

ARTICLE X SPECIAL PROVISIONS

Section 99.

Solar Energy Panels

Created 09.03.13

99.1. Purpose and Findings. It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted accessory use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory to a principal use herein and subject to specific criteria as set forth below. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.

99.2. Definitions.

Mechanical Equipment: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

Solar Access: A property owner's right to have sunlight shine on the owner's land.

Solar Energy System: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user. This definition shall include the terms passive solar and active solar systems.

Solar Glare: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

99.3. Applicability.

99.3.1. This ordinance applies to solar energy systems to be installed and constructed after the effective date of the ordinance.

99.3.2. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.

99.3.3. Any upgrade, modification, or structural change that materially alters the size or placement of an existing solar energy system shall comply with the provisions of Section 99.

99.4. Requirements.

99.4.1. The installation and construction of a solar energy system shall be subject to the following development and design standards:

- (1) A solar energy system is permitted in all zoning districts as an accessory to a principal use.
- (2) A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of

- power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- (3) A solar energy system connected to the utility grid shall provide written authorization from the local utility company to City of Perry acknowledging and approving such connection.
 - (4) A solar energy system may be roof mounted or ground mounted.
 - (5) A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - (6) A ground mounted system shall not exceed the maximum building height for accessory buildings.
 - (7) The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
 - (8) A ground mounted system or system attached to an accessory building shall not be located within the front yard.
 - (9) The minimum solar energy system setback distance from the property lines shall be equivalent to the accessory building setback requirement of the underlying zoning district.
 - (10) All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
 - a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the PLDO may be used.
 - b. Mechanical equipment shall not be located within the front yard.
 - c. Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district.
 - (11) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
 - (12) Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration may be necessary.
 - (13) All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.

- (14) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
- (15) A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.
- (16) The design of the solar energy system shall conform to applicable industry standards. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies.
- (17) The solar energy system shall comply with all applicable City of Perry Ordinances and Codes so as to ensure the structural integrity of such solar energy system.
- (18) Before any construction can commence on any solar energy system the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system.
- (19) Any solar energy system constructed after the effective date of this ordinance, with the exception of those where the principal use is a single or two family dwelling, shall be reviewed in accordance with Section 93 – Architectural Design Standards for Non-Residential Structures.
- (20) Any solar energy system constructed after the effective date of this ordinance which is located within a special district as designated in Section 83 shall comply with the requirements of said special district, where applicable.

99.4.2. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.

99.4.3. If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the City of Perry Zoning Enforcement Officer, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the City of Perry Zoning Enforcement Officer. If the owner fails to remove or repair the defective or abandoned solar energy system, the City of Perry may pursue a legal action to have the system removed at the owner's expense.

Section 100. Manufactured Homes and Recreational Vehicles. Sec.100-Rev.6.15.04

100.1. Recreational Vehicle Parks. In any district where recreational vehicle parks are permitted, the applicant shall submit a layout of the park subject to the following conditions:

100.1.1. No recreational vehicle park shall be located except with direct access to a County, State or Federal highway, with a minimum lot width of not less than fifty feet (50') for portion used for entrance and exit. No entrance or exit shall be

through a residential district, or shall require movement of traffic from the park through a residential district.

100.1.2. The minimum lot area per park shall be three (3) acres.

100.1.3. Spaces in recreational vehicle parks may be used by recreational vehicles provided they meet any additional laws and ordinances of the Council.

100.1.4. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed provided:

- (1) Such establishments and the parking area primarily related to their operation shall not occupy more than ten percent (10%) of the area of the park.
- (2) Such establishments shall be restricted in their use to occupants of the park.
- (3) Such establishments shall present no visible evidence of their commercial character, which would attract customers other than occupants of the park.

100.1.5. No space shall be so located that any park intended for occupancy for sleeping purposes shall be within fifty feet (50') of the right-of-way line of any freeway, expressway, or collector street, or within twenty-five feet (25') of the right-of-way of any minor street.

100.1.6. In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a Certificate of Approval of the Houston County Health Department.

100.2. Manufactured Home Parks. In any district where manufactured home parks are permitted, the applicant shall submit a layout of the park subject to the following conditions:

100.2.1. The following minimum standards shall apply to each manufactured home space of stand:

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| (1) | Minimum Size: | 4,000 Feet |
| (2) | Minimum Width of Space: | 40 Feet |
| (3) | Minimum Depth of Space: | 80 Feet |
| (4) | Minimum Side Yard Required: | 10 Feet |
| (5) | Minimum Front Yard: | 15 Feet |
| (6) | Minimum Rear Yard: | 10 Feet |

- (7) Minimum Lot Area Per Park: 5 Acres
- (8) Minimum lot width for portion used for entrance and exit shall be fifty feet (50').
- (9) No manufactured home shall be located closer than 35 feet to the centerline of any roadway within the park.

100.2.2. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be ten (10) spaces.

100.2.3. No manufactured home shall be admitted to any park unless it can be demonstrated that it meets the requirements of any additional laws and ordinances of the Council.

100.2.4. Convenience establishments of a commercial nature, including stores, laundry and dry cleaning agencies, and beauty shops and barber shops may be permitted in manufactured home parks provided that such establishments and the parking areas primarily related to their operations:

- (1) Shall not occupy more than ten percent (10%) of the area of the park;
- (2) Shall be subordinate to the residential use and character of the park;
- (3) Shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park;
- (4) Shall present no visible evidence to their commercial character from any portion of any residential district outside the park.

100.2.5. In addition to meeting the above requirements, the manufactured home park site plan shall be accompanied by a Certificate of Approval from the Houston County Health Department.

100.3 Manufactured Home Subdivisions. In any district where manufactured home subdivisions are permitted, the applicant shall submit a layout of the park subject to the following conditions:

100.3.1. The minimum size of plat developed into a manufactured home subdivision shall be ten (10) acres.

100.3.2. Minimum lot area, lot width and maximum lot coverage shall conform to requirements set forth in Section 90 for R-MH, Single-Family Residential Development.

100.4 Temporary Usage. A single manufactured home unit, or recreational vehicle may be used for an office in a subdivision by the developer, or for other special purposes, for a period not to exceed six (6) months upon written approval from the Council.

100.5. Non-Conformance. Any recreational vehicle or manufactured home which does not meet the requirements in the above paragraphs shall be removed after receipt of notice of its non-conformance from the Zoning Enforcement Officer.

Section 101. Townhouses.

Within the districts permitting townhouses, the following requirements shall apply:

101.1. No more than ten (10) nor fewer than three (3) continuous townhouses shall be built in a row with approximately the same front line.

101.2. No side yard is required except that on corner and interior lots. The end of the building in any townhouse grouping shall conform to the side yard requirements of that district.

101.3. Not more than forty percent (40%) of the lot area shall be occupied by the building.

101.4. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks; and no off-street parking space shall be more than 100 feet by most direct pedestrian route, from a door of the dwelling unit it intends to serve.

101.5. All townhouse complexes shall be required to tie into the public sanitary sewer system. No other means of waste disposal shall be permitted.

101.6. All other requirements within the district in which the townhouses are located shall prevail.

Section 102. Accessory and Temporary Buildings (Rev. 09.21.10)

102.1. Scope. The terms and provisions of this section shall be in addition to all other regulations pertaining to accessory buildings and temporary buildings. Whenever there is any conflict between the terms and provisions of this section and any other section, the most restrictive shall be applicable.

102.2. Accessory Buildings. Accessory buildings and uses shall include garages, carports, pool houses, gazebos, green houses, storage buildings, and sheds. All accessory buildings and uses in residential districts are subject to the following:

102.2.1. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore shall meet such requirements applicable to the main building.

102.2.2. A detached accessory building shall be not closer than twenty feet (20') to any building, nor closer than five feet (5') to any lot line, provided that accessory buildings on corner lots adjacent to public rights-of-way shall meet the setback requirements for corner lots in Section 91.

102.2.3. A detached accessory building may be constructed on not more than thirty percent (30%) of the rear yard.

102.2.4. No detached accessory buildings may be located on the front yard of a lot.

102.2.5. No detached accessory building shall exceed the height of the main building.

102.2.6. An accessory building may not be used for commercial purposes and may not be rented.

102.2.7. One story detached accessory buildings not exceeding 120 square feet in floor area does not require a permit, but shall comply with all requirements in this section.

102.2.8. The combined lot coverage of the main building and all accessory buildings on a lot shall not exceed the maximum lot coverage for the district that is applicable in Section 90.

102.3. Storage Buildings. Detached storage buildings, except private garages or private carports, shall not exceed the maximum square footage for each residential lot as depicted in the following table:

Lot Size	Maximum Total Square Feet for Accessory Buildings
Less than 9,000 sq. ft.	150 sq. ft.
9,001 sq. ft. to 12,000 sq. ft.	200 sq. ft.
12,001 sq. ft. to 15,000 sq. ft.	250 sq. ft.
15,001 sq. ft. to 43,560 sq. ft. (1 acre)	300 sq. ft.
43,561 or larger	1% of the total lot area

102.3.1. The maximum square footage limits shown in the table above shall be cumulative of all storage buildings for each lot. Private garages and carports shall not be included for the purposes of determining the allowable square footage of storage buildings on a single residential lot.

102.3.2. The square footage within a loft shall be excluded from the calculation of maximum square footage of a storage building.

102.3.3. Storage buildings shall be limited to one story.

102.3.4. Storage buildings shall be located in the rear yard and shall not be located in any area subject to a private, public, or utility easement.

102.4. Occupiable Accessory Building. Occupiable accessory structures, except private garages or private carports, shall not exceed the maximum square footage for each residential lot as depicted in the following table:

Lot Size	Maximum Total Square Feet for Accessory Buildings
Less than 9,000 sq. ft.	200 sq. ft.
9,001 sq. ft. to 12,000 sq. ft.	300 sq. ft.
12,001 sq. ft. to 15,000 sq. ft.	400 sq. ft.
15,001 sq. ft. to 43,560 sq. ft. (1 acre)	500 sq. ft.
43,561 or larger	2% of the total lot area

102.4.1. The maximum square footage limits shown in the table above shall be cumulative of all occupiable accessory buildings for each lot.

102.4.2. The square footage within an attic or loft shall be excluded from the calculation of maximum square footage of an occupiable accessory building, provided the attic or loft does not contain heated or air conditioned floor space.

102.4.3. Occupiable accessory buildings shall not exceed the height of the main building or two (2) stories in height, whichever is less.

102.4.4. Occupiable accessory buildings shall be located in the rear yard and shall not be located in any area subject to a private, public, or utility easement.

102.4.5. Occupiable accessory buildings shall not be used as a dwelling except in accordance with Section 116.

102.5. Private Garages and Carports. Detached private garages and carports shall not exceed the maximum square footage for each residential lot as depicted in the following table:

Lot Size	Maximum Total Square Feet for Accessory Buildings
Less than 9,000 sq. ft.	450 sq. ft.
9,001 sq. ft. to 12,000 sq. ft.	450 sq. ft.
12,001 sq. ft. to 15,000 sq. ft.	700 sq. ft.
15,001 sq. ft. to 43,560 sq. ft. (1 acre)	1,000 sq. ft.
43,561 or larger	2% of the total lot area

102.5.1. The maximum square footage limits shown in the table above shall be cumulative of all detached private garages and carports for each lot.

102.5.2. The square footage within an attic or loft shall be excluded from the calculation of maximum square footage of a detached private garage and carport, provided the attic or loft does not contain heated or air conditioned floor space.

102.5.3. Detached private garages and carports shall not exceed the height of the main building or two (2) stories in height, whichever is less.

102.5.4. Detached private garages and carports shall be located in the side or rear yard and shall not be located in any area subject to a private, public, or utility easement.

102.5.5. Detached private garages and carports shall not be used as a dwelling except in accordance with Section 116.

102.6. Temporary Buildings. Temporary buildings used in conjunction with construction work only may be permitted in any district and shall be removed immediately upon completion of construction.

Section 103. Fall-Out Shelters.

Fall-out shelters are permissible as principal or accessory uses and structures in any district, subject to the following conditions:

103.1. In any portion of the structure extends above the ground, that portion above must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the Building Inspector.

103.2. If the structure is completely underground, it needs to comply with yard requirements or percentage of lot coverage requirements.

103.3. A fall-out shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and the street on which it fronts.

103.4. Fall-out shelters may contain or be contained in other structures or may be constructed separately.

Section 104. Home Occupations.

104.1. Intent. Regulations for home occupations are intended to provide categories of use such that permitted home occupations can be better matched to the character of the

zoning district in which they are allowed. The term home occupation is understood to mean all categories of home occupations, both home offices and residential businesses.
Sec.104, 104.1-Rev. 8.20.02

Home occupations shall be subject to the conditions set forth below. The applicant for approval to conduct a home occupation shall bear the burden of providing conclusive evidence to the Planning Commission that these conditions have been met. The Planning Commission may modify the conditions listed below to be more restrictive, or place additional conditions, which are more restrictive than those listed below on any approval, granted the applicant.

- (1) If the home occupation is approved, the applicant is responsible for the operation of the said home occupation in conformance with these conditions. The applicant shall submit a written description of the proposed home occupation demonstrating that it will comply with each of the conditions applicable for the specific type of occupation.
- (2) The business must be owned by the owner of the property on which the home occupation is located, or the business owner must have written approval of the owner of the property if the applicant is a tenant.
- (3) The home occupation and dwelling unit shall comply with all applicable building and fire codes.
- (4) No more than one home occupation is allowed in a residence at one time.

104.2. Home Office. A home office is an office, business or profession conducted entirely within a dwelling which is carried on by an occupant thereof and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes and which fully complies with the following standards: Sec-104.2 - Rev. 07.06.10

- (1) A home office may be maintained for a business conducted away from the home, as long as the home office complies with all other requirements of this section.
- (2) Home offices shall not include the repair and/or maintenance of motor vehicles, large-scale manufacturing or any use which may endanger the health, safety or welfare of the neighborhood.
- (3) No use that creates noise, dust, vibration, odor, smoke, glare, or electrical interference that would be detectable beyond the dwelling unit is permitted.

- (4) The home office shall not allow customers or clients to come to the premises.
- (5) Home offices shall be limited to no more than twenty-five percent (25%) of the total heated floor area of the residence.
- (6) There will be no changes, which would alter the character of the dwelling or reveal from the exterior that the dwelling is being use in part for other than residential purposes.
- (7) No outside storage or display is permitted.
- (8) No one other than family members who reside on the premises may be employed in the office.
- (9) One business vehicle used exclusively by the resident is permitted. The vehicle shall be no larger in size than a pick-up truck, panel truck or van and is limited in size to one and half-ton carrying capacity.
- (10) Pickups and deliveries to the site related to the office shall be restricted to vehicles having no more than two axles and shall be restricted to no more than two pickups or deliveries per day.

104.3 Residential Business. Residential businesses are small offices or small-scale retail or service businesses which are clearly incidental and secondary to the use of the dwelling for residential dwelling purposes, and which fully comply with the following standards: Sec-104.3 – Rev. 07.06.10

- (1) Residential businesses may include but are not limited to beauty shops, barber shops, professional offices and minor repair shops.
- (2) Residential businesses shall not include the repair and or/maintenance of motor vehicles, large-scale manufacturing or any use, which will create noise, noxious odors, or any hazard that may endanger the health, safety or welfare of the neighborhood.
- (3) The residential business shall not involve group instruction or group assembly of people on the premises.
- (4) The business or profession must be conducted entirely within the dwelling.
- (5) The dwelling must be the bona fide residence of the principal practitioner at the time of the application and, if approved, the residential business

shall be valid only as long as the principal practitioner resides in the dwelling, is conducting business and has a current business certificate.

- (6) Residential businesses shall be limited to no more than thirty-five percent (35%) of the total heated floor area of the residence.
- (7) There will be no changes, which would alter the character of the dwelling or reveal from the exterior that the dwelling is being used in part for other than residential purposes.
- (8) The portion of the residence in which the business is conducted shall be completely enclosed in a manner that the business is not visible from the surrounding property.
- (9) No outside storage is allowed.
- (10) The Planning Commission may place any reasonable conditions on the application deemed necessary to insure the orderly operation of the proposed business and its compatibility with the surrounding properties.
- (11) Property on which the residential business is proposed must have frontage on a public road.
- (12) Parking for customers/clients must be provided on site as stipulated in Section 71 of this ordinance. The location of the parking shall be approved by the Planning Commission.
- (13) Days and hours of operation requiring access by the public, customers and/or clients shall be Monday through Saturday, between the hours of 7:00 a.m. and 9:00 p.m.
- (14) The principal practitioner shall be permitted to park one commercial vehicle in the approved parking area. The commercial vehicle is limited to a passenger car, van or light truck of up to one and half-ton carrying capacity.
- (15) Any utility trailer needed for the orderly operation of the business must be specifically requested and approved by the Planning Commission. The request must include the proposed use and size of the trailer.

Section 105. Automobile Service Stations.

Within the districts permitting automobile service stations, the following requirements shall apply:

105.1. Location. The property on which an automobile service station is located shall not be 100 feet of any residential district, or any property containing a school, public playground, church, hospital, public library, institution for children or dependents.

105.2. Site Requirements. An automobile service station shall have a minimum frontage on the primary street of 120 feet and a minimum area of 12,000 square feet. All buildings shall be setback 40 feet from all street right-of-way lines and all canopies shall be setback fifteen feet (15') from all street right-of-way lines.

105.3. Access to Site. Vehicular entrances or exits at an automobile service station:

105.3.1. Shall not be provided with more than two (2) curb cuts for the first 120 feet of street frontage or fraction thereof.

105.3.2. Shall contain an access width along the curb line of the street of not more than forty feet (40') as measured parallel to the street at its narrowest point and shall not be located closer than twenty feet (20') to a street intersection or closer than ten feet (10') to the adjoining property.

105.3.3. Shall not have any two driveways or curb cuts any closer than twenty feet (20') at both the right-of-way line and the curb or edge of the pavement along a single street.

105.4. Gasoline Pump Islands. All gasoline pump islands shall be setback at least fifteen feet (15') from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line; and where pump islands are constructed perpendicular to the right-of-way line, the pump island shall be located not less than thirty feet (30') back of the right-of-way line; however, the pumps shall be at least 60 feet from the center line of an arterial street, 55 feet from the center line of a collector street and 45 feet from the center line of other streets.

105.5. Off-Street Parking. A minimum of two (2) off-street parking spaces required with an additional off-street parking space for each lubrication and wash bay.

105.6. Other Site Improvements. In addition to the above requirements, the following additional site improvements shall be adhered to:

105.6.1. A raised curb of at least six inches (6") in height shall be erected along the street property lines, except for driveway openings.

105.6.2. A solid fence or wall six feet (6') in height shall be erected along all adjacent property lines facing any adjacent residential lot.

105.6.3. Exterior lighting shall be arranged so that it is deflected away from adjacent properties.

105.6.4. Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall not obstruct visibility for drivers or pedestrians.

105.6.5. All drivers, parking storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.

105.7. Storage of Flammable Products. Outside aboveground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases shall be prohibited at any automobile service station in all zoning districts.

105.8 Signs. The following regulations shall apply to automobile service station signs:
Sec. 105.8.-Rev. 8.20.02

105.8.1. All requirements of Section 106 shall apply unless noted in Section 105.8.2 below.

105.8.2. All types of signs shall be permitted under the gas pump island canopy provided they do not constitute a public nuisance or safety hazard.

For gas pump island canopies attached to the main building, the above signs are allowed to point midway between the gas pumps and the main building wall. These signs do not count against the sign area requirements listed in Section 106.

Section 106. Signs *(revised 02.05.16)*

Section 106.1. Purpose and Findings. The Mayor and Council find that signs provide an important medium through which individuals may convey a variety of messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic nuisance. By enacting this ordinance, the Mayor and Council intend to:

- (a) Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (b) Protect the public health, safety, and welfare;
- (c) Reduce traffic and pedestrian hazards;
- (d) Maintain the historical image of the City;
- (e) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- (f) Promote economic development; and
- (g) Ensure the fair and consistent enforcement of sign regulations.

106.2. Definitions. Certain words and terms used herein are defined and interpreted as follows:

Air and Gas Filled Object: Any sign using, either wholly or in part, forced air or other gas as a means of supporting its structure.

Aggregate sign area: shall mean the area of all signs on a parcel, excluding the area of one face of all double-faced signs and exempt signs as listed in Section 106.10.

Attention Getting Object: Any pennant, valance, propeller, ribbon, streamer, balloon, or search light, LED light, neon light (where the light source is visible from the public right-of-way) or similar device or ornamentation designed for or having the effect of attracting the attention of potential customers or the general public.

Awning: A roof like cover made of cloth, metal, or material constructed with a rigid frame which projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is not affixed to the ground.



Banner: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.



Banner, Decorative: A sign of cloth, plastic or vinyl with no other substantial backing hung or projecting from a pole; provided said sign is not commercial in nature and does not advertise a specific product or item.



Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Billboard sign: A structural poster panel or painted sign, greater than three hundred (300) square feet either free standing or attached to a building or structure for the purpose of conveying information, knowledge or ideas to the public about a subject unrelated to the premises upon which it is located.

Building Wrap: A graphic applied to vinyl, durable mesh or cloth and applied to a large portion or even the entire exterior surface of a building consisting of images, words, or other graphic embellishments designed to attract attention to the building.

Canopy: A structure made of cloth, metal, or other material whose frames are supported by posts affixed to the ground. A canopy may be attach to a building or free standing such as those used to cover gasoline islands.



Flag: Any fabric which has the width to length proportions of 10:19 which is typical with flags of the US, states, cities, counties and other organizations.

Flag, Feather: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Feather flags are generally a single sign attached to a support post. The Feather flag typically has a dimensional ratio of 4 high to 1 wide.



Mural: A mural is any piece of artwork non-commercial in nature painted or applied directly on a wall, ceiling or other large permanent surface.

Parcel: Shall mean a separate tax unit of real property on county real estate records.

Pennant String: A strand or string with pennants, flags or other objects attached.

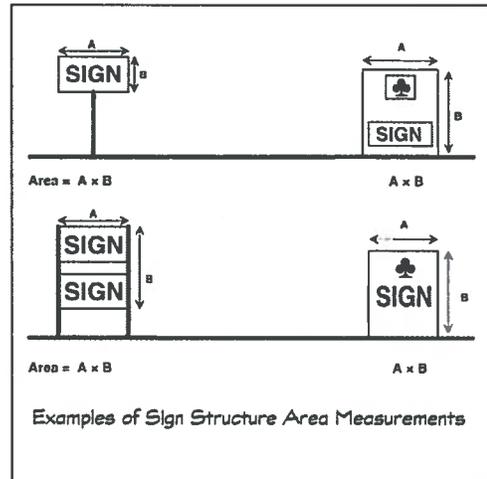


Sign: Any structure, display, device or object that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, movement, or illumination.



Sign, Animated: A sign with action, motion, rotation, swinging or changing colors, excluding electronic message board signs and signs which indicate only time, temperature, or date or any combination thereof.

Sign Area: The smallest square, rectangle, triangle, circle, or combination thereof, which encompasses one display area (face) of the entire sign, inclusive of any border and trim but excluding the base, apron, supports, and other structural members.



Sign, Awning: A sign painted, stamped, perforated, or stitched or otherwise applied on the valance of an awning, considered a wall sign for the purposes of computing aggregate sign area.



Sign, Bench: A sign located on any part of the surface of bench or seat placed on or adjacent to a public right-of-way.

Sign, Canopy: A sign affixed to, superimposed upon, or painted on a canopy, considered a wall sign for the purposes of computing aggregate sign area.

Sign, Channel Letter: A Wall Sign with letters and graphics, which may be internally or externally illuminated, composed of extruded metal structures with plastic faces, wood, fiberglass or other materials. Letters and graphics shall be individually mounted to the wall surface or mounted on a raceway.

Sign, Character: A figure or statue used to draw attention to a business or display a message.



Character Sign

Sign, Door: A sign that is applied or attached to the exterior or interior of a door or located in such manner within a building that it can be seen from the exterior of the structure through a door.



Sign, Double-Faced: A sign which has two (2) faces (display areas) placed back to back against each other or where the interior angle formed by the faces is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Sign, Electronic Message/Video Boards: Any sign that uses changing lights or colors to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.



Sign, Flashing: A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Electronic Message Boards which indicate only the time, temperature, or date or any combination thereof shall not be considered as flashing signs.

Sign, Bulletin Frame: A sign affixed to the wall of a building which consist of a box with glass face or a picture frame which contains items of interest to the public. For example a menu at a restaurant or photos of homes for sale at a real estate office.

Sign, Pole: A freestanding sign mounted on one or more poles set in the ground and of sufficient strength and size to support the display area structure which rests upon or is supported by such poles and not attached to a structure.



Sign, Ground: A freestanding sign erected on one or more poles which shall include a base of a landscaped planting area or planter box which is at least the length of the sign and display area plus structural supports and of sufficient width to allow for sustaining planted vegetation.



Sign, Hanging: A sign hanging from underneath a canopy, awning or structure over a pedestrian thoroughfare or walkway.



Sign, Internally Illuminated: A sign whose display area is illuminated from a light source internally installed in the sign's display area.

Sign, Externally Illuminated: A sign that has light cast upon the sign from an external light source directed primarily toward such sign.

Sign, Mobile: A sign which is attached to or mounted, pasted, painted or written on any vehicle, whether motorized or drawn, which is placed, parked or maintained at one particular location for the express purpose and intent of promotion, or conveying an advertising message.



Sign, Monument: A freestanding sign designed with a supporting base which is flush with the ground. Sign shall include a solid, decorative base and may include a decorative frame. The base shall be at least as wide as the sign display area (face) and/or frame upon it and a minimum of two (2) feet in height. Decorative base and frame materials may include stone, brick, E.I.F.S. or stucco.



Sign, Neon: A sign manufactured utilizing neon tubing which is visible to the viewer.

Sign, Nonconforming: Any sign which does not conform to the provisions of this ordinance but was legal at the time of its erection.

Sign, Post and Arm: A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which a sign display area hangs.



Sign, Projecting: A sign that is wholly or partly dependent upon a building for support and which projects more than twelve-inches (12”) from such building.



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

Sign, Roof: A sign attached to or supported by the roof of a building which extends above the roof line of the building.

Sign, Segmented: A sign in which the display area contains deliberate visual demarcations used to divide the message area of the sign into separate message compartments. “Segment” shall mean a separate message compartment in a Segmented Sign. Such signs are often found as Monument Signs at shopping centers.



Sign, Sidewalk: Movable sign that is not attached to a structure or the ground. Example would be an A-frame boards or similar type signs.



Sign, Spinner: Referring to a person carrying a sign that stands, walks or performs along the street to advertise, promote, or attract attention to a particular business. This definition also applies to costumed characters or street performers.



Sign, Temporary: Any sign or object that is not permanently attached to the ground or other permanent structure and/or is designed to remain in place for a limited time. This includes, but is not limited to, signs which are designed to be transported regularly from one location to another, signs placed into the ground on a temporary basis or nonpermanent foundation or signs tethered to an existing structure. Does not include 'Sidewalk Signs'.



Sign, Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve-inches (12") from such building or structure.

Sign, Window: A sign installed flush with or on a window and intended to be viewed from the outside.



Spinsock: A spinning Windsock.



Windsock: A tapered, open-ended sleeve pivotally attached to a standard.

106.3. Permits. All signs allowed by this ordinance, except those exempted (see 106.10) from obtaining a permit shall require a permit issued by the city prior to posting, displaying, substantially changing, or erecting a sign in the city.

106.4. Application Information. Applications for sign permits required by this ordinance shall be filed by the sign owner or the owner's agent with the Community Development Department. The application shall describe and set forth the following:

- (a) The street address of the property upon which the sign is to be located and a plat map of the property, drawn to scale, showing all existing structures, including existing signage and an indication of the proposed location of the sign.
- (b) The aggregate area for all signs on the parcel.
- (c) The name(s) and address(es) of all of the owner(s) of the real property upon which the subject sign is to be located.
- (d) Consent of the owner, or the owner's agent, granting permission for the placement or maintenance of the sign.
- (e) Name, address, phone number of the sign contractor.
- (f) The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, and an explanation of how the sign is to be mounted or erected.
- (g) The distance of the sign from the closest adjacent sign in either direction.
- (h) The size of the parcel on which the sign is to be placed.

106.5. Time for Consideration. The City shall process all sign permit applications within (30) business days of the City's actual receipt of a completed application and accompanying sign permit fee. The Director of Community Development shall give notice to the applicant of the decision of the City by hand delivery or by mailing a notice, by first class mail, to the address on the permit application on or before the 30th business day after the City's receipt of the completed application and fee. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section. If the City fails to act within the thirty (30) business day period, the permit shall be deemed to have been granted.

106.6. Denial and Revocation.

(a) *Procedure:* The City shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this ordinance, are incomplete applications, or applications containing any false material statements. Violation of any provision of this ordinance will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this ordinance, the Community Development Director shall revoke the permit. Should the city deny a permit, the reasons for the denial are to be stated in writing and mailed by first class mail or via electronic delivery to the address on the permit application on or before the 30th business day after the City's receipt of the completed application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of re-submission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined.

(b) *Appeal:* An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal to the Planning Commission upon filing of a variance or administrative review application as outlined in Section 304, Such appeal shall be considered by the Commission at the next Planning Commission meeting provided the posting requirements of Section 304 are met.

(c) In the event an individual whose permit has been denied or revoked is dissatisfied with the decision of the Planning Commission, he or she may petition for writ of certiorari to the superior court as provided by law.

106.7. Permit Expiration. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed in accordance with the permit application within six (6) months after the date of issuance. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If later an individual desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

106.8. Fees. The cost of a permit shall be in an amount as determined by Mayor and Council.

106.9. Prohibited Signs. The following types of signs are prohibited in **all zoning districts** of Perry.

- a) Animated Sign;
- b) Flashing Sign;
- c) Roof Sign;
- d) Signs attached to any street sign or marker, traffic control sign or device, or attached to or painted on any pole, post, fence, tree, rock, shrub, plant or other natural object or feature;
- e) Signs which contain flashing lights or are in imitation of an official traffic sign or contain the words "stop", "go", "slow", "caution", "danger", "warning", or similar words, except for construction signs or barricades and except when the words are incorporated into the permanent name of a business;
- f) Any sign placed or erected on a property without the permission of the property owner;
- g) Signs which make use of lights, colors, characters or symbols in such a manner as to constitute a hazard;

- h) Signs which simulate an official traffic control or warning sign or hide from view any traffic or street-sign, signal or public service sign;
- i) Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing;
- j) Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs;
- k) Any sign that is structurally unsound, or is a hazard to traffic or pedestrians;
- l) Signs on public right-of-way except signs exempt under Section 106.10(8);
- m) Portable Sign;
- n) Mobile Sign;
- o) Temporary Sign;
- p) Streamers, pennants strings, balloons and other objects set in motion by the atmosphere;
- q) Air and Gas Filled Object Sign
- r) Beacon Sign;
- s) Attention Getting Object;
- t) Feather Flag;
- u) Building wraps as defined in Section 106.2;
- v) Obscene signs as defined by Official Code of Georgia Annotated § 16-12-80;
- w) Spinsock
- x) Windsock.

106.10. Exemptions from Sign Permit Requirements - Non-Residential Zones. In the non-residential zones, the following types of signs shall be exempt from the permit requirements of Section 106.3 and shall not count towards the maximum aggregate sign area limits provided in 106.15:

- (1) Signs not visible from public streets or intended to be seen by the traveling public.
- (2) Non-illuminated and non-commercial permanent signs used for directional purposes having a sign area of less than four (4) square feet, provided they are located on and pertaining to the parcel on which it is located and not located in the public right of way. (Such as, 'Enter', 'Exit' 'Parking', etc.)
- (3) Window signs installed for purposes of viewing from outside the premises provided such signs shall not exceed thirty (30) percent of the available window space.
- (4) Numerals displayed for purposes of identifying property location and not exceeding four (4) inches in height in residential districts and ten (10) inches in height in nonresidential districts.
- (5) Seasonal displays and decorations not advertising a product, service or establishment.
- (6) Sign spinners, costumed characters or street performers with signage devices. Any persons involved in this activity shall not block sidewalk access and shall be located away from entry and exit drives.
- (7) Professional name plates not exceeding four (4) square feet in area, such sign signs to be non-illuminated and attached to the building.

- (8) Decorative banners sponsored by a governmental agency, the Downtown Development Authority, or the Perry Area Chamber of Commerce., Perry Main Street, Perry Convention and Visitor Bureau.

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

- (9) Traffic or other municipal or public signs or notices posted or erected by or at the direction of a governmental agency.
- (10) Construction signs located on the premises relating to active construction projects.
- (11) Sidewalk signs with a maximum height of four (4) feet when displayed. Only one (1) sidewalk sign shall be permitted per business not to exceed six (6) square feet per sign face. The signs shall be placed so as not to create a pedestrian nuisance and shall only be displayed during business hours.
- (12) Signage on coin operated or electronic payment product dispensers not located within the required setback for the zoning district.
- (13) Flags: Every parcel may display no more than three (3) flags. Flagpoles in non-residential zoned districts shall not exceed sixty (60) feet in height. The dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed fifty (50) percent of the vertical height.

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

- (14) Historically significant signs in the Perry Main Street/Downtown Development District as determined by the Economic Development Department are exempt from these standards.
- (15) Banners, temporary signs, spinsocks, windsocks and pennant strings will be allowed in the first (30) calendar days a facility is:
 - 1. First licensed to operate at the location; or
 - 2. Has completed substantial renovation, upgrade or other permitted improvements as certified by the Chief Building Official

106.11. Signs in Residential Zoning Districts. Other than subdivision entrance signs allowed under Section 106.12, parcels located in residential zoning districts shall not contain signs having a sign area greater than four (4) square feet. Signs having a height of greater than five (5) feet shall not be located in

residential zoning districts. Illuminated signs shall not be located in residential zoning districts. Signs meeting the standards of this section are exempt from permitting requirements.

Flagpoles in residential zoned districts shall not exceed twenty-five (25) feet in height or the height of the primary structure, whichever is less. The flagpoles shall be no further from the structure than 50% of the distance from the face of the structure to the public right-of-way.

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

106.13. Height and Setback Requirements.

106.13.1. All signs shall be set back as follows:

- (1) Ten (10) feet from the curb line of each street adjacent to the lot upon which the sign is situated where an authorized curb cut exists; applicable to all zoning districts;
- (2) If the right-of-way is more than ten (10) feet from the curb line as described in (1) above, the sign, including its footing or foundations, shall be located on private property (applicable to all zoning districts).
- (3) All sign heights shall be considered to be the vertical distance between the highest part of the sign structure and the average grade of the surrounding property. The level of the ground shall not be altered in such a way as to provide additional sign height.

106.14. Banners. Banners shall be permitted in non-residential zoning districts subject to the approval of a banner permit issued by the Community Development Department. The banners shall not be larger than sixteen (16) sq. ft. in area (cumulative). The banner shall be attached flat to a building wall by metal fasteners or may be freestanding if attached to a top rail and the side ground supports are braced in such a manner as to avoid sagging. A banner permit may be issued for each occurrence not to exceed two (2) fourteen-day (14) periods per calendar year per establishment.

106.15. General Size and Location Requirements in Non-Residential Districts.

106.15.1. No freestanding sign may be located within thirty (30) feet of the intersection of street right-of-way lines extended.

106.15.2. No sign shall be located on any building, fence or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this ordinance.

106.15.3. Billboard Signs. Billboards shall be allowed only in non-residential zone and only by variance issued by the Planning Commission. Permitted Billboard Signs not in use after six (6) months shall be in violation of the variance and removed at the property owner's expense.

106.15.4. Non-Residential District Sign Standards. Signs permitted and regulated in the non-residential zoning districts:

A. C-1, C-2, M-1, M-2 and GU Districts

1. Pole Signs in the C-1, C-2, M-1, M-2, and GU Districts shall meet the following criteria:

- a. Pole Signs shall be limited to two such signs per parcel. Pole Signs shall not exceed a height of twenty (20) feet.
- b. Individual Pole Signs for parcels exceeding three (3) acres shall not exceed a sign area of one hundred fifty (150) square feet. The total square feet of Pole Signs shall not exceed two hundred twenty (220).
- c. Pole Signs for parcels less than three (3) acres, but equal to or greater than 30,000 square feet shall not exceed a sign area of ninety (90) square feet. The total square feet of Pole Signs shall not exceed one hundred fifty (150) square feet.
 - a. Pole Signs for parcels less than 30,000 square feet in size shall not exceed a sign area of seventy (70) square feet. The total square feet of Pole Signs shall not exceed one hundred (100) square feet.

2. Wall, Awning, Projecting and Hanging Signs in the C-1, C-2, M-1, M-2, and GU Districts shall meet the following criteria:

- a. Wall Signs shall not project more than five (5) feet above the wall.
- b. Wall Signs shall not project beyond the building face by more than 12 inches. Awning Signs shall not project beyond the building face by more than six (6) feet.
- c. The maximum aggregate area of Wall and Awning Signs shall not exceed three hundred (300) square feet or ten percent (10%) of the aggregate area of the wall faces of the premises to which the sign relates, whichever is less.
- d. Projecting Signs shall be securely fastened to the building and meet all applicable building codes. Said signs shall maintain a clear height of six (6) feet six (6) inches above ground level and a maximum projection from the face of the building of three (3) feet. No sign shall project into a vehicular use area.
- e. Hanging Signs shall not be larger than six (6) square feet and must be no less than six (6) feet six (6) inches above the finish grade at the lowest extremity of the sign and attached to the supporting structure at no less than two (2) points. Sign area shall count towards permissible wall sign area.
- f. The maximum Wall Sign height shall be ten (10) feet.
- g. Each building tenant shall be limited to one Wall or Awning Sign on each wall.

3. Monument and Ground Signs in the C-1, C-2, M-1, M-2, and GU Districts shall meet the following criteria:

- a. Monument or Ground Sign area shall not exceed sixty (60) square feet and shall be limited to one such sign per parcel per street frontage. A maximum of two (2) Monument or Ground Signs are permitted.
- b. A Monument or Ground Sign erected under this section shall be in place of, not in addition to, a Pole Sign permitted in Section 106.15.4(A)(1).
- c. The maximum height for Monument or Ground Signs in these districts shall not exceed twenty (20) feet.

B. CP, LC, OC, and IN Districts.

1. Pole Signs in the CP, LC, OC, and IN Districts shall meet the following criteria:
 - a. Individual Pole Signs shall not exceed a sign area of thirty-two (32) square feet. The total square feet of Pole Signs shall not exceed sixty-four (64) square feet.
 - b. Pole Signs shall be limited to one such sign per parcel per street frontage. A maximum of two (2) Pole Signs are permitted per parcel.
The maximum height for Pole Signs in these districts shall not exceed twenty (20) feet.
2. Wall, Awning, Projecting and Hanging Signs in the CP, LC, OC, and IN Districts shall meet the following criteria:
 - a. Wall Signs shall not project more than five (5) feet above the wall.
 - b. Wall signs shall not project beyond the building face by more than 12 inches. Awning Signs shall not project beyond the building face by more than six (6) feet.
 - c. Wall and Awning Signs shall not exceed a sign area of one hundred (100) square feet or ten percent of the wall face of the premises to which the sign relates; whichever is less, on each street facing wall.
 - d. Projecting Signs shall be securely fastened to the building and meet all applicable building codes. Said signs shall maintain a clear height of six (6) feet six (6) inches above ground level and a maximum projection from the face of the building of three (3) feet. No sign shall project into a vehicular use area.
 - e. Hanging Signs shall not be larger than six (6) square feet and must be no less than six (6) feet six (6) inches above the finish grade at the lowest extremity of the sign and attached to the supporting structure at no less than two (2) points. Sign area shall count towards permissible wall sign area.
 - f. The maximum Wall or Awning Sign height shall be six (6) feet.
 - g. Each building tenant shall be limited to one Wall or Awning Sign on each street facing wall.
3. Monument and Ground Signs in the CP, LC, OC, and IN Districts shall meet the following criteria:
 - a. Monument or Ground Sign area shall not exceed thirty-two (32) square feet and shall be limited to one such sign per parcel per street frontage.
 - b. A Monument or Ground Sign erected under this section shall be in place of, not in addition to, a Pole Sign permitted in Section 106.15.4(B)(1).
 - c. The maximum height for Monument or Ground Signs in these districts shall not exceed fifteen (15) feet.

C. C-3 District

1. Post and Arm Signs in the C-3 District shall meet the following criteria:
 - a. Each business shall be permitted to have one (1) Post and Arm Sign per street frontage provided that there is no paved area, excluding sidewalks, between the building and the street. A maximum of two (2) Post and Arm Signs are permitted per parcel.
 - b. The maximum height for a Post and Arm sign shall be ten (10) feet.
 - c. The maximum sign area for a Post and Arm Sign shall be twelve (12) square feet.
 - d. A Post and Arm Sign erected under this section shall be in place of, not in addition to, a Monument Sign or Ground Sign permitted in Section 106.15.4(C)(3).

- e. All Post and Arm Signs shall display the numerical municipal address except those designed to be viewed from a street which is different from the street which the business is addressed.
2. Wall, Awning, Hanging and Projecting Signs in the C-3 District shall meet the following criteria:
 - a. Wall and Awning Signs shall not have an aggregate area exceeding one (1) square foot for each lineal foot of building or store frontage, whichever is less.
 - b. Wall Signs shall not project above the wall.
 - c. Wall Signs shall not project beyond the building face by more than 12 inches.
 - d. Projecting Signs shall be securely fastened to the building and meet all applicable building codes. Said signs shall maintain a clear height of six (6) feet six (6) inches above ground level and a maximum projection from the face of the building of five (5) feet. No sign shall project into a vehicular use area.
 - e. Hanging Signs shall not be larger than six (6) square feet and must be no less than six (6) feet six (6) inches above the finish grade at the lowest extremity of the sign and attached to the supporting structure at no less than two (2) points. Sign area shall count towards permissible wall sign area.
 - f. Wall Signs in shopping centers signs shall be Channel Letter Signs and shall not exceed eighteen (18) inches in height.
 3. Monument and Ground Signs in the C-3 District shall meet the following criteria:
 - a. Monument or Ground Sign area shall not exceed thirty-two (32) square feet and shall be limited to one such sign per parcel per street frontage. A maximum of two (2) Monument or Ground Signs are permitted per parcel.
 - b. A Monument or Ground Sign erected under this section shall be in place of, not in addition to, a Post and Arm Sign permitted in Section 106.15.4(C)(1).
 - c. The maximum height for Monument or Ground Signs in this district shall not exceed fifteen (15) feet.
 - d. Monument Signs shall include a base with a landscaped plating area or plater box which is at minimum the length of the sign and the structural support and of sufficient width to allow for sustaining planted vegetation.
 - e. All Monument or Ground Signs shall display the numerical municipal address except those designed to be viewed from a street which is different from the street which the business is addressed.
 4. All signs shall require a Certificate of Appropriateness issued by the Economic Development Department prior to erecting the sign. The Economic Development Department may exempt signs which are in compliance with established standards.

106.15.5. Overlay District Sign Standards. Signs permitted and regulated in the non-residential zoning districts:

A. PC, Parkway Corridor District

1. Pole Signs in the PC District shall meet the following criteria:
 - a. Pole Signs for parcels exceeding three (3) acres shall not exceed a sign area of one hundred (100) square feet. The total square feet of Pole Signs shall not exceed two hundred (200) square feet.

- b. Pole Signs for parcels less than three (3) acres, but equal to or greater than 30,000 square feet shall not exceed a sign area of seventy (70) square feet. The total square feet of Pole Signs shall not exceed one hundred forty (140) square feet.
 - c. Pole Signs for parcels less than 30,000 square feet in size shall not exceed a sign area of fifty (50) square feet. The total square feet of Pole Signs shall not exceed one hundred (100) square feet.
 - d. Pole Signs shall be limited to one such sign per parcel per street frontage. A maximum of two (2) Pole Signs are permitted.
 - e. The maximum height for Pole Signs in these districts shall not exceed twenty (20) feet.
 - f. Single pole (monopole) Pole Signs are prohibited in this overlay district.
 - g. No illuminated signs shall be located within seventy-five (75) feet of a residential district.
2. Wall, Awning, Projecting and Hanging Signs in the PC District shall meet the following criteria:
- a. Wall Signs shall not project more than five (5) feet above the wall.
 - b. Wall Signs shall not project beyond the building face by more than 12 inches. Awning Signs shall not project beyond the building face by more than six (6) feet.
 - c. The maximum aggregate area of Wall and Awning Signs shall not exceed three hundred (300) square feet or ten percent of the aggregate area of the wall faces of the premises to which the sign relates, whichever is less.
 - d. Projecting Signs shall be securely fastened to the building and meet all applicable building codes. Said signs shall maintain a clear height of six (6) feet six (6) inches above ground level and a maximum projection from the face of the building of three (3) feet. No sign shall project into a vehicular use area.
 - e. Hanging Signs shall not be larger than six (6) square feet and must be no less than six (6) feet six (6) inches above the finish grade at the lowest extremity of the sign and attached to the supporting structure at no less than two (2) points. Sign area shall count towards permissible wall sign area.
 - f. The maximum Wall Sign height shall be ten (10) feet.
 - g. Each building tenant shall be limited to one Wall or Awning sign on each wall.
3. Monument and Ground Signs in the PC District shall meet the following criteria:
- a. Monument or Ground Signs shall not exceed sixty (60) square feet of total area and shall be limited to one such sign per parcel per street frontage. A maximum of two (2) Monument or Ground Signs are permitted.
 - b. A monument or Ground Sign erected under this section shall be in place of, not in addition to, a Pole Sign permitted in Section 106.15.5(A)(1).
 - c. The maximum height for Monument or Ground Signs in this district shall not exceed twenty (20) feet.
 - d. No illuminated Monument or Ground Sign shall be located within seventy-five (75) feet of a residential district.
- B. NC, Neighborhood Commercial Corridor District
1. Pole Signs in the NC District shall meet the following criteria:
 - a. Pole Signs shall not exceed a sign area of thirty-two (32) square feet.
 - b. Pole Signs shall be limited to one such signs per parcel per street frontage. A maximum of two (2) Pole Signs are permitted.
 - c. The maximum height for Pole Signs in these districts shall not exceed fifteen (15) feet.

- d. A single pole (monopole) Pole Sign is prohibited in this overlay district.
- e. No illuminated Pole Signs shall be located within seventy-five (75) feet of a residential district.

2. Wall, Awning, Projecting and Hanging Signs in the NC District shall meet the following criteria:

- a. Wall Signs shall not project more than five (5) feet above the wall.
- b. Wall Signs shall not project beyond the building face by more than 12 inches. Awning signs shall not project beyond the building face by more than six (6) feet.
- c. The maximum aggregate area of Wall and Awning Signs shall not exceed thirty-two (32) or ten percent of the aggregate area of the wall faces of the premises to which the sign relates, whichever is less.
- d. Projecting signs shall be securely fastened to the building and meet all applicable building codes. Said signs shall maintain a clear height of six (6) feet six (6) inches above ground level and a maximum projection from the face of the building of three (3) feet. No sign shall project into a vehicular use area.
- e. Hanging Signs shall not be larger than six (6) square feet and must be no less than six (6) feet six (6) inches above the finish grade at the lowest extremity of the sign and attached to the supporting structure at no less than two (2) points. Sign area shall count towards permissible wall sign area.
- f. The maximum Wall Sign height shall be six (6) feet.
- g. Each building tenant shall be limited to one Wall or Awning Sign on each wall.

3. Monument and Ground Signs in the NC District shall meet the following criteria:

- a. Monument or Ground Signs shall not exceed a sign area of thirty-two (32) square feet.
- b. A Monument or Ground Sign erected under this section shall be in place of, not in addition to, a Pole Sign permitted in Section 106.15.5(B)(1).
- c. Monument or Ground Signs shall be limited to one such signs per parcel per street frontage. A maximum of two (2) Monument or Ground Signs are permitted.
- d. The maximum height for Monument or Ground Signs in this district shall not exceed fifteen (15) feet.
- e. No illuminated Monument or Ground Signs shall be located within seventy-five (75) feet of a residential district.

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

1. Post and Arm Signs in the DD/PMS District shall meet the following criteria:

- a. Each business shall be permitted to have one (1) Post and Arm Sign per street frontage provided that there is no paved area, excluding sidewalks, between the building and the street. A maximum of two (2) Post and Arm Signs are permitted per parcel.
- b. The maximum height for a Post and Arm sign shall be ten (10) feet.
- c. The maximum sign area for a Post and Arm Sign shall be twelve (12) square feet.
- d. A Post and Arm sign erected under this section shall be in place of, not in addition to, a Monument or Ground Sign permitted in Section 106.15.5(C)(3).
- e. All Post and Arm Signs shall display the numerical municipal address except those designed to be viewed from a street which is different from the street which the business is addressed.

2. Wall, Awning, Projecting and Hanging Signs in the DD/PMS District shall meet the following criteria:
 - a. Wall signs shall not project above the wall.
 - b. Wall signs shall not project beyond the building face by more than 12 inches.
 - c. Wall and Awning Signs shall not have an aggregate area exceeding one (1) square foot for each lineal foot of building or store frontage, whichever is less.
 - d. Wall Signs in shopping centers signs shall be Channel Letter Signs and shall not exceed eighteen (18) inches in height.
 - e. Projecting Signs shall be securely fastened to the building and meet all applicable building codes. Said signs shall maintain a clear height of six (6) feet six (6) inches above ground level and a maximum projection from the face of the building of five (5) feet. No sign shall project into a vehicular use area.
 - f. Hanging Signs shall not be larger than six (6) square feet and must be no less than six (6) feet six (6) inches above the finish grade at the lowest extremity of the sign and attached to the supporting structure at no less than two (2) points. Sign area shall count towards permissible wall sign area.
3. Monument and Ground Signs in the DD District shall meet the following criteria:
 - a. Monument or Ground Sign area shall not exceed thirty-two (32) square feet and shall be limited to one such sign per parcel per street frontage. A maximum of two (2) Monument or Ground Signs are permitted per parcel.
 - b. A Monument or Ground Sign erected under this section shall be in place of, not in addition to, a Post and Arm Sign permitted in Section 106.15.5(C)(1).
 - c. The maximum height for Monument or Ground Signs in these districts shall not exceed fifteen (15) feet.
 - d. Monument Signs shall include a base with a landscaped plating area or plater box which is at minimum the length of the sign and the structural support and of sufficient width to allow for sustaining planted vegetation.
 - e. All Monument or Ground Signs shall display the numerical municipal address except those designed to be viewed from a street which is different from the street which the business is addressed.
4. Character Signs: One (1) Character Sign per business shall be permitted without permit. However, the Perry Main Street Design Committee shall review and approve all Character Signs before placement.
5. Memorial signs or tablets which include names of buildings and date of erection when cut into masonry, bronze or other such materials are exempted from permitting.
6. Real estate signs advertising the sale, rental or lease of the land or building upon which signs are located, provided there shall be no sign in excess of thirty-two (32) square feet and no more than one (1) such sign per frontage.
7. Prohibited signs in DD/PMS District
 - a) Electronic Message Boards/Video Boards except for LED price signs at gas stations provided they do not change more than one time per hour.
 - b) No signs containing reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark shall be permitted.

- c) Off premise signs: Signs on a parcel which do not pertain to a business on that parcel.
- d) Neon tube signs.

8. All signs shall require a Certificate of Appropriateness issued by the Economic Development Department prior to erecting the sign. The Economic Development Department may exempt signs which are in compliance with established standards.

106.15.6. Special Districts. Whenever there is conflict between the signage permitted in a special district and the underlying zoning district, the more restrictive shall apply.

106.16. Electronic Message/Video Board. Electronic Message/Video Board signs are only permitted in the locations described in this section and only after approval from the Community Development Department. Whenever there is conflict between a special district and the underlying zoning district, the more restrictive shall apply.

1. Permitted Zoning Districts: Electronic Message Board/Video Board signs are permitted in following districts:

Regular Districts:

C-1, Highway Commercial District

C-2, General Commercial District

OC, Office Commercial District

IN, Institutional District

M-1, Wholesale and Light Industrial District

M-2, Industrial District

GU, Government Use District

Special Districts:

AD, Airport District

PC, Parkway Corridor District

IC, Interstate Corridor District

NC, Neighborhood Commercial Corridor District

2. An Electronic Message/Video Board sign in which the electronic display area exceeds two (2) feet in height shall maintain a steady sign face without change for no less than ten (10) seconds. Transition time between displays shall be at least 1 second.
3. The Electronic Message/Video Board sign is subject to same size and placement requirements of this article limitations as described in Section 106.13.

106.17. Murals. Murals shall require the approval and registration by the Public Arts Commission (PAC). In addition, the Perry Main Street Design Committee shall review and make a recommendation to the PAC for all murals located within the Downtown Development District. Murals that are not registered with the PAC shall be considered signs and are subject to the provisions of Perry Land Development Ordinance Section 106 – Signs.

The PAC may approve a new mural if it finds that the proposed mural is consistent with applicable city policies and ordinances, and that the mural would not be detrimental to the public health, safety, or welfare. Murals shall be subject to the following standards and review process:

- 1) Murals may be located on the sides of buildings or walls within any zoning district, except residential zoning districts.
- 2) Prior to painting or installation of a new mural, or the modification of an existing mural, an application must be submitted for the review and approval by the PAC. All applications for new or modified murals shall be referred to the PAC for review.
- 3) Approval of a mural shall occur only after public notice by posting a sign with the date and time of the PAC meeting. The PAC shall consider any public comments during their review of proposed murals.
- 4) The PAC shall apply the following design criteria in reviewing proposed murals:
 - a) The subject matter shall be of historical significance regarding the growth and development of the City of Perry and its surrounding region. The mural may also contain other subject matter deemed by the PAC to be significant and of high quality.
 - b) Paints and other materials used for murals shall be appropriate for outdoor use and artistic rendition, and shall be permanent and long-lasting. Super bright or fluorescent colors shall not be used.
 - c) Murals shall be designed and painted by professional mural artists who possess demonstrated knowledge and expertise in the design, materials, and execution of murals.
 - d) To the extent feasible, the mural shall be vandal and graffiti resistant.
 - e) To the extent possible, trompe l'oeil shall be the method of choice for mural creation.

106.18. Construction Standards.

- 1) All signs for which a permit is required under this ordinance shall be constructed and maintained in accordance with the provisions of the Ordinance and of the city building codes.
- 2) All signs, together with all supporting structures, shall be well maintained and kept in a good state of repair. Without limiting the foregoing, the following maintenance shall be required for all signs and supporting structures.
 - a. They shall be kept free from rust, dirt and chipped, cracked or peeling paint.
 - b. Hanging, dangling, torn or frayed parts shall be repaired.
 - c. Burned-out bulbs shall be replaced
 - d. Graffiti and unauthorized sticker shall be removed.

3) Any sign or sign structure now or hereafter existing which is abandoned or no longer advertises a bonafide business or a product sold shall be taken down and removed by the owner, agent, or person having beneficial use of the building, structure, or land upon which such sign shall be found, within thirty (30) days after a written notification shall be made by a Code Enforcement Officer. Failure to remove such sign on notification shall be a violation of this Ordinance. A sign shall be deemed to have been abandoned if it is located on a property which becomes vacant and unoccupied for a period of three (3) months or more or if it pertains to a time, event or purpose which no longer applies. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more.

106.19. Nonconforming Signs. Nonconforming signs, which met all legal requirements when erected, may stay in place until the deterioration of the sign or damage in accordance with the maintenance and removal section of this ordinance unless the damage to the sign was caused by circumstances beyond the owner's control in accordance with OCGA 32-6-83, in which case the owner shall either repair or remove the sign. However, no other structural repairs changes in shape, size or design to nonconforming signs or replacement of nonconforming signs shall be permitted except to make a nonconforming sign comply with all requirements of this ordinance

106.20. Illumination. Illumination for signs shall not cast light on adjoining property or shine in such a manner as to cause traffic interference. Illumination shall be constant and shall not change, flash, scroll or stimulate movement.

106.21. Enforcement and Penalties

(a) All signs shall be maintained in good condition as to present a neat and orderly appearance. The city may, after due notice, issue a citation to any permittee for any sign which shows gross neglect or becomes dilapidated. Such due notice shall be in writing, shall specify the sign and location, and shall state that the sign has not been properly maintained. The city shall give the permittee ten (10) days to rectify the condition or remove the dilapidated sign before issuing a citation.

(b) The city may issue a citation for violation of this ordinance by any sign erected, altered, converted, or used in violation of this ordinance.

(c) Any person violating any provision of this ordinance shall be liable for a fine of one hundred fifty dollars (\$150) for each violation. Each day a sign is posted in violation of this ordinance shall constitute a separate violation.

106.22. Severability. In the event any section, subsection, sentence, or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this article, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this article. The City Council declares that it would have enacted the remaining parts of this article if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

106.23. Effective Date. The effective date of this ordinance shall be August 02, 2016. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 107. Cemeteries.

Within the districts permitting cemeteries, the following requirements shall apply:

107.1. The site proposed for a cemetery shall not interfere with the development of a system of collector streets in the vicinity of such a site. In addition, such site shall have direct access to a thoroughfare.

107.2. Any new cemetery shall be located on a site containing not less than twenty (20) acres.

107.3. All structures shall be set back no less than twenty-five feet (25') from any property line or street right-of-way line.

107.4. All graves or burial lots shall be set back not less than twenty-five feet (25') from any property line or minor street right-of-way lines, and not less than fifty feet (50') from any collector, arterial, expressway, or freeway right-of-way lines.

107.5. The entire cemetery property shall be landscaped and maintained.

Section 108. Satellite Dish Antennas *(Rev. 05.15.12)*

108.1. In residential districts, the satellite dish antenna shall be located, to the extent feasible as documented by the satellite provider, in locations that are not visible from the street. Provided, however, in the event the satellite dish is located in the front yard same shall be screened unless such screening impairs the installation, maintenance or use of the antenna as documented by the satellite provider. Satellite dish antennas must meet applicable accessory building setback requirements for the district in which said satellite dish antenna is to be located.

108.2. In commercial and industrial districts, the satellite dish antenna shall be located, to the extent feasible as documented by the satellite provider, in locations that are not visible from the street or on the roof of the main building; provided said dish antenna does not exceed Federal Aviation Administration height limits for the district in which said dish antenna is located. In the event the satellite dish is located in the front yard, said satellite dish antenna shall be screened unless such screening impairs the installation, maintenance or use of the antenna as documented by the satellite provider.

Section 108B. Wireless Telecommunication Towers and Antennas.

108B.1. Purpose. The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of

new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the governing authority shall give due consideration to the governing authority's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

108B.2. Definitions. As used in this section, the following terms shall have the meanings set forth below:

108B.2.1. "Alternative tower structure" means man-made trees, clock towers, outdoor advertising signs, water storage tanks, bell steeples, light/power poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

108B.2.2. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

108B.2.3. "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

108B.2.4. "Co-location" means the placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

108B.2.5. "FAA" means the Federal Aviation Administration.

108B.2.6. "FCC" means the Federal Communications Commission.

108B.2.7. "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

108B.2.8. “Governing authority,” means the Mayor and Council of the City of Perry, Georgia.

108B.2.9. “Preexisting towers and preexisting antennas” means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this section, including permitted towers or antennas that have not been constructed so long as such approval is current and not expired.

108B.2.10. “Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

108B.2.11. “Code Enforcement Officer” means the zoning enforcement officer of the City of Perry or the zoning enforcement officer’s designee.

108B.3. Applicability.

108B.3.1. New Towers and Antennas. All new towers or antennas in City of Perry shall be subject to these regulations, except as provided in Sections 108B.3.2 through 108B.3.4, inclusive.

108B.3.2. Amateur Radio Station Operators/Receive Only Antennas. This section shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

108B.3.3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of Sections 108B.4.5 and 108B.4.6.

108B.3.4. AM Array. For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

108B.4. General Requirements.

108B.4.1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. An antenna or tower is considered a principal use if located on any lot or a parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structures. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

108B.4.2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to setback requirements buffer, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

108B.4.3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Code Enforcement Officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Perry or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Code Enforcement Officer may share such information with other applicants applying for administrative approvals or special use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the City of Perry. Provided, however, the Code Enforcement Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

108B.4.4. Aesthetics. Towers and antennas shall meet the following requirements:

108B.4.4.1. Towers shall be of monopole type construction and maintain a galvanized steel finish or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

108B.4.4.2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

108B.4.4.3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of

the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

108B.4.5. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternative and approve the design that would cause the least disturbance to the surrounding views. The lighting shall be dimmed or changed to red lights from the sunset to sunrise.

108B.4.6. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

108B.4.7. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is erected and maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Perry concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

108B.4.8. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Perry irrespective of municipal and county jurisdictional boundaries.

108B.4.9. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

108B.4.10. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of

a wireless communication system in the City of Perry have been obtained and shall file a copy of all required franchises with the Code Enforcement Officer.

108B.4.11. Public Notice. For purposes of this section, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 108B.7.2.5.2, Table 2, in addition to any notice otherwise required by the Perry Land Development Ordinance.

108B.4.12. Signs. No signs shall be allowed on an antenna or tower.

108B.4.13. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 108B.8.

108B.4.14. Multiple Antenna/Tower Plan. The City of Perry encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

108B.5. Permitted Uses.

108B.5.1. General. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a special use permit.

108B.5.2. Permitted Uses. The following uses are specifically permitted:

108B.5.2.1. Antennas or towers located on property owned, leased, or otherwise controlled by the City of Perry provided a license or lease authorizing such antenna or tower has been approved by the City of Perry.

108B.6. Administratively Approved Uses.

108B.6.1. General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

108B.6.1.1. The Code Enforcement Officer may administratively approve the uses listed in this Section.

108B.6.1.2. Each applicant for administrative approval shall apply to the Code Enforcement Officer providing the information set forth in Sections 108B.7.2.1 and 108B.7.2.3 of this Section and a nonrefundable fee as established by the governing body of the City of Perry to reimburse the City of Perry for the costs of reviewing the application.

108B.6.1.3. The Code Enforcement Officer shall review the application for administrative approval and determine if the proposed use complies with Sections 108B.4, 108B.7.2.4 and 108B.7.2.5 of this Section.

108B.6.1.4. The Code Enforcement Officer shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Code Enforcement Officer fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.

108B.6.1.5. In connection with any such administrative approval, the Code Enforcement Officer may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 108B.7.2.4 or separation distances between towers in Section 108B.7.2.5 by up to fifty percent (50%).

108B.6.1.6. In connection with any such administrative approval, the Code Enforcement Officer may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

108B.6.1.7. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Section 108B.7 prior to filing any appeal that may be available under the Perry Land Development Ordinance.

108B.6.2. List of Administratively Approved Uses. The following uses may be approved by the Code Enforcement Officer after conducting an administrative review:

108B.6.2.1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any M-1 or M-2.

108B.6.2.2. Locating antennas on existing structures or towers consistent with the terms of subsections 108B.6.2.2.1 and 108B.6.2.2.2 below.

108B.6.2.2.1. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Code Enforcement Officer as an accessory use to any commercial, industrial professional, institutional, or multi-family structure of eight or more dwelling units, provided:

- (1) The antenna does not extend more than thirty (30) feet above the highest point of the structure;
- (2) The antenna complies with all applicable FCC and FAA regulations; and
- (3) The antenna complies with all applicable building codes.

108B.6.2.2.2. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Code Enforcement Officer and, to minimize adverse visual impacts

associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

- (1) A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the Code Enforcement Officer allows reconstruction as a monopole.
- (2) **Height.**
 - (a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the co-location of an additional antenna.
 - (b) The height change referred to in subsection (2)(a) may only occur one time per communication tower.
 - (c) The additional height referred to in subsection (2)(a) shall not require an additional distance separation as set forth in Section 108B.7. The tower's pre-modification height shall be used to calculate such distance separations.
- (3) **Onsite location.**

- (a) A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within fifty (50) feet of its existing location.
- (b) After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
- (c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 108B.7.2.5. The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 108B.7.2.5.
- (d) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 108B.7.2.5 shall only be permitted when approved by the Code Enforcement Officer.

108B.6.2.3. New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than M-1 and M-2, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Code Enforcement Officer concludes the tower is in conformity with the goals set forth in Section 108B.1 and the requirements of Section 108B.4; the tower meets the setback requirements in Section 108B.7.2.4 and separation distances in Section 108B.7.2.5; and the tower meets the following height and usage criteria:

108B.6.2.3.1. for a single user, up to ninety (90) feet in height;

108B.6.2.3.2. for two users, up to one hundred twenty (120) feet in height; and

108B.6.2.3.3. for three or more users, up to one hundred fifty (150) feet in height.

108B.6.2.4. Locating any alternative tower structure in a zoning district other than M-1 or M-2 industrial that in the judgment of the Code Enforcement Officer is in conformity with the goals set forth in Section 108B.1 of this section.

108B.6.2.5. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

108B.7. Special Use Permits.

108B.7.1. General. The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission:

108B.7.1.1. If the tower or antenna is not a permitted use under Section 108B.5 of this section or permitted to be approved administratively pursuant to Section 108B.6 of this section, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

108B.7.1.2. Applications for special use permits under this Section shall be subject to the standards of Sections 47 and 172 of the Perry Land Development Ordinance, except as modified in this Section.

108B.7.1.3. In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

108B.7.1.4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional registered engineer in the state of Georgia.

108B.7.1.5. An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by the governing body of the City of Perry to reimburse the City of Perry for the costs of reviewing the application.

108B.7.2. Towers.

108B.7.2.1. Information required. In addition to any information required for applications for special use permits pursuant to Sections 47 and 172 of the Perry Land Development Ordinance, applicants for a special use permit for a tower shall submit the following information:

108B.7.2.1.1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and

zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 108B.7.2.5, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Code Enforcement Officer to be necessary to assess compliance with this section.

108B.7.2.1.2. Legal description of the parent tract and leased parcel (if applicable).

108B.7.2.1.3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

108B.7.2.1.4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 108B.4.3 shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

108B.7.2.1.5. A landscape plan showing specific landscape materials.

108B.7.2.1.6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

108B.7.2.1.7. A description of compliance with Sections 108B.4.3, 108B.4.4, 108B.4.5, 108B.4.6, 108B.4.7, 108B.9, 108B.11, and 108B.4.12, 108B.7.2.4, 108B.7.2.5 and all applicable federal, state or local laws.

108B.7.2.1.8. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.

108B.7.2.1.9. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

108B.7.2.1.10. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the

use of towers or structures to provide the services to be provided through the use of the proposed new tower.

108B.7.2.1.11. A description of the feasible location(s) of future towers or antennas within the City of Perry based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

108B.7.2.1.12. A complete set of civil, mechanical and electrical drawings for all structures sealed by a licensed professional engineer registered in the State of Georgia.

108B.7.2.2. Factors Considered in Granting Special Use Permits for Towers. In addition to any standards in Sections 47 and 172 of the Perry Land Development Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this section are better served thereby:

108B.7.2.2.1. Height of the proposed tower;

108B.7.2.2.2. Proximity of the tower to residential structures and residential district boundaries.

108B.7.2.2.3. Nature of uses on adjacent and nearby properties;

108B.7.2.2.4. Surrounding topography;

108B.7.2.2.5. Surrounding tree coverage and foliage;

108B.7.2.2.6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

108B.7.2.2.7. Proposed ingress and egress; and

108B.7.2.2.8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 108B.7.2.3 of this section.

108B.7.2.3. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be

permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

108B.7.2.3.1. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

108B.7.2.3.2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

108B.7.2.3.3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

108B.7.2.3.4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

108B.7.2.3.5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

108B.7.2.3.6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

108B.7.2.3.7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

108B.7.2.4. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required. Provided, however, the Planning Commission may reduce the standard setback requirements if the goals of this section would be better served thereby:

108B.7.2.4.1. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

108B.7.2.4.2. Accessory buildings must satisfy the minimum zoning district setback requirements.

108B.7.2.5. Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required. Provided, however, the Planning Commission may reduce the standard separation requirements if the goals of this section would be better served thereby.

108B.7.2.5.1. Separation from off-site uses/designated areas.

- (1) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
- (2) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units ¹	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower ² whichever is greater
Vacant unplatted residentially zoned lands ³	100 feet or 100% height of tower whichever is greater

Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

¹ Includes modular homes and manufactured homes used for living purposes.

² Separation measured from base of tower to closest building setback line.

³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

108B.7.2.5.2. Separation distances between towers.

- (1) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2: Existing Towers – Types

		Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice		1,500	750
Guyed		1,500	750
Monopole 75 Ft in Height or Greater		1,500	750
Monopole Less Than 75 Ft in Height		750	750

108B.7.2.6. Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device. Provided, however, the Planning Commission may waive such requirements, as it deems appropriate.

108B.7.2.7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required. Provided, however, the Planning Commission may waive such requirements if the goals of this section would be better served thereby.

108B.7.2.7.1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

108B.7.2.7.2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

108B.7.2.7.3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer. The applicant shall provide a site plan showing the existing significant vegetation to be removed, and vegetation to be replanted to replace that loss.

108B.8. Buildings or Other Equipment Storage.

108B.8.1. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

108B.8.1.1. The cabinet or structure shall not contain more than 120 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 60 square feet of gross floor area or 6 feet in height, shall be located on the ground and shall not be located on the roof of the structure.

108B.8.1.2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.

108B.8.1.3. Equipment storage buildings or cabinets shall comply with all applicable building codes.

108B.8.2. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

108B.8.2.1. In residential districts, the equipment cabinet or structure may be located:

108B.8.2.1.1. In a front or side yard provided the cabinet or structure is no greater than 4 feet in height or 32 square feet of gross floor area and the cabinet/structure is located a minimum of 10 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 48 inches and a planted height of at least 36 inches.

108B.8.2.1.2. In a rear yard, provided the cabinet or structure is no greater than 6 feet in height or 64 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

108B.8.3. Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 160 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

108B.8.4. Modification of Building Size Requirements. The requirements of Sections 108B.8.1 through 108B.8.3 may be modified by the Code Enforcement Officer in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use to encourage co-location.

108B.9. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Perry notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are

two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

108B.10 Nonconforming Uses.

108B.10.1 Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

108B.10.2. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.

108B.10.3. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 108B.9, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Sections 108B.7.2.4 and 108B.7.2.5. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 108B.9.

108B.11. Severability. The various parts, sections and clauses of this section are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the section shall not be affected thereby.

108B.12. Repealer. Any sections or parts thereof in conflict with the provisions of this section are hereby repealed to the extent of such conflict.

Section 109. Bed and Breakfast Inns *(Rev. 07.06.10)*

Bed and Breakfast Inns shall be permitted by special exception provided the following requirements are met:

109.1. The proposed use of the property will not adversely affect the immediate neighborhood.

109.2. The proposed use of the property will not create noise, light or traffic conditions detrimental to the neighboring residents.

109.3. No exterior alterations, other than those necessary to assure the safety of the structure, shall be made to the dwelling for the purpose of providing a Bed and Breakfast Inn.

109.4. No meals, other than breakfast, may be served by the resident owner to paying guests.

109.5. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.

109.6. The resident owner shall comply with all business license and revenue collection ordinances of the City of Perry and the State of Georgia.

109.7. The building shall comply with all requirements for dwellings included in the Standard Building Code.

109.8. The resident owner shall provide one (1) off-street parking space for every guest room.

109.9. The principal use of any such structure or structures shall be residential.

Section 110. Adult Entertainment Establishments.

110.1. Definitions. The terms used in this section shall be as defined in Section 17-80 of the Perry Code.

110.2. General Requirements. All adult entertainment establishments shall be located in the C-1 zoning district and shall comply with the following requirements. For the purposes of this section, distance shall be by airline measurement from property line, using the closest property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

110.2.1. No adult entertainment establishment shall be located within one-thousand feet (1,000') of any parcel of land upon which any establishment selling alcoholic beverages is located or upon which another establishment regulated or defined hereunder is located.

110.2.2. No adult entertainment establishment shall be located within one-thousand feet (1,000') of any parcel of land upon which a residential dwelling unit is located, unless such dwelling unit is located within the boundaries of C-1 zoning district.

110.2.3. No adult entertainment establishment shall be located within one-thousand feet (1,000') of any parcel of land upon which a church, cemetery, shrine, chapel of a mortuary, or other place used exclusively for religious services or meditation is located.

110.2.4. No adult entertainment establishment shall be located within one-thousand feet (1,000') of any school or any regular stop or shelter where a bus used for the transportation of school students boards or discharges minors.

110.2.5. No adult entertainment establishment shall be located within one-thousand feet (1,000') of any parcel of land upon which a licensed Day Care Center or Nursing Home is located.

110.2.6. No adult entertainment establishment shall be located within one-thousand feet (1,000') of any parcel of land upon which a public park or playground is located.

110.2.7. No adult entertainment establishment shall be located within one-thousand feet (1,000') of any parcel of land upon which a governmental building, library, or civic center is located, except where such building is located within the boundaries of a C-1 zoning district.

110.2.8. All adult entertainment establishments shall comply with the following dimensional requirements:

- | | | |
|----|---|-----------------------------|
| a) | Minimum Lot Size: | Two (2) Acres |
| b) | Minimum Frontage: | 150 Feet |
| c) | Maximum Lot Coverage: | Thirty Percent (30%) |
| d) | Minimum Lot Width Measured At Building Line: | 150 Feet |

110.2.9. All structures associated with adult entertainment establishments shall be located at least thirty feet (30') from the nearest property line.

110.2.10. All adult entertainment establishments shall be required to provide one (1) off-street automobile parking space for each twenty-five (25) square feet of gross building area or for every three (3) customer seats, whichever results in the greater number of parking spaces.

110.2.11. All adult entertainment establishments shall provide a special parking area visibly designated (either by painting or appropriate signage or both) for emergency vehicle use only. Such exclusive emergency service area shall be at

least fourteen feet (14') wide by fifty-five feet (55') in length and shall be located as close as practicable to the main entrance(s) of the principal structure on the property.

110.2.12. All adult entertainment establishments shall acquire and conspicuously post within the principal structure an Adult Entertainment Establishment License.

110.3. Validity. Any portion or subparagraph of this section or its application to any person or circumstances held invalid by a court of confident jurisdiction, the remainder or application to other persons or circumstances shall not be affected.

110A. Waste Receptacles. All new commercial and residential, where there is a common waste receptacle for multiple dwellings, waste receptacles which are visible from off-site shall be within an enclosure which meets the requirements of this section. Existing commercial and residential, where there is a common waste receptacle for multiple dwellings, waste receptacles which are visible from off-site shall be within an enclosure within one (1) year following the effective date of these regulations. *Created Section 110A – 8.21.07*

For the purposes of this section, a waste receptacle is defined as any dumpster or other container designed with a capacity of two (2) yards or higher. The movable “toter” cans with a capacity of less than two (2) yards (i.e., those waste receptacles common at single family dwellings) are exempt from these requirements.

All waste receptacle enclosures shall meet the following requirements:

- (1) The waste receptacles shall be enclosed by a fence or wall. The entire perimeter of the fence or wall, including gates used to access the receptacles, shall be opaque.
- (2) The minimum size of an enclosure for a single waste receptacle shall have a width of twelve (12) feet and a depth of ten (10) feet. An enclosure designed to contain two waste receptacles shall have a width of twenty-six (26) feet and a depth of ten (10) feet. For each additional waste receptacle, a minimum width of thirteen (13) feet shall be required. The enclosure shall be a minimum of seven (7) feet in height or two feet taller than the highest point of the waste receptacles, whichever is greater.
- (3) Each waste receptacle enclosure shall have a leachate drain allowing the drainage of water but preventing trash and debris from leaving the enclosure.
- (4) There shall be protective poles inside the enclosure. These shall have a minimum diameter of three (3) inches. The protective poles shall extend into the ground a minimum of thirty-six (36) inches and shall have a minimum above-ground height of forty-eight (48) inches.

- (5) The waste enclosure shall be located on a concrete pad. The pad shall be a minimum of eight (8) inches thick reinforced concrete and designed to allow positive drainage. The concrete pad must also extend a minimum of eight (8) feet in front of the enclosure to provide support for the front wheels of the service vehicle.
- (6) All waste receptacle enclosures shall have gates permitting access to the receptacles. The gates shall be constructed to the following standards:
 - a. The gates shall be made out of light gauge one and a half (1½) inch tubular steel with wood slats screwed to it. Vinyl fencing slats shall be allowed as an alternative to the wooden slats. The slats shall have a minimum height a six (6) feet.
 - b. The gates shall be attached to the enclosure with a foot bolt and a latching mechanism.
 - c. The hinge post shall be constructed of four (4) inch schedule 80 steel pipe and extend into the ground at least three (3) feet with rebar welded to the bottom of the post.
 - d. The gates shall have swiveling casters with a minimum size of six (6) inches.