substations, telephone exchanges, radio and televisions stations, and similar structures for the storage of supplies, equipment or service operations when properly screened as required in Section 76.

(12) Churches and other places of worship with attendant education and recreational buildings.

(13) Kindergartens, play schools, and day care centers and homes.

(14) Golf, swimming, tennis, or country clubs, privately owned and operated community clubs or associations, athletic fields, parks and recreational areas.

(15) Private clubs, fraternal orders or lodges.

(16) Commercial parking garages or lots provided no entrance or exit be on the same side of the street and within the same block as a school and the curb breaks be limited to two (2) for each 100 feet of street frontage, each not located closer than 20 feet to a street intersection.

(17) Temporary uses including sale of Christmas trees, carnivals, church bazaars, sale of seasonal fruit and vegetables from roadside stands, but such uses not permitted for a period to exceed four (4) months in any calendar year.

(18) Multi-family dwellings provided the requirements in the R-3 Residential District are met.

(19) Printing, blue printing, book binding, Photostatting, lithography and publishing establishments.

(20) Undertaking or mortuary establishments.

(21) All uses of a predominately retail nature including:

(a) Electrical supplies.
(b) Heating and plumbing equipment.

(c) Dairy products.

(d) Bakeries.

(e) Tires, batteries, and other automotive accessories.

(f) Sporting goods.

(g) Farm and garden supplies.

(h) Finance, insurance, and real estate offices.

(22) Public and private schools and libraries.

(23) Hotels and motels. As part of the hotel or motel, one (1) dwelling may be established for security purposes on the site, for a site manager or facility owner. The dwelling must be attached to the commercial use. The dwelling cannot be a detached structure. The dwelling and the commercial use must have similar architectural features and be constructed of similar materials.***Sec-81.2.3 (24) – Rev. 11.15.05***

(24) Automobiles, recreational vehicles, horse trailer sales and mobile homes sales, automobile repair garages, mechanical and body, provided all operations are conducted in a building which shall not have any openings, other than a stationary window, within one hundred (100) feet of a residential district and which shall not store or otherwise maintain any parts or waste material outside such building. ***Sec. 81.2.3 – Rev.6.15.04***

(25) Automobile repair garages, mechanical and body, provided all operations are conducted in a building which shall not have any openings, other than windows, when facing a residential district and within 100 feet of said district and which shall not store or otherwise maintain any parts or waste materials outside such buildings.

(26) Places of assembly including auditoriums, stadiums, coliseums and dance halls.

(27) Produce and farmers markets.

(28) Veterinary hospitals or clinics provided any structure used for such purpose shall be a minimum of one hundred feet (100') from any residential district.

(29) Amusement enterprises including the provision of stage entertainment, skating rinks, Par-3 golf, and golf driving ranges.

(30) Building supplies.

(31) Trade shops including sheet metal, roofing, upholstering, electrical, plumbing, Venetian blind, cabinet making and carpentry, rug and carpet cleaning, and sign painting, provided that all operations are conducted entirely within a building which shall not have any openings, other than windows when facing a residential district or within 100 feet of said district.

(32) Satellite dish antennas provided the requirements in Section 108 are met.

(33) Self-storage warehouse or facility. As part of the self storage facility, one (1) dwelling may be established for security purposes on the site, for a site manager or facility owner. The dwelling must be attached to the commercial use. The dwelling cannot be a detached structure. The dwelling and the commercial use must have similar architectural features and be constructed of similar materials. ***Sec. 81.2.3 (34) – Rev.11.15.05***

81.2.4. The following uses may be permitted as special exceptions by the Council in accordance with Section 172:

(1) Agriculture, forestry, livestock and poultry production, provided that the area available for said operation is not less than ten (10) acres in area, and that no structure containing poultry or livestock and no storage of manure or odor or dust producing substance or use shall be located within two hundred (200) feet of a property line. Provided, however, there shall be no more than one (1) horse, cow or pig or combination thereof per one (1) acre, no more than one (1) goat or sheep or combination thereof per one-half (1/2) acre and no more than ten (10) fowl or rabbits or combination thereof per one-half (1/2) acre. All animals (except domestic animals, i.e., dog, cat) shall be kept in a structure or corral.

(2) Temporary tents for revivals.

(3) Car washes.

(4) Halfway houses and drug rehabilitation centers. The final decision regarding the placement of a halfway house or drug rehabilitation center must be preceded by a public hearing held at least six (6) months and not more than nine (9) months prior to the date of the final zoning decision per OCGA 36-66-4. This requirement is in addition to the normal special exception hearing requirements. ***Sec. 81.2.4 (4) - Rev. 1.6.04***

(5) Single tenant retail buildings exceeding 35,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to.

(6) Shopping centers exceeding 50,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to. ***Sec 81.2.4. (5 & 6) – Rev.3.1.05***

(7) Hospitals, Clinics, sanitariums, convalescent or nursing homes. ***Sec81.2.4 –Rev.7.18.06***

(8) Farm Winery

81.2.5. The following uses are not permitted within the Downtown Development District: ***Sec81.2.5 –Rev.07.06.10***

(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 provides the opportunity for rewards including, but not limited to, free games, free replays, any merchandise, prizes, toys, gift certificates, points, tokens, vouchers, tickets or novelties.

81.3. C-3, Central Business District.

Sec. 81.3 - Rev.1.20.04

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.

Sec. 81.3.2 - Rev. 1.20.04

81.3.3. Within the C-3 Central Business District (CBD), the following uses are Permitted: *Sec.81.3.3 – Rev. 07.06.10*

(1) Any retail business or commercial use in which there is no processing 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 ten (10) persons.

d. Banks and drive-in banks.

e. Bicycle stores.

f. Book, stationary, camera or photographic supply stores.

g. Confectionery stores.

h. Clothing, shoes, millinery, dry goods and notions.

i. Ice cream parlors.

j. Drug stores.

k. Furniture, home furnishings, including office furniture and equipment.

l. Florist, nursery and gift shops.

m. Grocery, fruit, vegetable, meat markets, delicatessen, catering and supermarkets.

n. Hardware and paint stores.

o. Jewelry stores.

(2) Any of the following service businesses:

(a) Barber and beauty shops.

(b) Café, grills, lunch counters, and restaurants.

(c) Dress making and tailoring shops.

(d) Dry cleaning and laundry establishments including pick-up stations but not including self-service laundry.

(e) Shoe repair shops.

(3) Office buildings.

(4) Fall-out shelters provided the requirements in Section 103 are met.

(5) Signs as provided in Section 106.

(6) Automobile service stations provided the requirements in Section 105 are met.

(7) Theaters, but not including drive-in theaters.

(8) Churches and other places of worship with attendant education and recreational buildings.

(9) Private clubs, fraternal orders or lodges.

(10) Commercial parking garages or lots provided no entrance or exit be on the same side of the street and within the same block as a school and the curb breaks be limited to two for each 100 feet of street frontage, each not to

exceed 30 feet in width and lot located closer than 20 feet to a street intersection.

(11) Multi-family dwellings provided the requirements in the R-3 Residential Districts are met.

(12) All uses of a predominantly retail nature including:

(a) Electrical supplies.

(b) Heating and plumbing equipment.

(c) Dairy products.

(d) Bakeries.

(e) Sporting goods.

(f) Farm and garden supplies.

(g) Finance, insurance, and real estate offices.

(13) Public and private schools and libraries.

(14) Hotels and motels. As part of the hotel or motel, one (1) dwelling may be established for security purposes on the site, for a site manager or facility owner. The dwelling must be attached to the commercial use. The dwelling cannot be a detached structure. The dwelling and the commercial use must have similar architectural features and be constructed of similar materials. ***Sec. 81.3.2 (14) – Rev.11.15.05***

(15) Amusement enterprises including the provision of stage entertainment excluding arcade games.

(16) Places of assembly including auditoriums, stadiums, coliseums and dance halls.

(17) Temporary uses including sale of Christmas trees carnivals, church bazaars; but not including seasonal sale of fruits and vegetables from roadside stands, but such uses shall not be permitted for a period to exceed two months in any calendar year.

(18) Satellite dish antennas provided the requirements in Section 108 are met.

(19) Dwellings in an existing commercial building. ***Sec.81.3.2 - Rev. 1.06.09***

(20) Coin-operated amusement machines, except those machines which provides the opportunity for rewards including, but not limited to, free games, free replays, any merchandise, prizes, toys, gift certificates, points, tokens, vouchers, tickets or novelties.

81.3.4. The following uses may be permitted as special exceptions by the Council in accordance with the provisions of Section 172:

(1) Printing, blue printing, book binding, Photostatting, lithography and publishing establishments.

(2) Detached Single and Two-Family Dwellings. The Planning Commission may consider any property located in a C-3 district to be suitable for residential use only if the following conditions have been verified and/or complied with and upon determination that such use would not adversely affect the intent of this district: ***Sec.81.3.3 (2) - Rev. 3.19.02***

(a) Applicant must submit an application for a special exception containing necessary information and a site plan when the request involves a new building, or additions or modifications to an existing structure which must include:

(1) Adjacent property owners and present use of such property;

(2) Proposed parking arrangements for occupants;

(3) Elevation views indicating materials and color schemes (as per Section 45 the Downtown Development District Board of Review must approve these items).

(4) Illustration of landscaping as required by Section 71.6.

(b) Any such use shall meet applicable requirements of local and state codes and ordinances as determined by the building official.

(c) Any such use shall meet applicable requirements of local and state codes and ordinances as determined by the building official.

(4) Single tenant retail buildings exceeding 35,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to.

(5) Shopping centers exceeding 50,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to. ***Sec.81.3.3. (3 & 4)- Rev.3.1.05***

(6) Farm Winery

81.4. CP, Convention Plaza District.

81.4.1. Intent of District. The intent of the Convention Plaza District (CPD) is to create a special place around the Georgia National Fair & Agricenter that is entertaining, vibrant and inviting to tourists, visitors and residents alike. The Agricenter draws hundreds of thousands of people each year to conventions, meetings, exhibitions, trade shows and other special events.

Through coordinated intensification, the CPD can be a unique, exciting place where people want to visit, stay, transact business and be entertained.

81.4.2. 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 miniature golf courses. 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.

81.4.3. Within the Convention Plaza District, the following uses are permitted:

1. Advertising agencies.

2. Airline ticket agencies.

3. Amusement and recreational facilities.

4. Antique stores.

5. Art stores and art shows.

6. Automobile rental agencies provided vehicles are stored out of zone.

7. Bakery shops, provided the products are sold only at retail on the premises.

8. Banks, savings and similar financial institutions, including automated facilities.

9. Barber Shops.

10. Beauty Shop

11. Bicycle shops.

12. Book shops.

13. Bowling alleys.

14. Ceramic shops (with kilns).

15. Chapels ancillary to hotels and motels.

16. Concerts.

17. Clothing stores.

18. Convention centers, trade marts, exhibition halls and other assembly and exhibit space.

19. Copying and duplicating centers and services.

20. Enclosed amusement centers.

21. Festivals.

22. Florists.

23. Gift shops.

24. Health spas.

25. Hotel and motels.

26. Information centers.

27. Jewelers.

28. Liquor sales, provided the requirements of Chapter 3 of "The Code of the City of Perry" are met.

29. Luggage stores.

30. Musical stores.

31. News stands.

32. Parking lots and parking garages.

33. Photography studios.

34. Restaurants.

35. Specialty food stores (not convenience stores).

36. Theaters.

37. Travel agencies.

81.4.4. The following uses may be permitted as special exceptions by the Council in accordance with Section 172:

(1) Amusement parks.

(2) Stadiums and arenas.

(a) Each application for a special exception shall be accompanied by a site plan drawn to scale incorporating the regulations established herein. The site plan shall include a legal description, lot area, site dimensions, right-of-way location and width, proposed parking areas and number of parking spaces, proposed building location and setbacks from lot lines, total floor area proposed for any building, proposed points of access, location of proposed signs, location of existing easements, and a general plan of proposed landscaping. The site plan shall be submitted to and approved by the Commission prior to the granting of a land use permit. Substantial changes to the site plan shall require an amendment by the Commission.

(3) Single tenant retail buildings exceeding 35,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to.

(4) Shopping centers exceeding 50,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to. ***Sec.81.4.4. (3 & 4) -Rev.3.1.05***

(5) Farm Winery

81.4.5. Landscaping for Convention Plaza District. The intent of this section shall be to promote safety, health and general welfare by providing for installation and maintenance of certain landscaped areas. Landscaping in the Convention Plaza District shall meet the requirements of Section 71.6. In addition to the requirements of Section 71.6, the following requirements shall be adhered to:

81.4.5.1. Curbing within the Convention Plaza District will be "L" type curb and gutter with a minimum width of 24 inches.

81.4.5.2. All landscaped areas are required to be irrigated. Pop-up type sprinkler heads shall be used within pedestrian areas to insure pedestrian safety.

81.4.5.3. Landscaping or screen walls shall be used to visually hide dumpsters, storage areas, loading docks, transformers, satellite dishes, TV antennas, storage tanks and other items of poor visual quality. The screen walls shall be of decorative concrete, masonry or wood construction, minimum six feet (6') in height, and compatible with the architecture of the building. Dumpster screens shall include doors constructed of quality materials.

Chain-link, barbed wire, painted or unpainted standard concrete block and perimeter fencing shall be prohibited within developed portions of the site.

81.4.5.4. Sidewalk or pedestrian walkways shall be of masonry or decorative concrete.

81.4.5.5. Bike paths and/or jogging trails shall consist of masonry, decorative concrete or bituminous asphalt.

Prohibited Building Materials.

81.4.6.1. The use of light gauge metal for exterior siding is prohibited. This does not include metals commonly used for roof-flashing or roof systems.

81.5. OC, Office Commercial District

81.5.1. Intent of District. The purpose of this district is to provide and protect convenient areas for community shopping facilities consisting of sales, services and professional offices in close proximity to and in harmony with nearby residential properties. This district is identified as one in which the physical

character and design of existing and proposed new structures play an important role in assuring compatibility with existing residential development. ***Sec.81.5 – 10.4.05***

81.5.2. 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 and automobile parking for customers while on the premises. 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.

81.5.3. Permitted Uses. Within the OC District the following uses are permitted:

(1) Business, professional and governmental offices.

(2) Signs as provided in Section 106.

(3) Multi-family dwellings provided the requirements in the R-3 Residential Districts are met.

(4) Satellite dish antennas provided the requirements in Section 108 are met.

(5) Dwellings in a commercial building.

81.5.4. The following uses may be permitted as special exceptions by the Council in accordance with the provisions of Section 172:

(1) Nursing and/or personal care facility.

(2) Kindergartens, play schools, and day care centers and homes

(3) Any retail business or commercial use in which there is no processing or treatment of material goods, or products.

(4) Farm Winery

81.5.5. Architectural Design Standards

The OC District is designed for locations where residential may no longer be the most appropriate use due to conflicts from nearby nonresidential uses and traffic. Review of building design, buffers, landscaping, lighting and parking are recognized as essential for the establishment and maintenance of the character of this district. The following architectural and site design standards shall apply in the OC District.

(1) New single story building in the OC District shall not exceed 3,500 gross square feet. New two-story buildings in the OC District shall not exceed

5,000 gross square feet. This limit shall apply to single- or multi-tenant buildings. Pre-existing residential structures that exceed this building maximum may be considered for rezoning to OC.

(2) New buildings must incorporate the following architectural features into the overall building design:

(a) A new structure cannot have a flat roof design. A flat roof is defined as one with an average slope less than one (1) foot of vertical rise for every six (6) feet of horizontal run.

(b) The siding of the structure must be compatible with nearby residential structures. It is recommended that the siding be brick, vinyl, or wood siding. The siding of the structure shall not be prefabricated steel panels, smooth-faced concrete block, or tilt-up concrete panels.

(c) The height of the structure shall be limited to two (2) stories or forty (40) feet, whichever is less. The height is measured from the lowest adjacent grade to the highest point of building. This requirement does not include a basement area that is below the adjacent grade of the lot.

(3) The minimum number of off-street parking spaces shall be no less than one space per 400 square feet of gross floor area and no more than one space per 200 square feet of gross floor area.

(4) Off street parking facilities used at night shall be properly illuminated for the safety of pedestrians and vehicles and for policing. The lighting shall be designed so as not to reflect or cause glare in any residential district.

(5) Unless noted above, all other requirements of the PLDO shall apply.

The Zoning Enforcement Officer shall review all projects within the OC District for compatibility with these standards. Any person adversely affected by any determination made by the Zoning Enforcement Officer may appeal such determination to the Planning Commission by filing a notice with the Commission.

81.6. IN, Institutional District

Created -7.18.06

81.6.1. Intent of District. The Institutional District (IN) is intended to recognize and permit the creation of defined areas for the unified and orderly development of medical institutions in order to support and enhance their benefit to the community. The district allows flexibility in planning and development and

provides a process for evaluating and accommodating growth and change, thereby assuring compatibility with adjacent, non-institutional districts.

81.6.2. 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 and automobile parking for customers while on the premises. 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.

81.6.3. Permitted Uses. Within the IN District the following uses are permitted:

(1) Hospitals

(2) Long term care facilities including but not limited to:

(a) Nursing Homes

(b) Assisted Living Facilities

(c) Group Personal Care Homes

(d) Family Personal Care Homes

(e) Sanitariums

(3) Medical and Dental Offices

(4) Pharmacies

(5) Any retail business use in which there is no processing or treatment of material goods or products.

81.6.4. Special Exceptions. The following uses may be permitted as a special exception by the Council in accordance with the provisions of Section 172:

(1) Single Family Dwellings

(2) Two Family Dwellings

(3) Multi-Family Dwellings

(4) Farm Winery

Section 81.7 LC, Limited Commercial District

Section 81.7 - Created 3.6.07

81.7.1. Intent of District. It is intended that this district be established for small-scale, neighborhood businesses with a market orientation serving the surrounding neighborhood and community with convenience goods, limited retail sales, and personal services. These regulations are intended to reduce traffic congestion, provide adequate off-street parking, and discourage encroachment by other uses capable of adversely affecting the limited neighborhood commercial character of the district.

81.7.2. 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 and automobile parking for customers while on the premises. 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.

81.7.3. Permitted Uses. Within the LC District the following uses are permitted:

1) Art and crafts shops.

2) Antique shops.

3) Boutique shops.

4) Banks and financial institutions.

5) Bicycle stores.

6) Book, stationary, camera or photographic supply stores.

7) Print shops.

8) Confectionery stores.

9) Clothing, shoes, millinery, dry goods and notions.

10) Ice cream parlors.

11) Bakeries.

12) Drug stores.

13) Florist, nursery and gift shops.

14) Grocery, fruit, vegetable, meat markets, delicatessen, and catering.

15) Hardware and paint stores.

16) Jewelry stores.

17) Barber and beauty shops.

18) Café, grills, lunch counters, and restaurants without drive-thru drive-in facilities.

19) Dress making and tailoring shops.

20) Dry cleaning and laundry establishments including pick-up stations but not including self-service laundry.

21) Professional offices.

22) Signs as provided in Section 106.

23) Private clubs, fraternal orders or lodges.

24) Sporting goods sales.

25) Farm and garden supplies.

26) Finance, insurance, and real estate offices.

27) Satellite dish antennas provided the requirements in Section 108 are met.

(28) Day care centers.

(29) Office supply sales.

(30) Bed and Breakfast Inns.

(31) Print shops.

(32) Pet stores.

(33) Electronic sales.

(34) Other retail and service uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

81.7.4. The following uses may be permitted as special exceptions by the Council in accordance with the provisions of Section 172:

(1) Single Family Dwellings.

(2) Two-Family Dwellings.

(3) Multi-Family Dwellings.

(4) Dwellings in an existing commercial building. The following conditions must be considered:

a) Structure must have been originally designed and constructed for residential use; or

b) upstairs units not suitable for business or retail use; of

c) business owners desiring to reside in his/her place of business subject to meeting the conditions in (1) or (2) above.

d) Any such use shall meet applicable requirements of local and state codes and ordinances as determined by the building official.

(5) Furniture and interior decorating stores.

(6) Recreation facilities.

(7) Amusement and/or entertainment facilities.
(8) Farm Winery

81.7.5. Architectural Design Standards
The LC District is designed for locations abutting residential areas and neighborhoods where more intense commercial districts may not be appropriate. Review of building design, buffers, landscaping, lighting and parking are recognized as essential for the establishment and maintenance of the character of this district. The following architectural and site design standards shall apply in the LC District.

(1) New single story building in the LC District shall not exceed 3,500 gross square feet.

(2) New buildings must incorporate the following architectural features into the overall building design:

a) A new structure cannot have a flat roof design. A flat roof is defined as one with an average slope less than one (1) foot of vertical rise for every six (6) feet of horizontal run.

b) The siding of the structure must be compatible with nearby residential structures. It is recommended that the siding be brick, vinyl, or wood siding. The siding of the structure shall not be prefabricated steel panels, smooth-faced concrete block, or tilt-up concrete panels.

c) The height of the structure shall be limited to two (2) stories or forty (40) feet, whichever is less. The height is measured from the lowest adjacent grade to the highest point of building. This requirement does not include a basement area that is below the adjacent grade of the lot.

(3) The minimum number of off-street parking spaces shall be no less than one space per 400 square feet of gross floor area and no more than one space per 200 square feet of gross floor area.

(4) Off street parking facilities used at night shall be properly illuminated for the safety of pedestrians and vehicles and for policing. The lighting shall be designed so as not to reflect or cause glare in any residential district.

(5) Unless noted above, all other requirements of the PLDO shall apply.

The Zoning Enforcement Officer shall review all projects within the LC District for compatibility with these standards. Any person adversely affected by any determination made by the Zoning Enforcement Officer may appeal such determination to the Planning Commission by filing a notice with the Commission.

Section 82. Wholesale and Industrial Districts.

82.1. M-1, Wholesale and Light Industrial District.

82.1.1. Intent of District. The M-1 district is intended for wholesale and light industrial uses where resultant noise, odors, pollution, and congestion are minimized. Residential development is prohibited. This district is not suitable for heavy industrial use.

82.1.2. Within the M-1 district, the following uses are permitted:

(1) All permitted uses in a C-2 or C-3 district except that all new dwellings are prohibited and all existing dwellings shall be a conforming use.

(2) Ice plants.

(3) Automobile, laundry or car washes provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process sufficient to contain a number of vehicles (at 200 square feet per vehicle) equal to one-third of the practical hourly capacity of the washing machine and in addition that curb breaks be limited to two, each not to exceed 300 feet in width, and located not closer than 20 feet to an intersection.

(4) Contractors storage and equipment yards when located entirely within a building or fenced area as required in Section 76.

(5) Building and lumber supply establishments provided entire storage areas are properly screened as required in Section 76, or of greater height as required to adequately screen such areas, and that any machine operations be conducted entirely within a building which shall not have any openings, other than windows, when facing a residential district or within 100 feet of said district.

(6) Establishments for manufacturing, repair, assembly or processing including:

(a) Confectionery and bakery.

(b) Clothing and garment manufacturing.

(c) Laboratories for testing materials, chemical analysis and photography processing.

(d) Manufacture and assembly of scientific, optical and electronic equipment.

(e) Manufacture of musical instruments and parts.

(f) Manufacture of souvenirs and novelties.

(g) Manufacture of toys, sporting and athletic goods.

(7) Wholesale warehouses.

(8) Drive-in theaters provided acceleration and deceleration lanes of at least 200 feet in length are provided for the use of vehicles entering or leaving the theater and the volume in concentration of traffic will not constitute a safety hazard or unduly impede highway traffic, and provided that the screen is not visible from any expressway, freeway, arterial or collector street located within 2,000 feet of such screen.

(9) Truck terminals provided that acceleration and deceleration lanes of at least 200 feet are provided for trucks entering or leaving the site and that the truck traffic so generated will not create a safety hazard or unduly impede traffic movement.

(10) Auto auctions.

(11) Development of natural resources including the removal of minerals and natural materials together with necessary building, machinery and appurtenances related thereto, provided:

(a) Quarry areas being excavated shall be entirely enclosed within a fence of a minimum height of three (3') feet located at least ten (10') feet back from the edge of any excavation.

(b) The operators or owners of a new operation of the quarry shall present to the Building Inspector comprehensive plans and proposals for the re-use of the property at the cessation of the quarry operation. Any extension of quarrying operations beyond the property lines actually being quarried at the effective date of this Ordinance shall be considered as a new operation.

(12) Frozen dessert and milk processing plants.

(13) Bottling works for soft drinks.

(14) Any other establishments for the manufacture, repair, assembly, or processing of materials similar in nature to those listed in Section 82.1.(6) which are not objectionable by reason of smoke, dust, odors, bright lights, noise or vibrations, or which will not contribute to the congestion of traffic.

82.1.3. The following uses may be permitted as special exceptions by the Council in accordance with Section 172:

(1) Single tenant retail buildings exceeding 35,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to.

(2) Shopping centers exceeding 50,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to. ***Sec.82.1.3. (1 & 2)-Rev. 3.1.05***

(3) Farm Winery

82.2. M-2, General Industrial District.

82.2.1. Intent of District. The intent of this district shall be to create and protect areas for industrial uses.

82.2.2. Within the M-2 General Industrial District, the following uses are permitted:

(1) All permitted uses in M-1 Wholesale and Light Industrial Districts.

(2) Agriculture, forestry, livestock and poultry production, provided that the area available for said operation is not less than ten (10) acres in area, and that no structure containing poultry or livestock and no storage of manure or odor or dust producing substance or use shall be located within two hundred (200) feet of a property line. Provided, however, there shall be no more than one (1) horse, cow or pig or combination thereof per one (1) acre, no more than one (1) goat or sheep or combination thereof per one-half (1/2) acre and no more than ten (10) fowl or rabbits or combination thereof per one-half (1/2) acre. All animals (except domestic animals, i.e., dog, cat) shall be kept in a structure or corral.

(3) Dwellings, including a manufactured home, for the exclusive use of a watchman or caretaker when located on the same tract as the industrial use and subject to all dimensional and area requirements of the R-3 Multi-Family Residential District.

(4) Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases but not when located within 500 feet of any residential district.

(5) Food processing plants such as meat-packing, fish and poultry house.

(6) Munitions manufacturing and storage thereof.

82.2.3. The following uses may be permitted as special exception by the Council in accordance with Section 172:

(1) Manufacturing, processing, fabrication, repair and servicing of any following commodity or product:

(a) Manufacture of acetylene or storage thereof; acid, asbestos, ammonia, bleaching powder, or chlorine asphalt or products thereof; cement, lime, gypsum or plaster of paris, coal tar or derivatives thereof; creosote or creosote treatment, lay, tile of verified products, emery cloth or sandpaper, fireworks or storage thereof; fertilizer, glue, size or gelatine, linoleum, matches, paint, oil shellac, turpentine or varnish, rubber and gutta percha products, soda compounds.

Petroleum refining, tanning, curing, storage of hides and skins; boiler works, foundry or forge operations; incineration, reduction or dumping of offal, dead animals, garbage or refuse; fat rendering; junk, iron, rags, storage and baling; distillation of bones, coal or wood.

(b) Any use that may be obnoxious or offensive by reason of the emission of odors, dust, smoke, gas, noise or vibration.

(2) Junk yards provided the following provisions are met:

(a) No such operation shall be permitted to locate closer than 300 feet to a residential district and no closer than 50 feet to any property line.

(b) No such operation shall be permitted to locate on a State or Federal Highway.

(c) All such operations shall be completely enclosed by an opaque fence or wall, except driveway areas, having a minimum height of six (6') feet, but in no case less than such a height as will effectively screen all operations from view.

(d) The number of vehicular driveways permitted on any singe street frontage shall be limited to one (1) per 500 feet with a maximum of 20 feet driveway width.

(3) Sanitary landfills subject to the provisions of the Georgia Solid Waste Management Act and the rules of the Georgia Department of Natural Resources governing solid waste management.

(4) Single tenant retail buildings exceeding 35,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to.

(5) Shopping centers exceeding 50,000 square feet provided the requirements of Appendix C – Design Standards for Large Retail Establishments are adhered to. ***Sec. 82.2.3. (4 & 5)-Rev. 3.1.05***

(6) Farm Winery

Section 83. Special Districts.

83.1. AD, Airport District.

Section 83.1 – Rev.8.15.06

83.1.1. SHORT TITLE; JURISDICTION

This ordinance shall be known and may be cited as Perry-Houston County Airport Zoning Ordinance. The description of airport zones is comprehensive for the Perry-Houston County Airport airspace requirements, but enforcement of this ordinance applies only to the incorporated areas of the City of Perry.

83.1.2. AUTHORITY; FINDINGS; POLICY

This ordinance is adopted pursuant to the authority conferred by article 9, section 2, paragraph 4 of the constitution of the state [Ga. Const. art. IX, § II, ¶ IV]. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Perry-Houston County Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Perry-Houston County Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Perry-Houston County Airport and the public investment therein. Accordingly, it is declared:

(1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Perry-Houston County Airport;

(2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and

(3) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power.

It is further declared that the prevention of the creation or establishment of hazards to air navigation; the elimination, removal, alteration or mitigation of hazards to air navigation; and the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

83.1.3. CONFLICTING LAWS AND REGULATIONS

If a conflict shall exist between the provisions of this section and any law of the state or any federal law, or any rules or regulations of either, legally adopted and in force, then the more stringent limitation or requirement shall govern and prevail.

83.1.4. ENFORCEMENT

It shall be the duty of the Zoning Enforcement Officer to administer and enforce the regulations prescribed in this ordinance. Applications for permits and variances shall be made to the Zoning Enforcement Officer upon a form published for that purpose. Applications required by this ordinance to be submitted to the Zoning Enforcement Officer shall be promptly considered and granted or denied. Application for action by the Planning Commission shall be forthwith transmitted by the Zoning Enforcement Officer.

83.1.5. DEFINITIONS

As used in this ordinance, unless the context otherwise requires, the following definitions shall apply:
Airport: The Perry-Houston County Airport.
Airport elevation: The highest point of an airport's usable landing area measured in feet from sea level, which is 418 feet for the Perry-Houston County Airport.
Approach surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 83.1.7.
Approach, transitional, horizontal, and conical zones: These zones are defined as set forth in Section 83.1.6.
Conical surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.
Hazard to air navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
Height: For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
Heliport primary surface: The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
Horizontal surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.
Larger than utility runway: A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.
Nonconforming use: Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.
Nonprecision instrument runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
Notification zone: An area within a slope of 100 to one extending in any direction from the threshold end of the nearest runway.
Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 83.1.7.
Person: An individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity; such term includes a trustee, a receiver, an assignee, or a similar representative of any of them.
Planning Commission: A board consisting of seven members appointed by the City of Perry Mayor and City Council.

Precision instrument runway: A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), global positioning system (GPS), a precision approach radar (PAR), or any precision approach system adopted by the Federal Aviation Administration. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document. Runway 18-36 at the Perry-Houston County Airport is a precision instrument runway.
Primary surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 83.1.6. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.
Structure: An object, including a mobile object, constructed or installed by man including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.
Transitional surfaces: These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
Tree: Any object of natural growth.
Utility runway: A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.
Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures.

83.1.6. AIRPORT ZONES

In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Perry-Houston County Airport. Such zones are shown on the Perry-Houston County Airport zoning map consisting of one sheet, prepared by the Perry-Houston County Airport Authority and dated August 2005, which is, by this reference, made a part of this ordinance. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) ***Runway larger than utility visual approach zone:*** The inner edge of this approach zone coincides with the width of the primary outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(2) ***Runway larger than utility with a visibility minimum greater than three-fourths-mile nonprecision instrument approach zone:*** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(3) ***Runway larger than utility with a visibility minimum as low as three-fourths-mile nonprecision instrument approach zone:*** The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(4) ***Precision instrument runway approach zone:*** The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(5) ***Transitional zones:*** The transitional zones are the areas beneath the transitional surfaces.

(6) ***Horizontal zone:*** The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(7) ***Heliport approach zone:*** The inner edge of this approach zone coincides with the width of the primary surface which corresponds in size and shape with the designated takeoff and landing area. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.

(8) ***Heliport transitional zones:*** These zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.

(9) ***Conical zone:*** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

83.1.7. AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limitations which are hereby established for each of the zones in question as follows:

(1) ***Runway larger than utility visual approach zone:*** Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(2) ***Runway larger than utility with a visibility minimum greater than three-fourths-mile nonprecision instrument approach zone:*** Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(3) ***Runway larger than utility with a visibility minimum as low as three-fourths-mile nonprecision instrument approach zone:*** Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(4) ***Precision instrument runway approach zone:*** Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline (Runways 18 and 36).

(5) ***Transitional zones:*** Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 418 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

(6) ***Horizontal zone:*** Established at 150 feet above the airport elevation or at a height of 568 feet above mean sea level.

(7) ***Conical zone:*** Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(8) ***Heliport approach zone:*** Slopes eight feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.

83.1.8. USE RESTRICTIONS

(a) ***Generally.*** Notwithstanding any other provisions of this Code of Ordinances, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

(b) ***Prohibited uses.*** *(Rev. 03.20.12)*

(1) The following uses are prohibited in the first 1,700-foot segment of the approach zone beginning at the end of the primary surface for Runway 18-36:

(a) Churches, schools, lodges, clubs, theaters, and other places of public assembly;
(b) Multiple-family dwellings in excess of four units per structure or in a group development;
(c) Hospitals and institutions;
(d) Storage of hazardous material; and

(e) Any use where a concentration of people and the presence of hazardous materials is customary.

(2). The following uses are prohibited in the approach zones, transitional zones horizontal zone, and conical zone:

(a) Outdoor Live Firing of Ammunition which is defined as any projectile that can be fired from guns or otherwise propelled; explosion or explosive device or material (such as rockets or grenades); or any other form of ammunition, which has the capability of reaching the height of 400 feet above ground level unless there is an agreement between the Perry-Houston County Airport Authority and any potential user. This restriction shall not apply to private use hunting and game control only approved by the Perry Department of Public Safety.

83.1.9. NONCONFORMING USES

(a) ***Regulations not retroactive.*** The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of (date of adoption), or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to (date of adoption), and is diligently prosecuted. Additionally, nothing contained herein shall prohibit construction of additions or additional floors to existing buildings, provided that any such buildings were in use on (date of adoption), the additions were contemplated and designed at the time of the original construction, and that additional costs were incurred at the time of the original construction to allow for those future additions or additional floors.

(b) ***Marking and lighting.*** Notwithstanding the preceding provisions of this section, the owner of any existing or extended nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Perry-Houston County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport authority.

83.1.10. PERMITS

(a) ***Future uses.*** Except as specifically provided in paragraphs (1), (2), and (3) of this subsection, no material change shall be made in the use of the land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created in this ordinance unless a permit therefore shall have been applied for and granted by the Zoning Enforcement Officer. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. Form 7460 must be filed with the Federal Aviation Administration if any structure or tree penetrates the 100 to one notification slope as delineated upon the airport runway approach and profiles plan. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with subsection (d) of this section, using the following criteria:

(1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when, because of

terrain, land contour or topographic features, such tree would extend above the height limits prescribed for such zones.

(2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when such tree would extend above the height limit prescribed for such approach zones.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when such tree, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree, in excess of any of the height limits by this section.

(b) ***Existing uses.*** Except as provided in Section 83.1.9 (a), no permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation that it was on (date of adoption), or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) ***Nonconforming uses abandoned or destroyed.*** Whenever the Zoning Enforcement Officer determines that a nonconforming tree or structure has been abandoned or more than 50 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) ***Variances.*** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this ordinance, may apply to the Planning Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance. Additionally, no application for variance to the requirements of this ordinance may be considered by the Planning Commission unless a copy of the application has been furnished to the Perry-Houston County Airport Authority for advice as to the aeronautical effects of the variance. If the Perry-Houston County Airport Authority does not respond to the application within 60 days after receipt, the Planning Commission may act on its own to grant or deny said application.

(e) ***Obstruction marking and lighting***. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Planning Commission, this condition may be modified to require the owner to permit the Perry-Houston County Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

83.2 DD - Downtown Development District. *(Rev. 05.6.14)*

83.2.1. Intent of District. The intent of the Downtown Development District is to preserve the historical and architectural character of the downtown development area within the jurisdiction of the Architectural and Sign Control Board of Review.

83.2.2. Superimposed District. This district is superimposed over other existing districts, and the special requirements of this district shall apply in addition to the requirements of the use district within which a specific property is located. Whenever there is a conflict between the regulations of the underlying zoning district and the regulations of the Downtown Development District, the more restrictive regulations shall apply.

83.2.3. District Boundaries. The boundaries of the Downtown Development District shall be identical to the boundaries of the geographical area as depicted in Exhibit "A" attached hereto dated February 13, 2014, a copy of said exhibit to be attached to and replace the exhibit on the resolution activating the Downtown Development Authority of the City of Perry, which resolution was adopted by the Mayor and Council on the seventeenth day of November, 1981. Said exhibit is incorporated into said resolution, as may be hereafter amended by reference. *(Revised 05.03.16)*

83.2.4. Permitted Uses. Any uses permitted within the underlying district shall be permitted within the Downtown Development District provided that a Certificate of Appropriateness has been issued for that use by the Architectural and Sign Control Board of Review pursuant to the provisions of Section 45.

83.3 PC - Parkway Corridor District

Sec.83.3-Rev.3.5.02

83.3.1. Intent of District. This district is composed of lands adjacent to the Perry Parkway[1] and Larry Walker Parkway[2], and General Courtney Hodges Boulevard[3]. It is expected that new development along these roads will be commercial in nature. The new regulations are intended to protect the visual character of the roads by preventing the encroachment of unsightly development. *Sec. 83.3.1 – Rev-1.2.07*

[1] The Perry Parkway is defined as beginning at us Highway. 341 South and ending at the intersection with Valley Drive and the portion of Perry Parkway that begins at Larry Walker Parkway and ends at Marshallville Road.

[2] The Larry Walker Parkway is defined as beginning at GA Highway 7 and ending at the corporate limits of the City of Perry, Georgia.

[3] General Courtney Hodges Boulevard is defined as beginning at Commerce Street and ending at the West of the Georgia National Fairgrounds and Agricenter.

83.3.2. Superimposed District. This district is superimposed over other existing districts. It shall be 400 feet wide, measured from the right-of-way line, along both sides of the road. The special requirements of this district shall apply in addition to the requirements of the use district within which a specific property is located.

83.3.3. Permitted and Conditional Uses. All permitted and conditional uses of a use district which is superimposed by the (PC) Parkway Corridor District shall be allowed as regulated by the requirements of such district.

83.3.4. Signs. All signs in the (PC) Parkway Corridor District shall be allowed as regulated by the requirements of Section 106.
Revised –Sec. 83.3.4 – 07.06.10

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83.4. IC, Interstate Corridor District.
Sec.83.4-Rev.1.7.03

83.4.1. Intent of District. This district is composed of lands adjacent to Interstate-75 (I-75). The new requirements are intended to regulate the placement of outdoor advertising signs along I-75.

83.4.2. Superimposed District. This district is superimposed over other existing districts. It shall be 200 feet (200') wide, measured from the right-of-way line, along both sides of I-75. The special requirements of this district shall apply in addition to the requirements of the use district within which a specific property is located.

83.4.3. Permitted and Conditional Uses. All permitted and conditional uses of a use district which is superimposed by the Interstate Corridor (IC) District shall be allowed as regulated by the requirements of such district.

83.4.4. Outdoor Advertising Signs. Outdoor advertising signs are permitted within the Interstate Corridor District subject to the requirements of Section 106.
(Rev. 07.06.10)

83.5. HD - Historic District
Sec.83.5-Rev.5.4.04

83.5.1. Intent of District. The purpose of this district is to promote the educational, cultural, economic, and general welfare of the community through the preservation and development of its historic property, spaces, neighborhoods, and other elements which serve as visible reminders of the cultural and architectural heritage of the City of Perry

and the State of Georgia. Regulations are intended to ensure the construction, reconstruction, alteration, restoration or moving of buildings and appurtenant fixtures within a designated historic district which would be consistent with the historic or architectural character of the area.

83.5.2. Superimposed District. This district is superimposed over other existing districts, and the special requirements of this district shall apply in addition to the requirements of the use district within which a specific property is located. Whenever there is a conflict between the regulations of the zoning district and the regulations of the historic district, the more restrictive regulations shall prevail.

The Historic District includes the following areas:

1. The Penn-Dixie area as depicted on the attached map.
2. The Washington-Evergreen area as depicted on the attached map.
3. The Duncan Avenue area as depicted on the attached map.
4. The Swift Street area as depicted on the attached map.
5. The Smoak-Marshall area as depicted on the attached map.
6. The Charlse Avenue area as depicted on the attached map.
7. The Downtown area as depicted on the attached map.

83.5.3. Definitions. The following words and phrases shall have the meaning in this section:

(1) Historic District. A geographically definable area so designated by Mayor and City Council pursuant to criteria established in Section 83.5.4.1 of this ordinance.

(2) Historic Property. A building, structure, site, object, or work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of its value to the city, county, state, or region.

(3) Material Change in Appearance. A change, visible to the traveling public, that will affect the exterior environmental or architectural features of a historic property or of any structure, site, or work of art within a historic district and may include any one or more of the following:

(a) a reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
(b) demolition or relocation of a historic property;
(c) commencement of excavation;
(d) a change in the location of advertising visible from the public way on any historic property; or

(e) the erection, alteration, restoration, or removal of any building or other structures within a designated historic district, including walls, fences, steps, and pavements or other appurtenant features, or landscape features.

(4) Routine Maintenance. Activities resulting in changes in the appearance of property but not constituting a material change in appearance. These activities which are generally performed more frequently are intended to maintain the condition of the property and do not require a certificate of appropriateness.

(5) Certificate of Appropriateness: A document evidencing approval by the Planning Commission after review and comment of a proposal to make a material change in the appearance of a designated historic property or of a structure, site, work of art located within a designated historic district, which document must be obtained before such material change may be undertaken.

(6) Designation: A decision by Mayor and Council to designate by ordinance such district as a "historic district" and thereafter prohibit all material changes in appearance of such property or within such district prior to the issuance of a certificate of appropriateness by the Planning Commission.

(7) Exterior Architectural Features: The architectural style, general design, and general arrangement of the exterior of a building or other structure visible to the traveling public, including but limited to the kind of texture of the building material, and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

(8) Exterior Environmental Features: Means all those aspects of the landscape or the development of a site which affect the historical character of the property.

(9) Demolition: Means the razing or relocation of a structure, or portion thereof, whereby 50% of the structure, prior to demolition or relocation, is removed or destroyed.

83.5.4. Designation of Historic Districts. The following criteria and procedures shall govern the designation of historic districts by the Mayor and Council.

83.5.4.1. General Criteria. A geographically definable area, urban or rural, which contains structures, sites, objects, landscape features and works of art, or a combination thereof, which:

(1) Have special character or special historical or aesthetic interest or value;

(2) Represent one or more periods or styles or architecture typical of one or more eras in the history of the city, county, state or region; or

(3) Cause such area, by reason of such factors, to constitute a visibly perceptible area of the City of Perry.

83.5.4.2. Boundary Specifications. The boundaries of any historic district shall be drawn so as to include all lands closely related to and bearing upon the character of the area to be protected, thus providing a landscaped unit and affording regulations needed to control potentially adverse environmental influences. They shall be included in each designation ordinance and shown on the official zoning maps of the City.

83.5.4.3. Classification/Descriptions. Records shall be maintained by the Commission describing the specific boundaries of each historic district as well as each property within a historic district and setting for the name(s) of the property owner(s). All buildings and structures shall be divided into three classes:

(1) Contributing: Those buildings possessing identified historical or architectural merit of a degree warranting their preservation and contributing to the significance of the district and more than 50 years old.

(2) Non-Contributing: Those buildings and structures not classified as contributing due to age (less than 50 years old) or integrity but which do not detract from the district. Those buildings and structures considered non-contributing because of age may later be considered as contributing.

(3) Intrusion: Those buildings and structures which are extremely out of context or character with the majority of buildings and structures in the district, whether by design, materials, scale, workmanship or other factors and which detract from the overall integrity of the district.

83.5.5. Certificate of Appropriateness Required. After a historic district is designated, no material change in the appearance of such historic district shall be made or be permitted to be made by the owner or occupant thereof, unless and until application for a certificate of appropriateness has been submitted to the Commission and approved. Such application shall be accompanied by such drawings, photographs, or plans as may be required by the Commission.

83.5.5.1. Exemptions. The Georgia Department of Transportation and contractors (including cities and counties) performing work funded by the Georgia Department of Transportation are exempt from the provisions of Section 83.5 and local governments are exempt from the requirement of obtaining certificates of appropriateness; however, Mayor and Council shall notify the Commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the Commission an opportunity to comment.

83.5.5.2. Application Review Procedure. Applications for certificates of appropriateness shall be reviewed in the following manner:

83.5.5.2.1. Development Standards. The Commission shall establish development standards regulating buildings and structures in the Historic District. A structure or building shall only be
established, constructed, reconstructed, altered, demolished, moved or maintained in a manner consistent with the historical and architectural character of the district.

83.5.5.2.2. Exemption from Hearing. The Zoning Enforcement Officer may approve Certificates of Appropriateness which are in conformance with performance criteria established by the Commission. The Zoning Enforcement Officer may require a hearing before the Commission at his/her discretion.

83.5.5.2.3. Appeal to Commission. Any applicant whose Certificate of Appropriateness has been denied by the Zoning Enforcement Officer may appeal the decision to the Commission.

83.5.5.2.4. Review Criteria. The Commission shall approve a certificate of appropriateness if it finds that the proposed material change in appearance is in accordance with any published guidelines; would not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the historic property of the historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood. The Commission shall not consider interior arrangement or use having no effect on exterior architectural features.

83.5.5.2.5. Commission Recommendation. The Commission shall approve or reject an application for a certificate of appropriateness within no more than 30 days after the filing thereof by the owner or occupant of a historic property or of a structure, site, or work of art located within a historic district. Evidence of a recommendation for approval shall be by issuance of the certificate of appropriateness. Failure of the Commission to act within said 30 days shall constitute approval. In the event the Commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such notice and reasons therefore in writing, to the applicant. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

83.5.5.2.6. Binding Nature of Decision. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of an application for a certificate of appropriateness shall be binding upon the Building Inspector and, in such a case, no building permit shall be issued. Where, by reasons of unusual circumstances, the strict application of any provision of Section 83.5 would result in exceptional practical difficulty or undue hardship upon any owner of any specific property, the Commission in passing upon applications shall have power to vary or modify strict adherence to said provision or to interpret the meaning of said provision so as to relieve such difficulty or hardship; provided such variance modification, or interpretation shall remain in harmony with the general purpose and intent of said provisions so that the architectural or historical integrity or character of the property shall be conserved and substantial justice done. In granting variations, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the intent of the historic district.

83.5.5.2.7. Appeal. Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Mayor and Council by filing a notice of appeal with the Council as described in Section 83.5.10.

83.5.6. Maintenance of Historic Buildings.

83.5.6.1. Affirmation of Existing Building and Zoning Codes. Nothing in this Ordinance shall be constructed as to exempt property owners from complying with existing City building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

83.5.7. Demolition or Relocation of Historic Buildings. The Commission shall have the authority to grant or deny certificates of appropriateness for demolition or relocation.

83.5.7.1. Public Hearing. A public hearing may be scheduled for each application for a certificate of appropriateness for demolition or relocation.

83.5.7.2. Consideration of Post-Demolition or Post-Relocation Plans. The Commission shall not grant certificates of appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.

83.5.7.3. Demolition/Relocation Criteria. Upon receipt of an application for a certificate of appropriateness for demolition or relocation, the Commission shall

use the criteria described of this ordinance to determine whether to deny the application or issue a Certificate of Appropriateness for demolition or relocation.

83.5.7.3.1. The Commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved, and the relationship thereof to the exterior architectural style, and pertinent features of the other structures in the immediate neighborhood.

83.5.8. New Structures. All new structures erected within a designated historic district shall be compatible in appearance, as seen by the traveling public, with existing structures located within 100 feet, on the same street, of the new structure. New structures shall not be required to be compatible with structures located outside of a designated historic district. The new structure shall be deemed compatible if the following features of the new structure are consistent with structures within 100 feet:

1) Finished floor elevation
2) Roof heights
3) Roof shapes
4) Windows
5) Architectural features
6) Building façade
7) Scale

Only those portions of a new structure visible to the traveling public are required to meet the requirements of this section.

83.5.9.Appeal Provision. Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Mayor and Council by filing a notice of appeal with the Council.

83.5.9.1. Public Notice. An appeal to the Mayor and Council of a Commission decision on a Certificate of Appropriateness shall require a public notice of said appeal. The Zoning Enforcement Officer shall cause to have posted in a conspicuous place on the property one (1) or more signs with orange background and black lettering; each sign shall contain information as to the appeal and the date and time of the public hearing.

Section 83.6. NC, Neighborhood Commercial Corridor District

Created – Section 83.6 – 4.18.06

83.6.1. Intent of District. This district is composed of lands adjacent to the Macon Road, Swift Street/Houston Lake Road, Main Street, and Kings Chapel Road. The new regulations are intended to afford some protection to nearby properties from the negative aspects of commercial development.

83.6.2. Superimposed District. This district is superimposed over other existing districts. It shall be 100 feet wide, measured from the right-of-way line, along both sides of each road. The special requirements of this district shall apply in addition to the requirements of the use district within which a specific property is located.

The Neighborhood Commercial Corridor District shall consist of the following streets:

Macon Road from Perry Parkway to the boundary of the Downtown Development District.
Swift Street/Houston Lake Road from Perry Parkway to the boundary of the Downtown Development District.
Main Street from Perry Parkway to the boundary of the Downtown Development District.
Kings Chapel Road from Perry Parkway to Houston Lake Road.
The entirety of Martin Luther King, Jr. Drive.

83.6.3. Permitted and Conditional Uses. All permitted and conditional uses of a use district which is superimposed by the Neighborhood Commercial Corridor District (NC) shall be allowed as regulated by the requirements of such district.

83.6.4. Signs. All signs in the Neighborhood Commercial Corridor District (NC) shall be allowed as regulated by the requirements of Section 106. *(Rev. 07.06.10)*

Section 84. PUD- Planned Unit Development District.

84.1. Intent of District. The purpose of a Planned Unit Development District is to offer developers the benefits of efficiency, economy, and flexibility by encouraging unified development of sites, while deriving for the City the advantages of improved appearance, compatibility of uses, optimum service by community facilities, better handling of vehicular access and circulation, and full definition of the proposed development. Review of development plan by the Council shall be in accordance with Section 111 of these regulations and shall assure that developments are consistent with the objectives of the community's Comprehensive Plan.

84.2. Within the PUD Planned Unit Development District, any use is permitted with Council approval. *Sec.84.2-Rev.2.4.03*

Section 85. GU- Governmental Use District.

85.1. Intent of District. The purpose of Governmental Use is to acknowledge and designate properties owned by the United State of America, State of Georgia, Houston County Board of Commissioner, Houston County Board of Education, Peach County Board of Commissioners, Peach County Board of Education, or the City of Perry.

Within the (GU) Governmental Use District the following uses are permitted:

(1) Any activity associated with the operation of the United States of America.

(2) Any activity associated with the operations of the State of Georgia or its designated authorities.

(3) Any activity associated directly with the Houston County Board of Commissioners except solid waste disposal facilities.

(4) Any activity associated directly with the Houston County Board of Education including schools, open space, administrative facilities, physical plant maintenance facilities, vehicle maintenance and storage facilities.

(5) Any activity associated with the Peach County Board of Commissioners except correctional facilities and solid waste disposal facilities.

(6) Any activity associated with the Peach County Board of Education including, but not limited to, schools, open space, administrative facilities, physical plant facilities, and vehicle maintenance facilities.

(7) Any activity associated with the City of Perry including, but not limited to, administrative, physical plant and vehicle maintenance facilities, recreational and open space uses, environmental activities, utility operations and public owned property.

Other Requirements of the (GU) Governmental Use District:

(1) There are no minimum lot area, lot width and maximum coverage requirements for GU.

(2) No minimum setbacks shall be required except a fifty foot (50') landscape buffer when abutting a residential district.

(3) No home occupation shall be permitted in GU.

(4) Signs shall not exceed thirty-two (32) square feet except by permit issued by the Commission.