

**ARTICLE I
PURPOSE AND ENACTMENT**

The Mayor and Council of the City of Perry, Georgia, under the authority of the 1982 Georgia Constitution, as amended, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or the general welfare of the municipality and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, hereby ordains and enacts into law an official Land Development Ordinance for the incorporated area of the City of Perry.

**ARTICLE II
SHORT TITLE**

This ordinance shall be known and may be cited as “The Land Development Ordinance for the City of Perry, Georgia”.

ARTICLE III**DEFINITION OF TERMS USED IN THIS ORDINANCE****Section 30. General.**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present. The singular number includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The word “lot” includes “plot” or “parcel”. The word “shall” is always mandatory. The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied”. The word “map” means the “**Official Zoning Districts Map for the City of Perry, Georgia**”.

Section 31. Specific Definitions.

When used in this ordinance, the following words and phrases shall have the meaning given in this section. Provided, however, additional definitions not contained herein which apply to Article XV contained in Section 150 and Article XVI contained in Section 163 of said articles.
Sec. 31 - Rev. 4.2.02

- (1) **ACCESSORY USE:** A use customarily incidental to the principal use of land.
- (2) **AGRICULTURE:** The cultivation or growth of a field or horticultural crop, including dairying, livestock and poultry-raising, bees and apiary products, aquaculture, forestry and other similar enterprises or uses. The process of producing food, feed, fiber, fuel and other goods by the systematic raising of plants and animals. This does not include the commercial slaughter of poultry, livestock, or other animals. Hobby beekeeping, home gardens and fruit trees, and animals in residential districts as described in Section 117 and/or the use for the homeowner and not for sale are specifically excluded from this definition.
- (3) **AIRPORT:** A transportation terminal facility where aircraft take-off and land.
- (4) **AIRPORT LANDING AREA:** The area of an airport used for landing, taking off or taxiing the airport.
- (5) **ALLEY:** A platted service way providing a secondary means of access to abutting properties.
- (6) **AUTOMOBILE SERVICE STATION:** Any area of land including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand cleaning and washing,

or otherwise servicing automobiles, but excluding painting, major repair, or automatic washing.

- (7) **BANNER:** A sign or paper, cloth, plastic or vinyl with no other substantial backing, not permanently affixed to any building or structure.
- (8) **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.
- (9) **BED AND BREAKFAST INN:** Any owner-occupied building or portion thereof offering transient lodging accommodations and breakfast to not more than 12 guests where compensation is received.
- (10) **BLOCK:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.
- (11) **BOARDING HOUSE:** A building other than a hotel where, for compensation and/or by pre-arrangement, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.
- (12) **BUFFER:** A dense planting of shrubs and trees established and maintained to a height of not less than six feet (6') on a strip of land not less than ten feet (10') and width. Also includes areas along the course of any State waters to be maintained in an undisturbed and natural condition.
- (13) **BUILDING:** A structure, either temporary or permanent having a roof impervious to weather and used or build for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall not include tents, cabanas, truck bodies, school buses and vehicles of any kind situated on private property and serving in any way the function of a building.
- (14) **BUILDING, ACCESSORY:** A subordinate building, the use of which is incidental to that of the dominant use of the main building.
- (15) **BUILDING, ALTERATIONS OF:** Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building; any change in use resulting from moving a building from one location to another.
- (16) **BUILDING, HEIGHT OF:** The distance measured from the average elevation of the proposed finished grade at the front of the height level between the eaves and ridge for gable, hip, and gambrel roofs and to the deck line of a mansard roof.

- (17) **BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.
- (18) **BUILDING, OCCUPIABLE ACCESSORY:** An accessory building designed for human occupancy in which individuals congregate for amusement or similar purposes or in which occupants are engaged at labor, and which is equipped with means of egress and light and ventilation facilities. This definition shall include, but is not limited to, pool houses, greenhouses, gazebos, and workshops.
(Rev. 09.21.10)
- (19) **BUILDING, STORAGE:** A non-occupiable accessory building with no plumbing fixtures used for domestic storage. A shed would be considered a storage building. Private garages and carports are not considered storage buildings. (Rev 09.21.10)
- (19) **CARPORT, PRIVATE:** An accessory building used as shelter for an automobile vehicle with at least two open sides, usually formed by a roof projecting from the side of a building, or supported by posts. A porte cochere would be considered as a private carport. (Rev. 09.21.10)
- (20) **CLINIC:** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment.
- (21) **CLUB:** Building and facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purposes, but not primarily for profit or to render a service to the general public.
- (22) **COMMISSION:** “The Perry Planning Commission”.
- (23) **CONDOMINIUM:** A form of individual ownership of a unit, combined with joint ownership of common areas of the building and grounds in a development. (“Georgia Condominium Act”, Georgia Code Annotated 85-16E).
- (24) **CONSERVATION SUBDIVISION OPTION:** A residential subdivision within which individual lot sizes have been reduced to permit the creation of common open space for the residence of the subdivision. All Conservation Subdivision Option must satisfy the requirements specified in Section 119 of this Ordinance.
- (25) **CONVENTIONAL CONSTRUCTION:** A building constructed on the building site from basic materials delivered to the site. A conventional building is subject to local codes and ordinances.
- (26) **COUNCIL:** “The Mayor and Council for the City of Perry, Georgia”.

- (27) **CUT:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
- (28) **DAY-CARE CENTER:** Any place operated by a person, society, agency, corporation, or institution, or any other group wherein are received for pay seven (7) or more children under 17 years of age for group care, without transfer of custody, for more than four (4) hours and less than 24 hours per day.
- (29) **DAY-CARE HOME:** Any place operated by any person who received for pay three (3) to six (6) children under 17 years of age for group care, without transfer of custody for more than four (4) hours and less than 24 hours per day.
- (30) **DEPARTMENT:** "The Department of Natural Resources".
- (31) **DEVELOPABLE LAND AREA:** That portion of a lot which does NOT consist of Hydric Soils (as identified by the Hydric Soil Map Unit List for Houston and Peach Counties developed by the Soil Conservation Service), slopes in excess of 25 percent, areas reserved for stormwater retention or detention, or special flood hazard areas (as identified by the National Flood Insurance Program).
- (32) **DEVELOPMENT:** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling grading, paving, excavating or drilling operations.
- (33) **DIRECTOR:** The Director of the Environmental Protection Division.
- (34) **DISTRICT:** A section of the City of Perry within which the zoning regulations are uniform.
- (35) **DRAINAGE STRUCTURE:** Any roadway drainage structure as defined below, and any piping or ditching for stormwater management purposes.
- (36) **DWELLING:** Any building or portion thereof which is designed for or used for residential purposes.
- (37) **DWELLING, MULTI-FAMILY:** A building designed for or occupied exclusively by three (3) or more families living independently of each other.
- (38) **DWELLING, SINGLE-FAMILY:** A building designed for or occupied exclusively by one (1) family.

- (39) **DWELLING, TWO-FAMILY (DUPLEX):** A building designed for or occupied exclusively by two (2) families living independently of each other.
- (40) **EASEMENT:** A grant by a property owner for the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.
- (41) **EROSION:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
- (42) **EXISTING GRADE:** The vertical location of the existing ground surface prior to cutting or filling.
- (43) **FALL-OUT SHELTER:** A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raids, storms or other emergencies.
- (44) **FAMILY:** One or more persons occupying a single dwelling unit, provided that, unless all members are related by blood, marriage or adoption, no such families shall contain over three persons. In addition, a related family may have up to two unrelated individuals living with them. The term family does not include any organization or institutional group.
- (45) **FARM WINERY:** A winery which makes at least 40 percent of its annual production from agricultural produce grown in the state and (1) is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized by a manufacture or production of wine by the winery; or (2) is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.
- (46) **FENCE:** An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials approved by the department used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth. Revised Sec 31 – 8.5.08
- (47) **FENCE, PRIVACY:** A fence that is impermeable to light and views through when viewed perpendicular to the plane of the fence. Revised Sec 31 – 8.5.08
- (48) **FILLING:** The placement of any soil or other solid material either organic or inorganic on a natural ground surface or an excavation.
- (49) **FINISHED GRADE:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

- (50) **FIRE APPARATUS ACCESS ROAD:** A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, Public Street, Private Street, parking lot lane and access roadway.
- (51) **FLOOR AREA:** The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including the attic space providing headroom of less than seven (7) feet; unusable basement or cellar space not used for retailing; uncovered steps or fire escape; open porches; accessory water or cooling towers; accessory off-street parking spaces; and accessory off-street loading berths.
- (52) **FRONTAGE LOT:** The distance for which the front boundary line of the lot and the street line are coincident.
- (53) **FRONTAGE STREET:** All the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one side between an intersection street and the dead end of the street.
- (54) **GARAGE, PARKING:** A building or portion thereof designed or used for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, and in connection with, may be performed general automotive servicing as distinguished from automotive repair.
- (55) **GARAGE, PRIVATE:** An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. (Rev. 09.21.10)
- (56) **GARAGE, REPAIR:** A building or portion thereof, other than a private or parking garage, designed or used for the storage, servicing, repairing, equipping or hiring of motor driven vehicles.
- (56) **HALFWAY HOUSE (DRUG REAHABILITATION CENTER):** A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the state department of corrections. Section 31-Rev.1.6.04
- (57) **HOME OCCUPATION:** An occupation for gain or support conducted only by members of a family residing on the premises and entirely within the main dwelling.

- (58) **HOTEL:** A building in which lodging or board are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from each sleeping room is generally made through the interior of the building.
- (59) **INDUSTRIALIZED BUILDING:** (Also FACTORY-BUILT HOUSING): A building or building component manufactured in accordance with the Georgia Industrialized Building Act and the Rules of the Commissioner of community Affairs issued pursuant thereto.
- (60) **INSTITUTION:** A non-profit corporation or a non-profit establishment.
- (61) **JUNK YARD:** A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded materials; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.
- (62) **KENNELS:** Any location where raising, grooming, caring for or boarding of dogs, cats, or other small animals for commercial purposes is carried on.
- (63) **KINDERGARTEN:** A school for pre-elementary school children ranging in age from four (4) through six (6) years; which operates for less than four (4) hours per day.
- (64) **LAUNDROMAT:** A business that provides home-type washing, drying and/or ironing machines for hire.
- (65) **LAUNDRY AND DRY CLEANING, PICK UP:** A business that provides only for the convenience of taking and picking up of laundry, such as establishments not having any equipment for processing of the laundry.
- (66) **LOADING SPACE:** A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, and other carriers.
- (67) **LOT:** A portion of a subdivision or other parcel of land which satisfies the dimensional requirements for the district within which it is located, has frontage along a street, and is intended as a unit for transfer of ownership or for building development. Rev.12.2.03
- (68) **LOT OF RECORD:** A lot or parcel of land whose existence and location and dimensions have been recorded in the Office of the Clerk of the Superior Court of Houston County.

- (69) **LOT, CORNER:** A lot having frontage of two (2) or more streets at their intersection.
- (70) **LOT, DOUBLE FRONTAGE:** A lot having a frontage of two (2) streets and distinguished from a corner lot.
- (71) **LOT, INTERIOR:** A lot other than a corner lot.
- (72) **LOWEST FLOOR:** The floor, including basement, in a building, which is the lowest elevation above mean sea level.
- (73) **MANUFACTURED HOME:** A dwelling defined in the state code as a manufactured home, subject to the standards and regulations of the Department of Housing and Urban Development adopted June 15, 1976 and as amended.
- (74) **MANUFACTURED HOME PARK:** Any tract of land that is approved by the Perry Planning Commission for the renting of spaces for sleeping purposes or where spaces are set aside and offered for rent or use by manufactured homes for living or sleeping purposes including any land, building, structure, or facility used by occupants of mobile homes on such premises.
- (75) **MANUFACTURED HOME SUBDIVISION:** Any subdivision designed and intended for residential use where residence is in manufactured homes exclusively.
- (76) **MOTEL:** A building or group of buildings containing sleeping accommodations for rental primarily to automobile transients and in which ingress and egress to and from each sleeping room is generally to the outside of the building.
- (77) **NON-CONFORMING USE:** A use of land existing at the time of the enactment of this ordinance, or at the time of a Zoning Amendment and which does not conform with the regulations of the use district in which it is located.
- (78) **NURSING HOME (REST HOME, CONVALESCENT):** An establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely provided in such a home; a hospital or sanitarium shall not be construed to be included in this definition.
- (79) **OPEN SPACE:** A yard area which is not used for or occupied by a driveway, off-street parking, loading space, drying yard or refuse storage space.

- (80) **PERSONAL CARE HOME:** A building, group of buildings, facility, or place in which are provided two or more beds and other facilities and services, including room, meals, and personal care, for non-family ambulatory adults and/or children. For the purposes of these regulations, personal care homes shall be classified as family personal care homes.
- (81) **PERSONAL CARE HOMES, CONGREGATE:** A personal care home, which offers care to sixteen (16) or more persons.
- (82) **PERSONAL CARE HOMES, FAMILY:** A personal care home in a family type residence, non-institutional in character, which offers care to two through six persons.
- (83) **PERSONAL CARE HOMES, GROUP:** A personal care home in a residence or other type building or buildings, non-institutional in character, which offers care to seven through fifteen persons.
- (84) **PLANNED UNIT DEVELOPMENT (PUD):** A parcel of land which is developed as an integrated unit under single ownership or control, which includes two or more main buildings and where the specific requirements of a given district may be modified and where the minimum area is fixed.
- (85) **PLAT:** A map, plan or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties.
- (86) **PLAYSCHOOL:** A school for pre-kindergarten children ranging in age from three (3) to four (4) years and which operates for less than four (4) hours a day.
- (87) **PRINCIPAL USE:** The primary purpose for which land or a building is used.
- (88) **PROFESSIONAL:** When used in connection with “use” and “occupancy” a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services of activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use, which would create loud noise or noxious odors.
- (89) **RECREATIONAL VEHICLE:** Any type of portable structure without a permanent foundation, which can be towed, hauled or driven and designed for temporary living accommodations for recreational, camping, and travel use, including, but not limited to, travel trailers, truck campers (on or off the truck), camping trailers and self-propelled motor homes. Rev-6.15.04

- (90) **RECREATIONAL VEHICLE PARK:** A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a manufactured home. *Rev-6.15.04*
- (91) **REGULATORY FLOOD ELEVATION:** For purposes of this ordinance, the crest elevation in relation to mean sea level expected to be reached by the one percent (1%) flood (base flood elevation) plus two feet.
- (92) **RESTAURANT, DRIVE-IN:** An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served consumes his food and/or drink while sitting in a motor-driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.
- (93) **RIGHT-OF-WAY:** Access over or across particularly described property for a specific purpose or purposes.
- (94) **RIGHT-OF-WAY LINE:** The dividing line between a lot, tract or parcel of land and a continuous street, railroad, or other public utility right-of-way.
- (95) **ROADWAY DRAINAGE STRUCTURE:** Bridges, culverts and ditches associated with roadway construction, which allow stream flows to move freely under a stream crossing or to convey storm-water run-off from a roadway to a stream.
- (96) **ROOMING HOUSE:** A building other than a hotel where lodging for three (3) but not more than twenty (20) persons is provided with no meals served.
- (97) **SHOPPING CENTER:** A group of commercial establishments, planned, and developed as a unit, with common off-street parking provided on the property.
- (98) **SIGN:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.
- (99) **SIGN AREA:** The smallest square, rectangle, triangle, circle, or combination thereof encompassing the entire advertising area excluding architectural trim and structural supports.
- (100) **SIGN, OUTDOOR ADVERTISING:** A structural poster panel or painted sign, either free-standing or attached to a building, for the purpose of conveying

- (113) **SUBDIVIDER:** Any person who undertakes the subdivision of land as herein defined.
- (114) **SUBDIVISION:** Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development. This includes any division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included in this definition. (a) The combination or recombination or portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality.
- (115) **SUBSTANTIAL IMPROVEMENT:** For a structure built prior to the enactment of this ordinance, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the improvement or repair is started or, (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any projects for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications, which are solely necessary.
- (116) **TOWNHOUSE:** A single-family dwelling unit which is erected in a row as part of a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line.
- (117) **TROUT STREAMS:** All streams or portions of streams within the watershed as designated by the Game and Fish division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.
- (118) **WALL:** An erection of stone, brick, or other material raised to some height and intended for purposes of security or enclosure.
- (119) **WATERCOURSE:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in

which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

- (120) **YARD:** A space on the same lot with a main building, such space being open, unoccupied and unobstructed by building or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.
- (121) **YARD, FRONT:** An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- (122) **YARD, REAR:** An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.
- (123) **YARD, SIDE:** An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.