

**CITY OF**



**WEST POINT**

**(APPENDIX A)**

**ZONING  
ORDINANCE**

**Adopted March 12, 2007 – Ordinance # 2007-10**

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## **Section 1. Purpose.**

The Zoning Regulations and Districts as herein established have been made in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals, convenience, order, prosperity or general welfare of the City of West Point. They have been designed to lessen congestion in streets; to secure safety from fire, panic or other dangers; 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. They have been made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of West Point, Georgia.

## **Section 2. Definitions.**

For the purpose of this ordinance, certain terms and words are hereby defined. All words used in the present tense shall include the future; all words in the singular number shall include the plural and the plural the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory, and the word "person" includes a firm, corporation, or municipal corporation, as well as a natural person. The term "city council" shall mean the City Council of the City of West Point. The word "used" shall be deemed to include "arranged, designed or intended to be used", and the word "occupied" shall be deemed to include the words, "arranged, designed or intended to be occupied".

1. *Accessory building or use.* A subordinate building or use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

2. *Alley.* A public or private thoroughfare which affords only a secondary means of access to abutting property.

3. *Annexation.* The incorporation of land area into an existing community with a resulting change in the boundaries of that community.

4. *Apartment.* See Dwelling Unit.

5. *Assisted Living Facility.* An assisted living facility provides for the needs of residents, primarily over the age of sixty (60) who require oversight and assistance.

5.1. *Bed and breakfast establishment.* An owner occupied private residence which offers lodging for paying guests and which serves breakfast to these guests.

6. *Board of Adjustment.* The appointed Board of Adjustment of the City of West

Point, Georgia authorized to hear and decide on variance applications, administrative appeals, and other duties as determined by this Ordinance.

7. *Boardinghouse.* A building, other than a hotel, or motel where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

8. *Buffer.* (a) Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noises, light, or other environmental nuisance; (b) An area along some natural feature designated to protect and/or preserve the essential character of such feature and allow it to be maintained in an undisturbed and natural condition (c) A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a hundred (100) percent visual barrier between the use on the lot and adjacent lots and/or uses. A buffer is achieved with natural vegetation, and must be replanted subject to approval of the City Planning Director when sparsely vegetated.

9. *Building.* Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

10. *Building, height of.* The vertical distance from the grade to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip and gambrel roofs.

11. *Building, main.* A building which contains 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.

12. *Buildable width.* The width of the lot left to be built upon after the side yards are provided.

13. *Cellar.* That part of a building having more than one-half of its height below the average grade of the adjoining ground.

14. *Certificate of Occupancy.* A Certificate of Occupancy or CO is permit establishing the right to safe occupancy in compliance with all of the requirements for occupancy of a building, structure, or site within the City of West Point.

15. *Clinic.* An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

16. *Club, private.* Buildings and facilities owned or operated by a corporation,

association, person or persons for a social, educational or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

17. *Common Area.* Land amenities; certain areas of buildings such as lobbies, corridors, and hallways; central services and utilities; open space; landscaped areas; Detention ponds; and any other elements or facilities owned and used by all members of a development such as a condominium or subdivision and designated in the master deed as common area.

18. *Condominium.* A type of ownership for attached or detached dwelling units, offices, or other space within a structure, as defined by the provision of Title 44, Chapter 3, Article III, of the Official Code of Georgia Annotated (O.C.G.A §§44-3-70 et. Seq.) in which the air space of each unit is independently owned and financed by the occupant, but in which all lands and buildings are owned in common on a proportional, undivided basis.

19. *Court.* A required open, unoccupied space on the same lot, and fully enclosed on at least three (3) adjacent sides by walls- of the main building. An "outer court" is any court facing for its full required width on a street, or on any other required open space not a court.

20. *Day Care Center, Child.* A licensed establishment providing for the paid care, supervision, and protection of nineteen (19) or more children under the age of eighteen (18) who cannot perform these functions for themselves. Such a facility may be operated by a person or persons, society, agency, corporation, institution, or group for a period fewer than twenty-four (24) consecutive hours without the transfer of legal custody.

21. *Day Care Home, Child.* Class I: A family-based home that receives not less than three (3) and not more than six (6) children ages nine (9) years or younger for care during any part of the day not to exceed twelve (12) consecutive hours during any twenty-four (24) hour day.

22. *Density, Gross.* The overall density of a site including roads and other infrastructure, dedicated open space, drives, and other common area. Gross density shall be expressed either in residential units per acre or by Floor Area Ratio.

23. *Density, Net.* The density remaining after the deduction of roads and other infrastructure, dedicated open space, drives, and other common area. Net density shall be expressed either in residential units per acre or by Floor Area Ratio.

24. *District.* Any section of the City of West Point within which the zoning regulations are uniform.

25. *Dwelling*. A building or portion thereof used exclusively for residential occupancy, but not including mobile homes, hotels, motels, boardinghouses, private clubs or lodges, tourist homes, or any institution such as a hospital or jail where persons are housed by reason of illness or under legal restraint.

26. *Dwelling, single-family*. A building occupied exclusively by one family.

27. *Dwelling, two-family*. A building occupied exclusively by two (2) families.

28. *Dwelling, multiple*. A building occupied exclusively by three (3) or more families.

29. *Dwelling unit*. A room or suite of rooms used as a single-family dwelling including bath and culinary accommodations.

30. *Family*. An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

31. *Filling station*. Any land, building, structure or premises used for the sale at retail of motor vehicle fuels, oils or accessories or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies or fenders of motor vehicles or painting motor vehicles, and excluding public garages.

32. *Floor area*. The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

33. *Floor Area Ratio (FAR)*. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot. See Section 16 of this Ordinance for an explanation on how to calculate floor area ratio.

34. *Frontage*. The distance along a street line from one intersecting street to another or from one intersecting street to the end of a dead-end street.

35. *Homeowners Association*. Means either: (1) a formally constituted non-profit community association or corporation made up of the property owners of a fixed area; or (2) a private, nonprofit corporation of homeowners for the purpose of owning, operating, and maintaining various common properties.

36. *Hotel*. A building in which lodging, or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in

charge at all times. As such, it is open to the public in contradistinction to a boardinghouse which is herein separately defined.

36.1 *Industrial building.* Any building or building component which is manufactured in accordance with the Georgia Industrialized Building Act and the rules of the commissioner of the community affairs issued pursuant thereto. Each unit must bear a seal of approval issued by the commissioner or must be inspected during the time of manufacture by the Building Inspector [Code Enforcement Officer] of the City of West Point.

37. *Infrastructure.* Facilities needed to sustain residential, commercial, industrial and other land uses and activities and shall include water, sewer, natural gas, electric power, streets and roads, communications, and other public facilities.

38. *Institution.* A nonprofit establishment for public use.

39. *Lot, Non-Conforming.* A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as legally created lot on the effective date of the Ordinance codified in this title, also referred to as a substandard lot.

40. *Loading space.* A space within the main building or on the premises providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12 x 35 feet, and a vertical clearance of at least fourteen (14) feet.

41. *Lot.* A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building, together with its accessory buildings and the yards, loading and parking spaces required herein, and having its principal frontage upon a street or upon an officially approved place.

42. *Lot, corner.* A lot abutting upon two (2) or more streets at their intersection.

43. *Lot, depth.* The mean horizontal distance between the front and rear lot lines.

44. *Lot, double-frontage (through).* An interior lot having frontages on two (2) non-intersecting streets.

45. *Lot, interior.* A lot other than a corner lot.

46. *Lot, through (double-frontage).* An interior lot having frontage on two (2) streets.

47. *Lot, width.* The width of a lot at the front yard line.

48. *Lot of record.* A lot which is a part of a subdivision or a parcel of land described by metes and bounds, the plat or description of which has been recorded in the

Superior Court Office of Troup or Harris County and a copy of which is in the office of the City Clerk.

48.1 *Mobile home or house trailer*: A dwelling unit-that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development (HUD).

48.2 *Mobile home park or trailer park*: Any premises intended to be used for the parking of mobile homes or house trailers for residential purposes.

48.3 *Manufactured home*. A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a manufactured home under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445). A manufactured home shall comply with all compatibility standards set forth in Chapter 5, Article III of the Code of Ordinances of the City.

48.4 *Compatibility standards*. Those standards and minimum requirements pertaining to the construction and/or installation of manufactured homes within the city and which are set forth in Chapter 5, Article III of the Code of Ordinances of the City.

48.5 *Mobile home park or trailer park*: Any premises intended to be used for the parking of mobile homes or house trailers for residential purposes.

48.6 *Modular home*: A factory-fabricated dwelling unit constructed in one (1) or more sections and complies with the definition of "industrialized building."

49. *Mansard*. A roof projection that hides the roof slope.

50. *Map, Future Land Use*. A component of the Comprehensive Plan, the future land use map indicates the preferred land use, categories of which are set by the State, for all lands within the City of West Point, for planning horizon of twenty (20) years. The land uses, the locations of streets, street rights-of-way, and drainage facilities to be improved, reconstructed, realigned, widened, or acquired; and parks and other public lands and facilities to be acquired.

51. *Map, zoning*. The official map or maps that are a part of the Zoning Ordinance of the City of West Point, Georgia and which delineates the boundaries of zoning

districts and is known as “The Official Zoning Map of the City of West Point, Georgia”.

52. *Motel (motor court, motor hotel, motor lodge)*. A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradiction to a boardinghouse which is herein separately defined.

53. *Nonconforming use*. Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto which does not conform after the passage of this ordinance or an amendment thereto with the use regulations of the district in which it is situated.

54. *Open space*. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use, enjoyment as well as the use and enjoyment of owners, occupants, and their guests, of land adjoining or neighboring such open space.

55. *Outbuilding*. A separate accessory building or structure not physically connected to principal building.

56. *Parking space, off-street*. An all-weather surfaced area not in a street or alley and having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

57. *Plan, comprehensive*. A plan, which may consist of several maps, data, and other descriptive materials, for the physical development of the city or any portion thereof, including any amendments, extensions, or additions thereto recommended by the Planning Commission and adopted by the City Council, indicating the general location for major streets, parks, or other similar information. The Comprehensive Plan, of which the transportation plan is a part, shall be based on and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other pertinent data.

58. *Plan, concept*. A generalized map or site plan presenting an image of proposed development which does not conclude construction or engineering detail, and showing those plan elements as further required by this Ordinance.

59. *Plan, phase*. A plan, similar to a preliminary plat, which provides specific detail regarding a portion or phase of a development, and showing those plan elements as further required by this Ordinance.

60. *Plan, project.* A plan, more specific than a concept plan, which shows the full concept of development for a project and showing those plan elements as further required by this Ordinance.

61. *Plan, site.* A plan or plat showing specific development detail regarding the improvement of an individual legal lot or parcel.

62. *Planned Development/Planned Unit Development (RPUD).* A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

63. *Planning Board.* A body appointed by the City Council whose duty is to hear and make recommendations on rezoning applications, changes to the Zoning Ordinance text, approve subdivision plats, and other duties as specified by this Ordinance.

64. *Planning Director.* The Planning Director of the city or his or her designee.

65. *Premises.* A lot together with all buildings and structures thereon.

66. *Setback.* The minimum horizontal distance between the lot or property line and the nearest front, side, or rear line of the building (as the case may be), or any covered projection.

67. *Sign.*

(a) Sign, on premises. Any outdoor sign, notice, advertising, or billboard used primarily to direct attention to a business, professional, commercial or industrial enterprise or undertaking being conducted upon the premises on which such sign is located.

(b) Sign, off-premises. Any outdoor sign, notice, billboard or advertising device used to advertise, announce or promote a business, professional, commercial or industrial enterprise or undertaking which is located and which is operated at a site other than the premises upon which the sign is located.

68. *Story.* That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

69. *Story, half.* A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartments or living quarters shall be counted as a

full story.

70. *Street.* A public thoroughfare which affords the principal means of access to abutting property.

71. *Street line.* A dividing line between a lot and a contiguous street.

72. *Structure.* Means either: (a) anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including but not limited to buildings, towers, smokestacks and overhead transmission lines; or (b) any structure constructed and used for residence, business, industry, or other public or private purposes or accessory thereto and including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, or structures, storerooms, billboards, signs, gasoline pumps and similar structures, whether stationary or movable.

73. *Structural alteration.* Any change which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams or girders, or any structural changes in the roof or exterior walls.

74. *[Reserved.]*

75. *[Reserved.]*

76. *Townhouse.* A dwelling unit attached to other dwelling units in rows or clusters of four or more units, separated by a four hour rated firewall as per the International Building Code. In the alternative, a two hour fire wall may be utilized if the entire structure is protected by a sprinkler system. The attached dwellings shall so be arranged on lots that ownership of each, with the associated lot, may be independently conveyed. The dwelling units must be attached along the common firewall for a distance greater than or equal to 80% of the overall unit depth.

77. *Trailer court.* An area where one or more trailers can be or are intended to be parked, designed or intended to be used as living facilities for one or more families.

78. *Yard.* An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

79. *Yard, front.* A yard across the full width of the lot extending from the front line of the building to the front street line of the lot.

80. *Yard, rear.* A yard extending the full width of the lot between a principal building and the rear lot line.

81. *Yard, side.* A yard on the same lot with the building between the main building

and the adjacent side of the lot, and extending from the front yard to the rear yard thereof.

**Section 3. Zoning Districts and Boundaries.**

1. Districts: For the purposes enumerated in section 1 of this ordinance and in order to classify, regulate and restrict the uses of land and buildings; to regulate and restrict the location, height and bulk of buildings; to regulate and restrict the area of yards and other open spaces about buildings; and to regulate the intensity of land use, the City of West Point is hereby divided into ten (10) classes of districts to be known as:

- R-1A Single Family Dwelling District - Low Density
- R-1 Single Family Dwelling District – Medium Density
- R-2 Multiple-Family Dwelling District – High Density
- RPUD-1 Residential Planned Unit Development District
- MXD-1 Mixed Use District
- CBD Central Business District (C-2 downtown/storefront)
- CGN General Commercial District (C-1 & C-2)
- CHV Heavy Commercial District
- I-1 Light Industrial District (I-1 & I-1A)
- I-2 Heavy Industrial District

2. Zoning district map: The aforesaid districts and boundaries thereof are shown upon the "Official Zoning Plan Map of the City of West Point," a copy of said map being on file in the office of the City Clerk of the City of West Point. Said map and all the notations, references and other information shown thereon shall be as much a part of this section and this ordinance as if the information set forth on said map were all fully described and set out herein.

3. District boundaries: The boundaries of the districts shown upon the map adopted by this ordinance or amendments to said map, are hereby adopted and approved and the regulations of this ordinance governing the use of land and buildings, the height of buildings, building site areas, the sizes of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map.

Where uncertainty exists as to the boundaries of any district shown on said map, the following rules shall apply:

- (a) Where such district boundaries are indicated as approximately following street lines, alley lines, lot lines, or streams, the center of such street, alley or stream or the lot line shall be construed to be such boundaries.
- (b) In un-subdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shall be determined by

use of the scale appearing on the map.

(c) Where a district boundary divides the area of a lot unequally, the district classification and regulations of the larger portion shall apply to the remaining smaller portion of the lot.

(d) Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the portion of such street or alley added thereto by virtue of such vacation or abandonment.

(e) In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

4. Annexed property: All territory which may hereafter be annexed to the City of West Point, Georgia, shall be annexed and zoned simultaneously.

5. Land in close proximity to city limits: When considering area, dimensional and yard requirements for new construction or additions to existing structures on land which is adjacent to or contiguous with the city limits of West Point, the City will also consider and take into account the zoning classification and requirements applicable to adjacent and contiguous land in the unincorporated area of Troup County.

#### **Section 4. General Residential District Regulations.**

General Purpose and Description.

It is the purpose and intent of this section to permit a wide variety of housing types and development configurations and layouts to meet the residential and related needs of current and future residents of the City of West Point.

1. Dimensional regulations. No building shall be erected, reconstructed, or structurally altered to exceed the dimensional requirements herein established for the district in which such building is located. See Area and Dimension Regulations in Section 16.

2. Lot required. Every building hereafter erected shall be located on a lot, and in no case shall there be more than one (1) main building and the customary accessory buildings on one (1) lot.

3. Exterior finish material. All single family dwellings in a new subdivision of three (3) or more lots, shall be built with brick, stone, stucco, wood, or fiber cement plank (hardi-plank). Vinyl siding is not allowed as an acceptable product

4. Utilities. All new subdivisions shall provide underground utilities.

5. *Entrance requirements.* All new subdivisions containing more than one hundred (100) units shall provide at a minimum two (2) entrances. However, subdivisions containing less than 100 units are strongly encouraged to provide or plan for the development of a second entrance.

6. *Driveway and Parking Standards.* No building shall be erected or added to except in conformity with the off-street parking and loading requirements of Section 18.

(a) No residence shall have a driveway and parking area with a total area that exceeds twenty-five (25%) of the front yard.

(b) All driveway and parking areas shall be asphalt or concrete and accessible via an approved curb cut.

(c) The width of a driveway intersecting a public street shall not exceed eighteen (18) feet within the right-of-way with a minimum curb-line radius of two (2) feet on each side.

(d) No residence shall be allowed to park vehicles in the front yard to include boats, recreational vehicles, travel trailers or vehicles not in operating condition or currently licensed.

(e) No residence shall be allowed to park any commercial vehicle or any other vehicle over ten thousand (10,000) pounds gross vehicle weight or twenty-four (24) feet in length in any residential districts, unless parked within an enclosed building or structure.

7. *Curb and Gutter.* All new residential streets shall be constructed with curb and gutter. The type shall be twenty-four (24") stand-up curb and gutter.

8. *Sidewalks.* All new developments shall provide sidewalks on both sides of the street. Sidewalks shall be a minimum of four (4) feet wide and placed two (2) feet from the back of curb.

9. *Yard.* All yard areas shall be sodded and landscaped. Individual lots within a platted subdivision shall be required to plant a minimum of two (2) shade/canopy trees that have a trunk of not less than two (2) caliper inches.

10. *Open Space.* Open Space is required for developments with 25 or more units or lots. Open space may include parks, commons, plazas, community green or lawn, landscaped buffers or other areas, decorative plantings, formal or informal gardens, pedestrian walkways or paths, and active or passive recreation areas. Open space shall not include streets, drives, off-street parking and loading areas or any area within residential lots. No more than 40% of the required open space shall be located within floodplains, wetlands, steep slope areas, utility easements, etc.

11. Landscaped Entrance. Any residential development involving new access from a public street shall provide a landscaped entrance. Landscaped entrances shall be maintained by and be the sole responsibility of the developer/owner of the project or home owners association.

12. Buffers/Screening. Buffers shall be required between uncomplimentary uses. Landscape buffers are intended to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas. Buffer requirements are outlined in Section 22.

13. Recreation Facilities.

(a) For any single-family residential development of seventy five (75) or more units, a common recreation area of 125 square feet per unit shall be provided. Such area shall, at a minimum, provide at least three (3) of the following elements: swimming pool, outdoor playground equipment, tennis courts, basketball courts, horseshoe or lawn bowling, passive recreation (shall include walking paths) or other recreation amenity as agreed upon by the Planning Director.

(b) For any townhouse, condominium or multi-family residential development of fifty (50) or more units a common recreation area of 100 square feet per unit shall be provided. Such area shall, at a minimum, provide at least three (3) of the following elements: swimming pool, outdoor playground equipment, tennis courts, basketball courts, horseshoe or lawn bowling, passive recreation (shall include walking paths) or other recreation amenity as agreed upon by the Planning Director.

(c) A staging or construction timetable specifying the construction of all recreational areas, facilities, and amenities shall be included on the concept plan and/or accompanying documents for the proposed residential development. The staging or construction timetable may be related to the number of residential units under construction or complete, or population levels, or other appropriate standard. The adherence to the performance of such timetable may, at the discretion of the City Council, be secured by the withholding and suspension of all permits for any project lying within the approved residential development. Amendments of the timetable may be made after the approval by the Planning Board.

14. Homeowners Association. For specific development options contained within this Ordinance, a homeowners association may be required as part of the approval process. The minimum provisions for such covenants are provided as appropriate and shall be included in such covenants. However, the City of West Point does not have any responsibility nor right to enforce specific provisions contained within the covenants of a homeowners or any similar association.

#### 14. Minimum Standards for Townhouses.

- (a) A row of townhouses shall not contain more than eight (8) dwelling units.
- (b) Exterior finish material shall be brick, stone, traditional three (3) coat stucco, wood or fiber cement planks. It is recommended to use a combination of materials to prevent the appearance of row houses. Vinyl siding is not allowed as an acceptable product.
- (c) Townhouses shall either incorporate a flat roof design utilizing a decorative parapet wall or have a minimum 6:12 roof pitch. Vents and similar objects shall not be visible from the front of the structure.
- (d) Townhouses shall meet the fire resistance - rated construction requirements outlined in the latest edition of the building code.
- (e) HVAC units shall not be visible from the right-of-way.
- (f) Each townhouse shall front on a dedicated public street.
- (g) Driveway standards. Individual driveways are recommended. If shared driveways are to be used, no more than two (2) units shall share the same driveway. All areas between driveways shall be sodded. Driveways shall be designed to provide maximum greenspace areas.

#### 16. Minimum Standards for Condominium Developments.

- (a) Condominiums constructed in townhouse style shall follow the same requirements as townhouses with the exception of 13 (f) above.
- (b) Condominium developments shall conform to all applicable rules and requirements as established by the Georgia Condominium Act. Prior to approval of any condominium development, the applicant shall provide the City with a copy of the Condominium Homeowner Declaration prepared per the Georgia Condominium Act and filed with the Office of the Clerk of Superior Court of Troup County.
- (c) Condominiums established via the conversion of an existing apartment development are exempt from this provision.
- (d) Condominiums shall meet the fire resistance-rated construction requirements outlined in the latest edition of the building code.

#### 17. Minimum Standards for Multi-Family Developments.

(a) Exterior finish material shall be brick, stone, traditional three (3) coat stucco, wood or fiber cement planks. Vinyl siding is not allowed as an acceptable product.

(b) Minimum unit size, by type is described in the Area and Dimensional Regulations in Section 16.

(c) Minimum average unit size. The average square footage of all residential units proposed for a development must be a minimum of 800 square feet. This provision does not apply to apartments above commercial storefronts.

(d) Multi-family developments shall meet the fire resistance-rated construction requirements outlined in the latest edition of the building code.

(e) Unless a minimum of two (2) entrances are provided from a public dedicated street, all units within a condominium development shall be located within 1,000 feet from the main entrance.

18. Storage of boats, trailers and RV's within a townhouse, condominium or multi-family development project shall only be allowed in designated areas that are properly screened and enclosed.

### **Section 5. R-1A Single-Family Dwelling District (Low Density).**

#### **General Purpose and Description.**

The intent of the R-1A Single Family Dwelling District is to provide for areas of low density, single - family residential use; to recognize and protect the traditional residential development pattern predominant within the original city limits; to reinforce the large lot and highly pedestrian character of the historic areas of the city.

1. Uses permitted: A building or premises shall be used only for the following purposes:

(a) Single-family detached dwellings.

(b) Home Occupation in accordance with Section 21.

(c) Churches

2. Other uses – requires council approval

(a) Schools for educational purposes, except correctional institutions.

(b) Playgrounds and recreation facilities under the supervision of the city.

(c) Libraries, community or neighborhood centers and buildings used by the federal, state, county or city governments.

(d) Golf Course – Public & Private

2. Area and dimensional regulations. The area and dimensional regulations set forth in Section 16 shall be observed.

3. Parking regulations: Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 18.

4. Accessory building, structures and uses. Accessory building, structures and uses are permitted in the R-1A district with the conditions set forth in Section 20.

### **Section 6. R-1 Single-Family Dwelling District (Medium Density).**

#### General and Purpose Description.

The intent of the R-1 Single-Family Dwelling District is to provide for medium density development designed to allow more walkable neighborhoods. The principal uses of land in this district is single-family dwellings, and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient and attractive residential area.

1. Uses permitted: A building or premises shall be used only for the following purposes:

(a) Single-family detached dwellings.

(b) Home Occupation in accordance with Section 21.

(c) Churches

2. Other uses – requires council approval

(a) Schools for educational purposes, except correctional institutions.

(b) Playgrounds and recreation facilities under the supervision of the city.

(c) Libraries, community or neighborhood centers and buildings used by the federal, state, county or city governments.

(d) Golf Courses - Public & Private

(e) Bed and Breakfast establishments.

3. Area and dimensional regulations. The area and dimensional regulations set forth in Section 16 shall be observed.

4. Parking regulations: Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 18.

5. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the R-1 district with the conditions set forth in Section 20.

### **Section 7. R-2 Multiple Family Dwelling District (High Density).**

#### **General Purpose and Description.**

The intent of the R-2 Multiple Family District is to encourage and protect quality multi-family development; to allow more dense residential development designed to take advantage of the economy and convenience afforded by more intensive development; to foster shared site amenities and provide an alternative to single-family detached residential uses. To ensure ample provision of open space and access to light and air; and to establish a transitional area to buffer low and medium density residential areas from non-residential areas.

1. Uses permitted: A building or premises shall be used only for the following purposes:

(a) Single-family detached dwellings.

(b) Two-family homes.

(c) Duplex dwellings (including condominium ownership).

(d) Triplex and quadruplex dwellings (including condominium ownership).

(e) Garden Apartments (including condominium ownership).

(f) Townhouses (including apartment, condominium and fee simple).

(g) Manufactured homes.

(h) Home occupations in accordance with Section 21.

(i) Churches

2. Other uses – requires council approval

- (a) Adult Assisted Living Facility
  - (b) Skilled Nursing Facility
  - (c) Schools for educational purposes, except correctional institutions.
  - (d) Playgrounds and Recreation Facilities under the supervision of the city.
  - (e) Golf courses – Public & Private
  - (f) Libraries, community or neighbor centers and building used by the federal, state, county, or city governments.
3. Area and dimensional regulations. The area and dimensional regulations set forth in Section 16 shall be observed.
4. Parking regulations: Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 18.
5. Sidewalks. Sidewalks shall be required for all new residential developments. To justify and take advantage of the density developed, both an internal pedestrian circulation system and sidewalks along exterior road frontages shall connect to each other.
6. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the R-2 district with the conditions set forth in Section 20.

**Section 8. RPUD-1, Residential Planned Unit Development District.**

General Purpose and Description.

To allow greater flexibility for development of certain tracts of land in the city, within a Residential Planned Unit Development District (RPUD-1) the developer may develop both single-family and multifamily residential uses under the regulations listed hereinafter:

- 1. Any use permitted in the R-2, Multiple Family District, with the following restrictions:
  - (a) Before an owner of property in the city applies for RPUD-1 designation for any property, a preliminary concept plan shall be submitted to the Planning Director along with a rezoning request. After preliminary review by the city staff, a review shall be conducted by the Municipal Planning Board on the rezoning request. A recommendation by the Planning Board on the rezoning request and concept plan

shall be submitted to the Mayor and Council for approval at the next available meeting which shall be a public hearing.

Upon approval of the rezoning, a Preliminary Master Plan shall be submitted to the Planning Board for review. Said Preliminary Master Plan shall generally conform to the technical requirements of a preliminary plat as described in the subdivision regulations and shall designate the specific residential use of each area to be developed .

(b) To be considered for designation as an RPUD-1 district, a development must be at least fifty (50) acres in overall size.

(c) Not less than ten (10) percent of the total area within the development shall be set aside as permanently open, undeveloped land. It is the intent of this ordinance that such open areas will be adequate to act as buffers between areas of differing use or density within a development in this district.

(d) Areas identified on the master plan for a residential planned unit development as "open," or "undeveloped" shall remain undeveloped in a natural state permanently, although nothing in this section shall prevent the owner from planting additional trees and shrubbery as needed to create an effective buffer or removing injurious growth to maintain the areas. Maintenance of "open" or "undeveloped" areas shall be solely the responsibility of the owner and not the city.

(e) All lots within the district shall have a required front yard not less than fifteen (15) feet, a rear yard not less than twenty (20) feet and a side yard not less than five (5) feet.

(f) No subdivision plat will be considered for approval in an RPUD-1 zone unless the preliminary master plan has been approved by the Mayor and Council for the entire property to be developed. For every area to be developed within a single residential planned unit development the owner shall submit a preliminary plat for consideration by the Municipal Planning Board. These plats will be evaluated based on their conformity to the city's subdivision regulations, conformity to the preliminary master plan as submitted and approved, the need for such development in the city and the adequacy of utilities and improvements to be provided. Upon approval of a final plat for the last area to be developed, the preliminary master plan will become the final master plan for the residential planned unit development.

(g) Significant changes to the master plan must be approved by the Mayor and Council after a public hearing. Examples of significant changes are an increase in the total number of individual housing units to be developed, a decrease in the amount of land held as "open" areas, or changes in the locations of streets that will affect traffic flow through the development.

2. Area and Dimensional Regulations. Requirements will be based on the development scheme. All area and dimensional requirements shall be approved during the preliminary master plan review.

3. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 18.

4. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the RPUD-1 district with the conditions set forth in Section 20.

5. Recreation Facilities. All residential uses shall follow the requirements outlined in Section 4.10 (a)(b).

**Section 9. MXD-1, Mixed Use District (No Base Zone).**General Purpose and Description.

The overall purpose of the MXD-1 is to allow and encourage flexibility and creativity in the design and development of comprehensively planned, mixed-use developments that would not be possible under conventional zoning districts. Residential, commercial, light industrial and other non-residential uses shall be provided in such a manner to create an active street life, enhance the vitality of businesses and reduce vehicular traffic.

The design of an MXD-1 is a creative exercise that allows the designer to select from an array of components to assemble the district based on individual development schemes. Unlike conventional mixed use developments which require a certain percentage of residential, commercial, and light industrial components, MXD-1 has no base zone requirements or percentages. This allows a property owner the flexibility to submit a preliminary master plan which meets their particular goals and objectives. A minimum of two (2) different use categories is required to obtain MXD-1 zoning.

1. Uses permitted: A building or premises shall be used only for the following purposes:

(a) Residential Uses

- (1) Single – family detached dwellings
- (2) Townhouses (fee simple and condominium ownership)
- (3) Duplex dwellings (including condominium ownership)
- (4) Triplex and Quadruplex dwellings (including condominium ownership)
- (5) Garden Apartments (including condominium ownership)
- (6) Apartments and Condominiums above storefronts
- (7) Home occupation in accordance with Section 21.

(b) Commercial/Office Uses

- (1) Antique Shops
- (2) Appliance Stores
- (3) Bakery
- (4) Banks/Financial Institutions
- (5) Beauty/Barber Shops
- (6) Car Wash – (accessory use to convenience store only)
- (7) Child Day Care Center
- (8) Convenience Stores – fuel pumps allowed
- (9) Department Stores – Clothing, shoes, apparel and accessory, etc.
- (10) Drug Stores
- (11) Electronic Stores
- (12) Florists
- (13) Furniture Stores
- (14) Golf Courses – public or private
- (15) Grocery Stores
- (16) Jewelry Stores
- (17) Hotels
- (18) Laundry/Dry Cleaning Service
- (19) Movie Theaters
- (20) Personal Services/Miscellaneous
- (21) Professional Offices – accounting, insurance, medical, real estate, etc.
- (22) Recreation Facilities – outdoor
- (23) Restaurants, delicatessens, cafes, grilles, coffee shops and other eating establishments
- (24) Shopping Centers – Community
- (25) Shopping Centers – Storefront
- (26) Veterinarian Clinic – small animal (no outside runs or pens)
- (27) Other commercial uses that, in the opinion of the Planning Director, are similar in nature to those listed above (unspecified use)

(c) I-1 Light Industrial Uses

- (1) Industrial office and warehouse
- (2) Manufacturing, fabricating, processing or assembling uses which do not create any dangers to health or safety in surrounding areas and which do not create any objectionable noise, vibrations, smoke, dust, odor, heat or glare.
- (3) Other light industrial uses that, in the opinion of the Planning Director, are similar in nature to those listed above (unspecified use).

(d) Other uses – Requires Council Approval

- (1) Arts and Cultural Facilities
- (2) Convention, Meeting and Banquet Facilities
- (3) Elementary and Secondary Schools

- (4) Public Facilities – post office, government offices, police and fire precincts, health dept and similar uses.
- (5) Public Parks, playgrounds, gardens, greenspaces

(e) Other uses – no Council approval required

(1) Churches

3. Area and Dimensional Regulations. The MXD-1 residential requirements are set forth in Section 16. Commercial components will follow the General Commercial District (CGN) requirements or the MXD-1 (Store front) requirements depending on the development scheme. Light industrial requirements are set forth in Section 16.

4. Location of commercial uses. General commercial and service uses shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the district, workers within the district and visitors. Commercial uses shall be located as to be uninterrupted by residential, office or other non-commercial uses. It is highly recommended that commercial uses maintain a street presence in a traditional storefront configuration.

5. Location of light industrial uses. Light industrial uses shall be located for easy accessibility without having a negative impact on residential and commercial developments.

6. Infrastructure Requirements

(a) Water. Public water is required.

(b) Wastewater. Public sewer is required.

(c) Roads/streets. All interior streets and roads must meet the requirements for such facilities for the City of West Point. The city shall require interior streets and sidewalks through the development that connect to existing street and sidewalk infrastructure.

(d) Sidewalks. Sidewalks are required on all perimeter roads and streets. An internal sidewalk or path system must be provided. Sidewalks along exclusively residential frontages must be a minimum of four (4) feet in width and separated from the curb by a minimum two (2) foot tree lawn. Sidewalks in non-residential areas and in mixed residential/non-residential areas shall be a minimum of five (5) feet in width with a two (2) foot tree lawn.

7. Parking. The parking requirements shall be derived from the proposed uses making up the master plan. Each use shall determine its share of required parking. Moreover, spaces calculated for residential units, office condominiums and other

permanent spaces shall be physically separated and dedicated exclusively for that use. Off-street parking and loading shall be provided in accordance with the requirements for specific uses set forth in Section 18.

8. Utilities. All utility lines in a MXD-1 development shall be placed underground. The developer or subdivider shall ensure final and proper completion and installation of all utility lines. Standards for street lighting shall be provided by the developer in accordance with the approved site plan.

9. Illumination of Parking. All parking areas shall be illuminated so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the MXD-1 development nor to uses adjacent or nearby the MXD-1 development.

10. Nuisances. No commercial or light industrial use shall be designed or operated so as to expose residents to offensive odors, dust, electrical interference, and or vibration.

11. Storage of Refuse. Commercial units shall maintain a refuse storage container and shall be screened on all sides with a latchable gate. Screening material shall be of the same finishing material predominantly used on the principal building. Containers shall be screened by an attractive fence or wall at least six (6) feet in height.

12. Building Material Requirements. All multi-family developments located within the MXD-1 shall follow the building material requirements outlined in Section 4 of the General Residential District Requirements. All commercial developments shall follow the building material requirements outlined in the Quality Development Corridor Overlay District (QDC) located in Section 17.

13. Landscaping Requirements.

(a) A landscape plan shall be included in the improvement plans. If the project is phased, only the phase being developed will be required to be in detail but calculations and proposed plant materials and treatments must be provided for the entire development.

(b) Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the development.

(c) All interior and perimeter roads and streets shall provide street trees that shall be planted no more than twenty (20) feet apart along all street frontages.

(d) All boulevards shall provide attractive, low maintenance plantings in the center islands and be grassed throughout the remainder of the islands.

(e) Landscaping shall be provided adjacent to all buildings and structures including solid waste receptacles.

(f) A minimum of five percent (5%) of the project site shall be landscaped.

#### 14. Open Space Requirements.

Common open space is an important element in a mixed use development serving to provide resting and gathering places, recreation areas, aesthetic complements and other purposes.

(a) MXD-1 zones must, at a minimum, provide fifteen percent (15%) of the site in open space.

(b) Open space may not consist of required buffer area, streets, parking lots, driveways, loading areas, sidewalks located in the public right-of-way and area normally inaccessible to pedestrian circulation.

(c) Not more than fifty percent (50%) of required open space may lie in a floodplain, wetland, area of steep slopes or other undevelopable area.

(d) Open space shall include parks, commons, plazas, community green or lawn, landscaped areas, decorative plantings, formal or informal garden, pedestrian walkways or paths, active and passive recreation areas.

15. Buffer Requirements. An undisturbed or densely planted buffer shall be required between uncomplimentary uses. Buffers within the MXD-1 development will be based on the development scheme. Buffers adjoining adjacent property shall follow the requirements outlined in Section 22 of the zoning ordinance.

16. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the MXD-1 district with the conditions set forth in Section 20.

17. Recreation Areas. All residential uses shall follow the requirements outlined in Section 4.11 (a) (b).

#### 18. Application Procedures and Requirements.

(a) Sketch plan. Applicants are required to submit a sketch plan which provides a general concept of the project expected to be submitted. There are no specific requirements for a sketch plan because this step is provided solely for the benefit of the applicant to get an initial review and response to the project by staff. However, it would be useful for the sketch plan to indicate land use distribution, open space, circulation systems, a summary of residential and non-residential density and other

major elements. A sketch plan may be submitted at any time and a meeting with staff may be arranged as needed.

(b) Preliminary Master Plan. After the sketch plan has been reviewed and discussed with staff, a preliminary master plan shall be formally submitted for review and approval by staff and the Municipal Planning Board. The preliminary master plan will be placed on the Planning Board agenda at the next available meeting date. The preliminary master plan shall include the following elements:

(1) Indicate proposed land uses including square footage or acreage and percentage of each component.

(2) The boundaries of the site and boundaries of proposed phases.

(3) The delineation of parcel lines, if subdivision will be a part of the development.

(4) Indicate the density of uses within each land use component or phase using units per acre for residential uses and floor area ratio (FAR) for non-residential components as well as the overall density of the project for each land use component.

(5) Show proposed vehicular and pedestrian circulation plan including entrances and exists.

(6) Show where proposed open space will be provided by type of open space, landscaped area, community green, plaza, formal or informal garden, or natural area set aside.

(7) Indicate location of landscaping and show required buffers.

(8) Show recreation areas and indicate type and square footage being provided.

(c) Each area to be developed within a MXD-1 zone is required to submit a separate site plan or preliminary plat for approval by the Planning Board. Upon approval of a final plat for the last area to be developed, the preliminary master plan will become the final master plan for the MXD-1 development.

## **Section 10. General Commercial District Regulation.**

### **General Purpose and Description.**

Is the intent of this section to provide a wide variety of commercial service and retail uses to benefit the citizens of and visitors to the City of West Point, Georgia as well as other entities that may be served by commercial development and enterprise. The commercial districts are also intended to encourage the productive and efficient use of land resources, to promote economic development and tourism, to enhance

property values and the city's tax base, to ensure high quality site and architectural design in commercial development, and to assist in implementing the goals, objectives and policy statements of the Comprehensive Plan.

The following provisions shall apply to all commercial districts:

1. Dimensional regulations. No building shall be erected, reconstructed, or structurally altered to exceed the dimensional requirements herein established for the district in which such building is located. See Area and Dimension Regulations in Section 16.

2. Driveway and Parking Standards. All parking, loading and circulation areas shall be paved, curbed, guttered and striped. Parking requirements are outlined in Section 18.

3. Adequate circulation drives shall interconnect all lot access points with all vehicle parking, loading, servicing and like areas and structures, thereby creating an on-site circulation network which, together with any service drives abutting the lot, will provide a safe and convenient means for lot servicing and fire protection.

4. Sidewalks and walkways. Sidewalk connectivity shall be provided and designed according to the ADA guidelines. Sidewalks shall be a minimum of five (5) feet wide with a two (2) foot tree lawn.

5. Screening of dumpsters. Trash containers shall be placed on a pad that shall be completely enclosed on all sides and screened from public streets.

6. Open Space. A minimum of 10% of open space is required per lot. Open space may include parks, commons, landscape strips, buffers and undisturbed land. No more than 40% of the open space shall be located in wetlands, floodplain and steep slopes. Streets, driveways and off-street parking are not considered open space.

7. Building Materials. All commercial buildings located in the Quality Development Corridor Overlay District (QDC) shall comply with the requirements outlined in the QDC Ordinance in Section 17. All other commercial buildings at a minimum shall be constructed with a masonry product on the front elevation.

8. Landscaping. All commercial developments located in the Quality Development Corridor Overlay District (QDC) shall comply with the requirements outlined in the QDC Ordinance in Section 17. All other commercial developments shall provide a landscape plan which shall be reviewed and approved by the city.

### **Section 11. CBD - Central Business District – (C-2 downtown).**

General Purpose and Description.

The intent of the CBD district (C-2 downtown) is to recognize and protect the historic and current vital core of the city; to foster its continued existence as a commercial center for business, government and service enterprises for the whole community; to encourage development of this district as a shopping, dining and activity center for residents, tourists and the surrounding region; and to reinforce its small town architecture, character, and feel, and its pedestrian atmosphere, scale and movement by grouping specialized uses which benefit from close proximity to each other and by fostering full utilization of existing structures and infrastructure.

1. Uses permitted: A building or premises shall be used only for the following purposes:

- (a) Antiques Shops
- (b) Bakery
- (c) Banks/Financial Institutions
- (d) Beauty/Barber Shops
- (e) Churches
- (f) Department Stores – clothing, shoes, apparel and accessory, etc.
- (g) Drug Stores
- (h) Florists
- (i) Furniture Stores
- (j) Jewelry Stores
- (k) Laundry/Dry Cleaning Service
- (l) Movie Theaters
- (m) Personal Services/Miscellaneous
- (n) Professional Offices – accounting, insurance, lawyer, medical, real estate, etc.
- (o) Restaurants, delicatessens, cafes, grilles, coffee shops and other eating establishments
- (p) Residences – Apartments and condominiums above commercial storefront. All other residential uses shall be by application and may only be approved by Council if it finds that the benefits and need for the proposed residential use are greater than any possible depreciating effects and damages to neighboring properties. Applicant shall provide Council with information on density, parking and overall impact of the proposed residential use.
- (q) Vehicles for hire – taxi and limousine
- (r) Other commercial uses that, in the opinion of the Planning Director, are similar in nature to those listed above (unspecified use).

2. Area and dimensional regulations. The area and dimensional regulations set forth in Section 16 shall be followed.

3. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the CBD (C-2 downtown) with the conditions set forth in Section 20.

4. Parking. All new development or existing businesses within the CBD are exempt from the parking requirements outlined in Section 18.

5. Street Presence and Storefront Development. All new development in the CBD shall utilize the storefront pattern or provide a building façade and sidewalk along the street right-of-way.

## **Section 12. CGN – General Commercial District (C-1 & C-2).**

### **General Purpose and Description.**

The intent of the CGN - General Commercial District is to encourage the productive and efficient use of land resources, to promote economic development and tourism, to enhance property values and the city's tax base, to ensure high quality site and architectural design in commercial development, and to assist in implementing the goals, objectives and policy statements of the comprehensive plan.

1. Uses permitted: A building or premises shall be used only for the following purposes with the exception of property zoned C-1 or C-2 prior to March 12, 2007 which has the ability to abide by the CGN or MXD-1 requirements.

#### **(a) Commercial/Office Uses**

- (1) Antique Shops
- (2) Amusement Centers
- (3) Appliance Stores
- (4) Automated Teller Machines (ATM) – drive-thru and walk-up free standing units (permitted use only for bank and financial institution with an office in West Point).
- (5) Automobile Sales, new cars (used cars – accessory use to new car sales only)
- (6) Bakery
- (7) Banks/Financial Institutions
- (8) Beauty/Barber Shops
- (9) Bed and Breakfast establishments
- (10) Billiard Parlors
- (11) Bookstore
- (12) Car Wash – (accessory use to convenience store only)
- (13) Child Day Care Center
- (14) Convenience Stores – fuel pumps allowed
- (15) Death Care Services – without crematories
- (16) Department Stores – Clothing, shoes, apparel and accessory, etc.
- (17) Drug Stores
- (18) Electronic Stores
- (19) Florists

- (20) Furniture Stores
- (21) Grocery Stores
- (22) Health, Athletic and Physical Fitness Centers
- (23) Jewelry Stores
- (24) Hotels
- (25) Laundry/Dry Cleaning Service
- (26) Movie Theaters
- (27) Personal Services/Miscellaneous
- (28) Professional Offices – accounting, insurance, medical, real estate, etc.
- (29) Recreation Facilities - indoor
- (30) Recreation Facilities – outdoor (requires Council approval)
- (31) Restaurants, delicatessens, cafes, grilles, coffee shops and other eating eating establishments
- (32) Shopping Centers
- (33) Vehicles for hire – taxi and limousine
- (34) Veterinarian Clinic – small animal (no outside runs or pens)
- (35) Other commercial uses that, in the opinion of the Planning Director, are similar in nature to those listed above (unspecified use).

(b) Other uses – shall be approved by Council

- (1) Arts and Cultural Facilities
- (2) Convention, Meeting and Banquet Facilities
- (3) Elementary and Secondary Schools
- (4) Public Facilities – post office, government offices, police and fire precincts, health dept.
- (5) Golf courses - public or private

(c) Other uses – no Council approval required

(1) Churches

2. Location of CGN Districts. New CGN Districts are most appropriately located adjacent to existing CGN districts between other commercial districts and uses and other lower impact districts. CGN districts should be located at intersections of streets, along major arterial roads and well served by major through transportation routes.

3. Area and dimensional requirements. The area and dimensional regulations set forth in Section 16 shall be followed.

4. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the CGN district with the conditions set forth in Section 20.

5. Parking. All parking, loading and circulation areas shall be paved, curbed, guttered and striped. Parking requirements are outlined in Section 18.

### **Section 13. CHV – Heavy Commercial District.**

General Purpose and Description.

The CHV – Heavy Commercial District is designed to provide areas where activities of a service nature which are more intensive in character than in other commercial zones may be carried out.

1. Uses Permitted: A building or premises shall be used only for the following purposes:

(a) Commercial/Office Uses

- (1) Agricultural Supply Stores
- (2) Amusement Centers
- (3) Animal Hospitals
- (4) Appliance Repair
- (5) Automobile Maintenance and Repair
- (6) Automobile Sales, new and used vehicles
- (7) Bail Bonding
- (8) Billiard Parlors (requires Council approval)
- (9) Car Wash
- (10) Convenience Stores
- (11) Death Care Services, without crematories
- (12) Equipment rental and leasing
- (13) Furniture repair and upholstery
- (14) Lawn and Garden repair and similar services
- (15) Pawn Shops/Title Pawn
- (16) Personal Services/Miscellaneous
- (17) Professional Offices
- (18) Recreation Facilities - indoor
- (19) Recreation Facilities – outdoor (requires council approval)
- (20) Restaurants, delicatessens, cafes, grilles, coffee shops, etc.
- (21) Retail Sale, of merchandise not specifically excluded
- (22) Self Storage Facilities
- (23) Vehicles for hire (taxi and limousine service)
- (24) Other commercial uses that, in the opinion of the Planning Director, are similar in nature to those listed above (unspecified use).

(b) Other uses – (shall be approved by council)

(1) Arts and Cultural Facilities

- (2) Convention, Meeting and Banquet Facilities
- (3) Elementary and Secondary Schools
- (4) Public Facilities – post office, government offices, police and fire precincts, health dept.
- (5) Golf courses – public or private

(c) Other uses – no Council approval required

(1) Churches

2. Location of CHV Districts. New CHV districts should be located near major transportation routes. Due to the commercial activities which are frequently incompatible with general commercial and residential uses, the proximity to these areas shall be given strong consideration due to services, operations or processes that are objectionable by reason of noise, vibration, traffic volume and/or congestion, exterior activities and storage.

3. Area and dimensional requirements. The area and dimensional regulations set forth in Section 16 shall be followed.

4. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the CHV district with the conditions set forth in Section 20.

5. Parking. All parking, loading and circulation areas shall be paved, curbed, guttered and striped. Parking requirements are outlined in Section 18.

**Section 14. I-1 Light Industrial District (I-1 & I-1A).**

General Purpose and Description.

The I-1, Light Industrial District, is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major highways.

1. Uses Permitted: A building or premises shall be used only for the following purposes:

(a) I-1 Light Industrial Uses

- (1) Automobile storage yards – conditional approval
- (2) Commercial and industrial machinery and equipment repair
- (3) Contractor’s construction office, equipment and material storage yard
- (4) Equipment rental and leasing
- (5) Fabrication of wood and metal products
- (6) Manufacturing, fabricating, processing or assembling uses which do not create any dangers to health or safety in surrounding areas and which do not create

any objectionable noise, vibrations, smoke, dust, odor, heat or glare.

- (7) Telecommunications
- (8) Truck terminals and repair centers
- (9) Any use permitted in the CHV district may be permitted upon approval of the Planning Director.
- (10) Other light industrial uses that, in the opinion of the Planning Director, are similar in nature to those listed above (unspecified use).

2. New I-1 districts are most appropriately located adjacent to existing I-1 districts this district should function as a transition between heavy industrial districts and commercial districts.

3. Area and dimensional requirements. The area and dimensional regulations set forth in Section 16 shall be followed. Buffer requirements are outlined in Section 22.

4. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the I-1 district with the conditions set forth in Section 20.

5. Parking. All parking, loading and circulation areas shall be paved, curbed, guttered and striped. Storage areas located in the rear may use gravel providing they are screened and not viewable from the street. Parking requirements are outlined in n 18.

### **Section 15. I-2 Heavy Industrial District.**

General Purpose and Description.

The I-2, Heavy Industrial District, is intended to provide for heavy industrial uses and other uses not otherwise provided for in the other districts. The intensity of uses permitted in this district makes it necessary to adequately buffer adjacent property.

1. Uses Permitted: A building or premises shall be used only for the following purposes:

(a) I-2 Heavy Industrial Uses

- (1) Cement and asphalt plants
- (2) Coal and woodyards
- (3) Industrial machinery and equipment manufacturing
- (4) Lumber and wood products manufacturing
- (5) Metal products manufacturing
- (6) Rubber and plastic products manufacturing
- (7) Stone, glass and clay products manufacturing
- (8) Paper mills
- (9) Petroleum and allied products manufacturing and refining
- (10) Recycling facilities

- (11) Any use permitted in the I-1 Zoning District
- (12) Other heavy industrial uses that, in the opinion of the Planning Director, are similar in nature to those listed above (unspecified use).

2. New I-2 districts are most appropriately located adjacent to existing I-2 districts this district should be located along minor or major arterial roads.

3. Area and dimensional requirements. The area and dimensional regulations are set forth in Section 16. Buffer requirements are outlined in Section 22.

4. Accessory buildings, structures and uses. Accessory buildings, structures and uses are permitted in the I-2 district with the conditions set forth in Section 20.

5. Parking. All parking loading and circulation areas shall be paved, curbed, guttered and striped. Storage areas in the rear may use gravel providing they are screened and not viewable from the street. Parking requirements are outlined Section 18.

**Section 16. Area and Dimensional Regulations.**

District	Min Lot Size (SF)	Density Units /acre	Front S/B	Side S/B	Street Side	Rear S/B	Min. Bldg Line width	Min. lot frontage	Min. lot Depth	Max Ht	Min. Unit Size	Open Space
<b>R-1A</b>	15,000	2.5	30'(1)	12'	30'	35'	85'	85' (9)	100'	35'	1800 SF	1000 (2) (5)
<b>R-1</b>	7500	4	25'(1)	10'	25'	25'	75'	75' (9)	90'	35'	1400 SF	1000 (2) (5)
<b>R-2</b>												
Multi-Family	1 acre	10	35'	12'	35'	40'	150'	150'	100'	65'	700 SF-1 850 SF-2 1000 SF-3	1000 (2) (6) 1000 (2) (6) 1000 (2) (6)
Condo	1 acre	6	20' (7)	10'	20'	25'	150'	150'	100'	65'	1200 SF	1000 (2) (6)
Town-House	2400	6	20' (7)	10'	20'	25'	24'	24'	80'	45'	1200 SF	1000 (2) (6)
Single-Family	6000	5	20' (1) (7)	7'	20'	25'	60'	60' (9)	90'	35'	1200 SF	1000 (2) (5)
<b>MXD-1(Res)</b>												
Multi-Family	1 acre	*	25'	10'	25'	25'	150'	150'	100'	65'	600 SF-1 750 SF-2 900 SF-3	1000 (2) (6) 1000 (2) (6) 1000 (2) (6)
Condo	1 acre	*	15' (7)	10'	15'	20'	150'	150'	100'	65'	1000 SF	1000 (2) (6)
Town-House	2200	*	15' (7)	10'	15'	20'	22'	22'	80'	45'	1000 SF	1000 (2) (6)
Single-Family	5000	*	15' (7)	5'	15'	20'	50'	50' (9)	80'	35'	1200 SF	1000 (2) (5)
<b>CGN &amp; MXD-1 (C-1, C-2)</b>	22,500	N/A	35'	12'	35'	30'	150'	150'	125'	65'	50% (3) 500 SF(8)	10% (4)
<b>CBD</b>	5000	N/A	10'	5'	10'	10'	50'	50'	80'	65'	70% (3)	10% (4)
<b>CBD storefront</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	25'	25'	65'	500 SF(8)	

<b>MXD-1</b> (storefront only)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	30'	80'	65'	50% (3) 500 SF(8)	None
<b>CHV</b>	22,500	N/A	35'	15'	35'	35'	150'	150'	125'	65'	50% (3)	10% (4)
<b>I-1 (I-1A)</b>	43,560	N/A	35'	15'	35'	35'	150'	150'	150'	65'	50% (3)	10% (4)
<b>I-2</b>	87,120	N/A	40'	30'	40'	40'	200'	200'	200'	65'	50% (3)	10% (4)

(1) There shall be a front yard of a depth not less than the average depth of the front yards of the lot or lots next adjacent thereto on either side. In case there is no dwelling in the block the front yard shall not be less than required by the zoning district (see table above).

(2) All developments with 25 lots/units or greater shall be required to provide 1,000 SF of open space per lot/unit.

(3) Maximum building coverage per lot.

(4) Minimum open space required per lot.

(5) Single-family residential developments of 75 or more units shall provide 125 SF of recreation area per unit.

(6) Multi-family residential developments of 50 or more units shall provide 100 SF of recreation area per unit.

(7) Ten (10) feet front setbacks are allowed if rear access is utilized.

(8) Apartments/condominiums above storefronts shall be a minimum of 500SF.

(9) Cul-de-sac minimum lot width – 35'.

\* MXD-1 density is based on preliminary master plan approval.

## **Section 17. Quality Development Corridor Overlay District (QDC).**

The purpose of the Quality Development Corridor Overlay District (QDC) is to provide for a superior environment along transportation corridors through the application of an overlay district. The overlay zone regulations are intended to supplement the regulation of the underlying zoning districts and to provide for harmony and compatibility of non-residential development over the length of the corridor. This district is established to protect the public investment in major highways and arterial streets and ensure that these can continue to serve their primary functions of moving volumes of traffic safely. Provisions of the QDC are intended to expedite the free flow of traffic and reduce the hazard arising from unnecessary points of ingress and egress and cluttered roadside commercial development. The district is intended to enhance the value of adjacent lands by preserving and extending the useful life of the highway, avoiding land uses that conflict with the roadside and the surrounding area and reducing the risks of creating blighted areas. Insuring the attractiveness of roadside uses will contribute to and enhance trade, tourism, capital investment and general welfare.

### **1. Definitions.**

The following definitions shall apply in this section:

(1) **Acceleration/Deceleration Lanes:** One or more paved traffic lanes traversing the frontage of a property for the purpose of allowing traffic to accelerate or decelerate outside of higher speed traffic lanes.

(2) **Alteration:** Includes without limitation any enlargement or diminution of a building or structure, addition, relocation, demolition, repair, remodeling, change in number of living units, development of or change in open space, development of or change in a sign by painting or otherwise, or other change in a facility. This

excludes ordinary maintenance for which no building permit is required replacement of utilities, rearrangement of internal partitions, and painting except as provided herein for signs.

(3) City: The City of West Point including administrators, staff, or commission members who have duties related to planning and zoning, such as, but not limited to legal issues, economic development, landscaping, public safety, and maintenance.

(4) Corridor: A transportation path which leads into, out of or through an activity area and includes all property adjacent to the path.

(5) Junkyard: Property used for indoor or outdoor storage, keeping or abandonment whether or not for sale or resale, of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment; or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. An automobile is considered abandoned when a current license tag is absent.

(6) Official Zoning Map. The Official Zoning Map of the City of West Point.

(7) Overlay Zone: A special purpose classification used to supplement but not change the regulations of the current zoning districts (called the "underlying zone") in an effort to promote and protect both public infrastructure and private investment.

(8) Underlying Zone: The designated zoning districts which are established on the official zoning map. Regulations of these zoning districts may be supplemented, but not changed, when an "overlay zone" is applied to these zoning districts.

## 2. Establishment of Districts.

The Quality Development Corridor Overlay District (QDC) boundaries shall be established and from time to time amended on the official zoning map, and may include any highway or arterial city street which is deemed appropriate and its adjacent properties as delineated on the official zoning map. The Mayor and Council may apply the corridor overlay district zone to any highway corridor upon concluding that any or all of the following conditions exist:

(1) The corridor has scenic qualities and natural beauty that should be protected.

(2) A major purpose of the highway or arterial street is to carry through traffic.

(3) Development along the highway or street in the absence of the corridor overlay district zoning provisions could have an adverse impact on its level of service;

increase danger and/or congestion in the street; impair the public health, safety, convenience and welfare; and/or impede the maintenance or creation of a convenient attractive and harmonious community.

Designated Corridors – The quality development corridor standards shall be applicable to all non-residential property located on U.S. Highway 29 and S.R.18 (also known as East 10<sup>th</sup> Street, 3<sup>rd</sup> Avenue and West 7<sup>th</sup> Street in some locations), Gabbettville Road, Sandtown Road, Kia Boulevard, Kia Parkway, Warner Road, Webb-Bartley Road, Highway 103, and Davidson Road. The standards shall also apply to any non-residential property for a distance of 500 feet from either side of the street right-of-way line of the above listed roads and streets.

### 3. Conditions.

All uses under this section are subject to the following conditions:

(1) A site plan, landscape plan and elevation drawings are required to be submitted for new developments and improvements to existing buildings within the Quality Development Corridor Overlay District.

#### (2) New Non-Residential Development

a. All new non-residential development shall be subject to all provisions of this section.

#### (3) Expansion of structures

a. Expansion of structures in excess of 25% but less than 50% of the existing gross floor area shall subject only the expansion area to the standards of this section.

b. Expansion of structures in excess of 50% of the existing gross floor area shall subject the entire structure to the standards of this section.

#### (4) Remodeling

a. Improvements to the exterior walls covering more than 50% of the total wall area shall subject the entire structure to the standards of this section.

#### (5) Parking Lots

a. Any expansion of existing parking facilities which increase the required parking spaces by less than 50% of the existing capacity shall only subject the expansion area to the requirements of this section.

b. Any expansion of existing parking facilities which increase the required parking

spaces more than 50% of the existing capacity shall subject the entire parking area to the standards of this section.

(6) Damage to Structures

a. If any structure is destroyed by any means to an extent greater than 50% of its replacement cost at the time of destruction, then such structure shall only be rebuilt in accordance with the standards of this section.

(7) Minor Repairs

a. This section shall not be construed in any way as to prevent the ordinary maintenance or minor repairs to existing structures.

(8) No loading or unloading of material shall take place in any front or side yard of any parcel, which fronts on the highway right-of-way. Buildings will be designed so as to provide service entrances and loading areas at the rear. Should the building orientation angle to the primary street allow the loading area to be visible from the primary street, then the loading and unloading area shall be screened from the primary street.

(9) No parking shall be permitted on the highway right-of-way. All parcels shall be expected to provide sufficient off-street parking to meet their individual needs. No off-street parking space shall be constructed so as to require the backing of vehicles into a public street.

(10) For every four (4) rows of parking spaces delineated, one (1) raised parking island shall be provided, thereby creating separated parking areas to aid in safe and orderly use of the lot and confine vehicular movement to marked drives. Raised or curved circulation islands shall be constructed at the ends of the rows of parking spaces or at other locations where circulation drives intersect. For all uses providing clientele parking, all circulation drives shall be clearly defined and marked appropriately with arrows and the like to assist public circulation into, on and out of the property and through parking lot areas. Required parking spaces shall be permanently marked.

(11) Paving Materials for Parking Lots:

a. All parking areas shall be paved with asphalt or concrete,

b. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

c. All areas for parking, loading, or vehicular drives shall be paved, back curbed and

guttered.

(12) Adequate circulation drives shall interconnect all lot access points with all vehicle parking, loading, servicing and like areas and structures, thereby creating an on-site circulation network which, together with any service drives abutting the lot, will provide a safe and convenient means for lot servicing and fire protection.

(13) Circulation drives used by vehicles to reach a drive-by sales or service window, depository or similar facility shall be one-way and shall be of sufficient length to prevent a line of waiting vehicles from backing up into a street or onto adjoining property.

(14) Unless a curb cut is along a state maintained highway and is required to meet Georgia Department of Transportation Standards, then the curb cut shall not exceed thirty (30) feet in length. Curb cuts shall be no closer than forty-five (45) feet to other curb cuts or closer than ninety (90) feet to any street intersection. All separations are measured at the radius return back of curb to the right-of-way line. Distances between curb cuts shall be measured from BOC (Back of Curb) to BOC at the radius return between the closest edges of the cuts. One (1) curb cut shall be allowed per one hundred and fifty (150) feet of frontage, up to three (3) cuts per single lot. Existing lots with less than one hundred and fifty (150) feet of frontage shall be allowed one (1) curb cut.

(15) Vision clearance shall be provided at all intersections. No obstruction to vision between two and one-half (2-1/2) feet and ten (10) feet from ground level shall be permitted within twenty (20) feet of the intersection of two (2) streets or railroad track, or of a street intersection with a railroad track.

#### 4. Use limitations.

Land within the Quality Development Corridor Overlay District (QDC) may be used as permitted in the underlying district in which located, subject to the above conditions and with the following:

(1) Junkyards are prohibited.

(2) Individual mobile homes and mobile home parks and subdivisions shall be prohibited.

(3) Adult entertainment establishments are prohibited.

(4) Any commercial development shall be subject to the following:

a. Coordination of pedestrian and vehicular circulation patterns shall be encouraged between adjacent property owners.

b. Such use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means shall be given favorable consideration in site plan review:

(1) Access to the site is provided by a public street other than one intended to carry through traffic; and/or

(2) Access to the site is provided by a functional frontage road, service drive or joint driveway which provides controlled access to the site and/or several adjacent sites; and/or

(3) Acceleration/deceleration lanes, turning lanes and/or stacking lanes are provided to improve access to the site and/or several adjacent sites.

c. All areas subject to vehicular traffic including frontage roads, access ways, loading areas and service areas shall be constructed in accordance with the minimum paving specifications in force in the city at the time of improvement.

d. Filling stations and automobile repair facilities shall adequately screen areas designed for the outdoor storage of vehicles in need of repair or awaiting pickup after repair. The storage area shall be located in the rear of the building. No junk or abandoned vehicles or parts of vehicles will be stored on site.

e. Garages, car washes and service bays shall be located at least 40 feet from the front property line and all garage/car wash/service bay openings shall be oriented at not less than right angles to the primary public street frontage.

f. All commercial uses shall provide and maintain a landscaped area around the entire perimeter of the site.

g. Dumpsters and all other refuse collection devices shall be located behind the front plane of the primary structure and shall be fully screened from public view. Dumpsters may be located five (5)-feet from the property line if the adjoining property is zoned non-residential and five (5)-feet from all applicable buffers if the adjoining property is zoned residential.

h. Roof mounted equipment, vents or other unsightly building appurtenances shall be screened from public view by a parapet wall or other architectural extension.

5. Building and Materials Construction Standards.

All uses under this section are subject to the following conditions:

(1) Any building constructed within The Quality Development Corridor Overlay District (QDC) shall be of masonry construction or its equivalent on the front and side exterior walls. Quality materials and superior construction is recommended on the rear exterior wall. In the event the rear of the building is located on a public or private street then the rear elevation shall comply with the same requirements as the front and sides.

(2) The primary exterior finish material shall be one of the following: brick, brick veneer, stone, stone veneer, cultured stone, pre-cast or field poured concrete tilt panels with texture and architectural detailing, split-face architectural block or masonry units and stucco on lath with architectural detailing. Approval may be given to other acceptable products that promote a specific theme.

(3) Material such as asbestos siding, galvanized sheet metal, highly reflective aluminum, cinder block, unfinished concrete, and vinyl siding are not allowed as primary building materials. Consideration may be given to products that have a masonry appearance for architectural detailing, decorative trim and in other areas approved by the Planning Director.

(4) All structural supports (i.e., columns) for vehicular canopies shall be clad in one or more of the same materials as the building facades. Colors and textures of exterior building structures must be harmonious and compatible with the colors of other buildings within the property. All other types of construction not covered in the above must have the written approval of the Planning Director.

(5) Exposed roof materials shall be architectural asphalt shingles, wooden shingles, standing seam metal roof or lap seam metal roofing panel, terra cotta and slate shingles.

(6) Attached awnings shall be in a complimentary color to the main wall color. All trim and decorative bands shall be harmonious with wall color although they are selected for accent. Metal awnings are not allowed.

(7) Mansard metal roof projections and metal overhangs are not allowed on the front elevation of the building.

(8) Parapet walls and extensions shall be compatible in design and integrated architecturally with the building.

(9) Dumpster enclosures shall be gated and constructed with a material that matches the primary building.

#### 6. Underground Power – Utilities.

All uses under this section are subject to the following conditions:

(1) All utilities shall be underground. Meters, panels, disconnects, terminals, cabinets and etc. shall be located in the rear or side of the building and away from high traffic and high visibility areas. To the extent possible, utility easements for water lines,

wastewater lines, and storm sewers shall be located in the street rights-of-way.

#### 7. Signs.

All uses under this section are subject to the following conditions:

(1) Signs shall only be allowed in accordance with the applicable provisions of Section 19 in the City of West Point Sign Ordinance.

#### 8. Lighting.

All uses under this section are subject to the following conditions:

(1) Lighting shall be designed to prevent lighting spillover onto adjacent lots. All lighting shall be fully shielded, have recessed luminaries, or be cut-off luminary fixtures mounted in such a manner that the cone of light is directed downward and does not cross any property line of the site. The same type of lighting must be used for the same or similar types of lighting on any one site.

(2) Parking light fixtures shall be of the box head type, shall have a maximum height of 35 feet and shall have a smooth pole. All parking light fixtures and poles shall be black or brown. Luminaries shall be high pressure sodium, yellow color.

(3) Security lighting is not required. Full cut-off luminaries shall be used. The number of luminaries remaining on for security lighting shall not exceed one-fourth (1/4) the total number of each type of luminary used for the maximum level of illumination.

(4) No exposed neon or L.E.D. will be allowed.

#### 9. Curbs, sidewalks and handicap access.

All uses under this section are subject to the following conditions:

(1) Curbs. All new streets whether public, private or internal parking lot driveways shall be curbed with 24" vertical curb and gutter (30" in D.O.T right-of-way).

(2) Sidewalks and handicap access. All new developments and improvements in excess of 50% shall provide a 5' sidewalk along all adjacent street R.O.W. Handicapped access and ramps shall be located at the corner of all intersections, at any designated pedestrian crossing of any street at mid-block and at any parking lot adjacent to any public or private use. Internal sidewalks, pedestrian paths and handicap access shall also be provided within new developments.

#### 10. Permit Application and Processing

(1) All new developments will be required to submit a site plan and building elevations for approval by the Planning Board prior to any permits being issued.

(2) Two sets of civil plans shall be submitted which shall include a landscape plan.

(3) Architectural and construction material details shall be submitted and approved

before any buildings permits are issued. The drawings shall include dimensions of all sides of existing and proposed structures and all related accessory structures to be developed and placed on site. The exterior finish material selection for each building shall be clearly noted for each elevation.

(4) Plan submittal requirements for minor alterations and expansions will be determined by the Planning Director based on the extent of the proposed improvements.

#### 11. Effect on Existing Ordinances, Conflict, Relationship to Existing Zoning Districts

(1) Effect. This corridor overlay district is not intended to amend or repeal any existing city ordinance. To the maximum extent possible, the requirements of this corridor overlay district shall be deemed to be supplemental to, and not in substitution of, existing City of West Point ordinances and regulations. Wherever possible, both shall be given effect.

(2) Conflict. To the extent of any conflict between other city ordinances or regulations and this corridor overlay district, the more restrictive is deemed to be controlling.

(3) Relationship to Existing Zoning. The provisions of the corridor overlay district established in this ordinance apply in addition to the provisions of the underlying zoning. Where apparent conflicts exist, the more stringent provision shall prevail. The overlay zoning districts established additional standards and review requirements for subject development, but:

- a. do not authorize any land use prohibited in the underlying zoning district;
- b. do not relax any standards applicable to the underlying zoning district; and
- c. do not preclude a change in the underlying zoning through the city's zoning map amendment process.

#### 12. Severability

If any section, subsection, sentence, clause or phrase of this corridor overlay district is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this corridor overlay district.

### **Section 18. Parking and Loading Requirements**

#### Purpose and Intent

- (1) In order to relieve traffic congestion in the streets, to minimize any

detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the City of West Point, parking and unloading spaces for every use shall be provided in accordance with the requirements established in this Section.

(2) For any parking lot, garage, vehicle storage area operated on a commercial basis, reconfiguration of an existing parking lot or any other off-street parking area required in this section (but excluding off-street parking for detached dwellings), a plan shall be submitted to the Planning Department to review for compliance with these regulations and any other applicable ordinances. Any such parking plan shall meet the minimum submittal requirements as provided in Section 18.

### 1. Definitions Referenced

The definitions of certain terms referenced in these sections are set forth in Section 2, “Definitions” of this Ordinance, as amended.

### 2. Applicability

The provisions of this section shall apply to all buildings, structures, and uses within the City of West Point. Where there is a conflict between terms and/or requirements contained in this section and another section contained in this Ordinance, as amended, or any other ordinance, code, regulation of the City of West Point, Georgia, the stricter shall apply.

### 3. General Provisions

(1) Every use or structure instituted, constructed, or erected hereinafter the adoption of this Ordinance shall provided off-street parking facilities in accordance with the requirements of this section for the use of occupants, employees, visitors, or patrons.

(2) Any building or structure may be modernized, repaired, or substantially rebuilt for any reason, provided there is no increase in floor area or capacity and there is no change of use without providing additional off street parking facilities.

(3) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking facilities shall be provided as required for such new use.

(4) When any building, structure, or premises has an addition of dwelling units, addition of dwelling units, addition of gross floor area, an increase in seating capacity, or an increase of any other unit of measurement specified herein for required parking facilities, which creates a need for an increase of more than fifteen (15) percent in required off-street parking, additional facilities as required herein shall be provided only for such increase in use.

#### 4. Off-Street Parking Standards

##### (1) Location of Off-Street Parking Facilities

- a. Required off-street parking facilities shall be located on the same lot as the building to be served unless otherwise provided by this Ordinance.
- b. Required off-street parking spaces for any use shall be located no more than 400 feet from the use they are intended to serve. This standard does not apply to auditoriums, stadiums, assembly halls, gymnasiums, and other places of assembly; industrial uses; and hospitals.
- c. An off-street parking space shall be located:

##### (1) Off the public right-of-way

(2) where the lot abuts a major street or any other street intersection considered hazardous because of inadequate sight distance or heavy traffic and so arranged that it will not be necessary for the vehicle, when exiting from the space, to back into said street; and

(3) accessible by a driveway meeting the requirements between space and the public street.

For detached single-family dwellings and for each side of a duplex dwelling, a driveway may serve as off-street parking space, provided that portion of the driveway use for parking is off the public right-of-way.

##### (2) Off- Street Parking Space

An off-street parking space shall have a minimum overhead clearance of seven and a half (7.5) feet and other minimum dimensions as follows:

<b>Table 18.01 Parking Space Dimensional Requirements</b>	
<b>Type of Space</b>	<b>Size of Space</b>
Standard angle space:	18 ft. length, 9.0 ft. width.
Compact-car angle space:	15 ft. length, 7.5 ft. width.
Standard parallel space:	18 ft. length (end), 22 ft. length (interior), 8.0 ft. width
Compact-car parallel space:	15 ft. length (end), 19 ft. length (interior), 7.0 ft. width

##### (3) Distribution of Types of Parking Spaces

In parking lots with twenty (20) or more spaces, no more than forty (40) percent of all required parking spaces shall be designed and designated for compact cars.

#### (4) Aisle Width

Aisles between parking rows shall be provided at the following dimensions:

- a. 90° parking, 24 feet.
- b. 60° parking, 18 feet.
- c. 45° parking, 13 feet.

#### (5) Change in Off-Street Parking or Loading

Area reserved for off-street parking or loading in accordance with the provisions of this section shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent off-street parking or loading space is provided.

#### (6) Requirements Applicable to All Uses

For uses not specifically mentioned in Table 18.02, “Off-Street Parking Requirements” of this Section, the requirements for off-street parking and loading facilities shall be determined by the Planning Director.

#### (7) Off-Street Parking Plans

Off-street parking plans shall, at a minimum, include the following information:

- a. The number of parking spaces;
- b. The percentage of required spaces to be designate for use only by compact cars;
- c. The arrangement and dimension of parking aisles;
- d. The location of driveway entrances;
- e. Provisions for vehicular and pedestrian circulation;
- f. The location of sidewalks and curbs on and abutting the property;
- g. The location of utilities, barriers, shelters, and signs;
- h. The location of landscaped areas or a landscape plan on another set;
- i. Typical cross sections of pavement;
- j. Stormwater drainage facilities; and
- k. Any other relevant information requested by the Planning Department, as provided for in these regulations.

#### 5. Off-Street Parking Requirements

There shall be provided at the time of the erection of any building or structure,

minimum off-street parking, plus drives and maneuvering space sufficient for ingress and egress by an automobile of standard size, in accordance with the following Table 18.02. When a building or structure is enlarged or increased in capacity by adding dwelling rooms, guest rooms, floor area or seats, minimum off-street parking shall be provided for such additional rooms, floor area or seats.

**Table 18.02  
Off-Street Parking Requirements**

<b>Residential Uses</b>	<b>Required Spaces</b>
Detached Dwellings	Two (2) spaces per dwelling unit
Two (2) Family or Duplex Dwellings	Two (2) spaces per dwelling unit
Triplex Units	One (1) space per bedroom
Quadriplex Units	One (1) space per bedroom
Townhouses (fee simple)	Two (2) spaces per dwelling unit
Dwellings, Multi-Family	One and one-half (1.5) spaces per dwelling unit
Dwellings, Multi-Family – Elderly or Disabled	One-half (0.5) space per dwelling unit
Accessory Apartment	One (1) space
Family Accessory Apartment	One (1) space
Family Accessory Apartment – Elderly or Disabled	One-half (0.5) space per dwelling unit
In-Law Residence	One (1) space per dwelling unit
Fraternity or Sorority	One (1) space per bed
Rooming or Boarding House	One (1) space per unit plus two (2) spaces for owner-occupant or manager.
<b>Institutional Uses</b>	<b>Required Spaces</b>
Theaters, Auditoriums, Stadiums, Arenas and Other Places of Public Assembly	One (1) space per each three (3) seats or for each five (5) feet length of bench seating.
Hospital or Clinic	One and one-fifth (1.2) spaces per bed
College or University	One (1) space per two (2) students
Group Home, Class I through IV	One (1) space per employee plus one (1) space per ten (10) children or one (1) space per six (6) adults.
Cultural Facilities Including Museums, Galleries, etc.	One (1) space per four (4) seats or one (1) space per 1000 square feet of gross floor area
Schools, Elementary, Middle, or Junior High	One (1) space per classroom
School, High	One (1) space per classroom plus one (1) space

	per five (5) students
Nursing, Retirement, or Dependent Living Facilities	One (1) space per three (3) beds
Independent Living Facilities	One and one-half (1.5) spaces per unit
House of Worship, Without Accessory Facilities	One (1) space per four (4) seats or for each five (5) feet length of bench seating
Other Institutional Uses	One (1) space per 250 square feet of gross floor area
<b>Office Uses</b>	<b>Required Spaces</b>
General, Professional, and Medical Offices	One (1) space per 300 square feet of GFA
<b>Commercial Uses</b>	<b>Required Spaces</b>
Funeral Home or Mortuary	One (1) space per 75 square feet of public area plus one (1) space per employee plus one (1) space hearse, ambulance, and company vehicle
Furniture Store	One and one-half (1.5) spaces per 1000 square feet of GFA
Gas Station, Self-Serve	One (1) space per employee
Gas Station, Full Service	One (1) space per gas pump plus one (1) space per each grease rack or service bay plus one (1) space per employee.
Grocery Store	One (1) space per 250 square feet of customer area
Health Club	One (1) space per 200 square feet of GFA
Convenience Store	Three (3) spaces per 1000 square feet of GFA
Hardware Store	One (1) space per 400 square feet of GFA
Heliport	One (1) space per 1000 square feet of operational area
Helistop	Minimum five (5) spaces
In-Home Occupation, Major	One (1) space minimum and maximum
Hotels and Motels	One (1) space per room or suite
Kennel	One (1) space per 400 square feet; four (4) spaces minimum
Laundromat	One (1) space per two (2) washing and drying machines
Library	One (1) space per 300 square feet of patron area
Automobile Repair and Maintenance Shop, Short Stay	One (1) space per employee plus one (1) space per two (2) service bays
Automobile Repair and Maintenance Shop, Long Stay	One (1) space per service bay plus one (1) space per two (2) mechanics
Automobile Sales	Five (5) spaces per 1000 square feet of indoor display area plus one (1) space per service bay
Financial Institutions	One (1) space per 200 square feet of gross floor area

Restaurants	One (1) space per 75 square feet of GFA
Barber or Beauty Shop	One (1) space per chair plus one (1) space per employees
Amusement Facility, Indoor	One (1) space per 400 square feet of GFA
Amusement Facility, Outdoor	To be determined by the Planning Commission upon written recommendation from staff.
Car Wash, Self-Serve	One (1) space per bay
Night Club, Lounge, Bar	One (1) space per 200 square feet of gross floor area
<b>Commercial Uses Continued</b>	<b>Required Spaces</b>
Retail Establishments, Not Otherwise Classified	One (1) space per 250 square feet of NLS
Motion Picture Theatres	One (1) space per three (3) seats
Shopping Centers, Less than 20,000 Square Feet	<ul style="list-style-type: none"> <li>• Five (5) spaces per 1000 square feet NLS minimum</li> <li>• Five and one-half (5.5) spaces per 1000 square feet NLS maximum</li> </ul>
Shopping Centers, 20,000 to 40,000 Square Feet	<ul style="list-style-type: none"> <li>• Four (4) spaces per 1000 square feet NLS minimum</li> <li>• Four and one-half (4.5) spaces per 1000 square feet NLS maximum</li> </ul>
Shopping Centers, Greater than 600,000 Square Feet	• Five (5) spaces per 1000 square feet NLS minimum and maximum
Wholesale and Outlet Centers	0.25 spaces per 1000 square feet for the wholesaling or retail portion plus additional spaces for other associated uses pursuant to this Section
Automobile Rental	One (1) space per 400 square feet of GFA plus one (1) space per leasing agent
Other Commercial Uses, Not Elsewhere Classified	One (1) space per 250 square feet of GFA
<b>Industrial Uses</b>	<b>Required Spaces</b>
Research and Other Laboratories	One (1) space 400 square feet
Manufacturing and Warehousing	0.25 spaces per 1000 square feet for the manufacturing or warehousing floor area plus one (1) space per 400 square feet for accessory offices
Other Industrial Uses	One (1) space 400 square feet of GFA
<b>Accessory or Other Uses</b>	<b>Required Spaces</b>
Indoor Recreation Including: <ul style="list-style-type: none"> <li>• Swimming Pools</li> <li>• Tennis or Racquetball Courts</li> <li>• Bowling Alley</li> <li>• Other Indoor Recreation Uses</li> </ul>	As follows: <ul style="list-style-type: none"> <li>• One (1) space per 75 square feet of water</li> <li>• Two (2) spaces per court</li> <li>• Two (2) spaces per each lane</li> <li>• One (1) space per 200 square feet of GFA</li> </ul>
• Outdoor Recreation Including:	As follows:

<ul style="list-style-type: none"> <li>• Golf Course</li> <li>• Driving Range</li> <li>• Riding Academy and Stables</li> <li>• Swimming Pool</li> <li>• Swimming Pool (PD, MXD)</li> <li>• Tennis or Other Racquet Court</li> <li>• Tennis Court (PD, MXD)</li> </ul>	<ul style="list-style-type: none"> <li>• 90 spaces per nine (9) holes</li> <li>• 1.2 spaces per tee</li> <li>• One (1) space per horse stall</li> <li>• One (1) space per 75 square feet of water</li> <li>• One (1) space per 100 square feet of water</li> <li>• Three (3) spaces per court</li> <li>• Two (2) spaces per court</li> </ul>
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## 6. Shared Parking

(1) Joint use of up to fifty (50) percent of required parking spaces may be permitted for two (2) or more uses located on the same parcel or adjacent parcels, provided that the developer can demonstrate that the uses will not substantially overlap in hours of operation or in the demand for shared spaces. Proof of claim for non-overlap by the developer shall be substantiated by a report which shall provide, at a minimum:

- a. Number of spaces anticipated to be used by each shared use.
- b. Anticipated distribution of parking utilization by each shared use by hour of operation over a twenty-four hour period and over a seven-day week.
- c. A short narrative describing the anticipated dynamics of shared parking scenario.

(2) Any sharing of required parking spaces by uses located on different parcels shall be guaranteed by a legally binding written agreement between the owner of the parking area and the owner of any use located on a different parcel and served by the parking area. The agreement shall be reviewed and approved in accordance with Section 18, and filed with the City of West Point Planning Department.

## 7. Parking Barriers

Barriers such as wheel blocks, curbs, walls, or fences shall be located along the perimeter of parking lots, garages and other vehicle storage areas except at entrances and exits indicated on approved parking plans. These barriers shall be designed and located to prevent parked vehicles from extending beyond property lines and from hanging over any sidewalk or other pedestrian path.

## 8. Restrictions on Use of Off-Street Parking and Loading Spaces

Dedicated parking spaces shall be used for the parking of motor vehicles only unless otherwise specified in this Ordinance. The storage of merchandise or materials, or the repair of motor vehicles, or any kind of equipment, except for the temporary storage of construction material and equipment while work is taking place on the structure where the off-street parking is located, is prohibited in all off-street parking and loading spaces, including required and non-required spaces.

## 9. Remote Parking Area

## Definition and Purpose

A remote parking area is an uncovered, ground-level area used to meet parking needs of a use permitted in the same district but separate and distinct from the principal lot. A private remote parking area may be established for the purpose of accommodating required or overflow parking for a specific use in a manner consistent with the character of the surrounding properties. No commercial use shall be made of remote parking areas by renting, leasing, or otherwise charging fees for the use of the parking spaces included therewith.

### (1) Establishment

A remote parking area may be established to satisfy the parking needs of a use permitted in the same district only if the space available on the principal lot does not meet the requirements of Table 18.02 or if a reasonable shared parking arrangement cannot be made. This provision shall not be construed as to permit a reduction in the number of parking spaces required on the principal lot by this ordinance.

### (2) Location Requirements

Remote parking areas shall be located within reasonable walking distance of the principal lot. The parking area shall be located and its entrances and exits so arranged that vehicular and pedestrian traffic through surrounding residential areas will not be increased over that caused by existing on-street parking and through traffic.

### (3) Yard and Site Requirements

a. Setback requirements are not applicable as buildings or other structures are not permitted on the lot.

b. There are no lot width or area requirements for remote parking areas; except that a lot shall not be altered in shape or further subdivided in such a manner that either the minimum requirements of the district are no longer met or any existing nonconformity is increased in scope.

### (4) Screening

A remote parking area shall be screened from adjacent residentially zoned and/or used property by a masonry wall or planted buffer strip not less than six (6) feet in height. Such screening shall also be provided along public rights-of-way, except that where necessary to meet vision clearance requirements, such screening shall be only three (3) feet in height. The height of screening along public rights-of-way shall be measured from either street level or ground level.

### (5) Signs and Lighting

a. Signs-One (1) sign indicating each entrance or exit shall be permitted, but no such sign shall have an area of more than one (1) square foot. In addition, one (1) sign

indicating restrictions on the use of the property shall be permitted at each entrance, but no such sign shall have an area of more than three (3) square feet. The above signs may be located adjacent to the public right-of-way but shall not be located within five (5) feet of any other property line.

b. Lighting- Lighting of remote parking areas shall be adequate to assure the safety and convenience of persons using the parking area. Lights shall be so shielded and directed as to prevent glare into surrounding residential areas.

10. Provision for On-Street Parking

The provision of on-street parking in new development or redevelopment shall appropriate for the street type as well as the design of the development proposed. Applicants wishing to provide such parking shall discuss plans with the Planning Director and City Engineer prior to submitting plans.

11. Loading Standards and Requirements

(1) Off-Street Loading Requirements. Off-street Loading Requirements

Off-street loading requirements for development in the City of West Point shall be governed by the following table:

<b>Table 18.03 Required Loading Spaces-By Use</b>			
<b>Land Use</b>	<b>Gross Floor Area (Square Feet)</b>	<b>Loading and Unloading Spaces Required</b>	
		<b>10'x 25' Berths</b>	<b>10' x 50' Berths</b>
Office, Restaurant, Hotel or Motel	10,000 to 99,999	1	0
	100,000 to 149,000	0	1
	150,000 or Over	0	2
Retail Establishment, Shopping Center, Industrial Use, or Any Other Use	0 to 4999	1	0
	5000 to 19,999	0	1
	20,000 to 49,000	0	2
	50,000 to 79,999	0	3
	80,000 to 99,999	0	4
	100,000 to 149,000	0	5
	150,000 or Over	0	6

(2) Configuration of Off-Street Parking and Loading Ingress and Egress

a. Access to and from off-street parking and loading spaces shall be provided by means of clearly defined entrance and exit drives from public rights-of- way or private streets to clearly limited and defined maneuvering lanes, which, in turn,

provide access to individual off- street parking and loading spaces. Off-street parking and loading spaces must be designed so as not to interfere with the normal movement of vehicles and pedestrians on the public right-of-way.

b. Layout configurations which require backing directly onto a street from a parking or loading space are strictly prohibited, except for single or two-family residential.

### (3) Commercial Vehicle Parking in Residential Areas

Vehicles used primarily for commercial purposes and with more than two (2) axles are prohibited from parking in residential districts. This shall not be construed as to prevent the temporary parking of delivery trucks, moving vans, and similar vehicles which deliver goods and services while in the process of delivering.

## **Section 19. Sign Regulations.**

### Purpose and Intent

A. These rules and regulations are intended to serve the following purposes, among others:

B. To establish reasonable and impartial regulations for all signs, exterior, interior, on-premise, and off-premise that affords the business community an equal and fair opportunity to advertise and promote its products and services without differentiation.

C. To improve pedestrian and traffic safety by reducing traffic hazards caused by such unregulated signs that may distract and confuse, and impair the visibility of motorists and pedestrians.

D. To ensure the effectiveness of public traffic signs and signals.

E. To protect property values by ensuring the compatibility of property with that surrounding it; and minimizing the possible adverse effect of signs on nearby public and private property.

F. To maintain and enhance the visual environment, and to preserve the right of the citizens to enjoy West Point's scenic beauty.

G. To protect the character and appearance of the various neighborhoods in the City, and attract tourists to West Point.

H. To protect the public investment in streets, highways, and other public improvements and protect and improve the public health, safety, and general welfare.

### 1. Authority and Application

A. The regulations contained herein are adopted under the authority of Article IX, Section II, paragraph IV of the Constitution of the State of Georgia (1983).

B. Signs constitute a separate and distinct use of land upon which they are placed affect the use of adjacent streets, sidewalks, and other public places and adjacent private places open to the public. The unregulated construction, placement and display of signs constitutes a public nuisance detrimental to the health, safety, convenience and welfare of the residents of West Point.

C. The rules and regulations contained herein advance these significant government interests and are the minimum amount of regulation necessary to achieve them.

D. Upon adoption of this ordinance, it shall be unlawful and a violation of this ordinance for any person to erect, construct, paint, alter, relocate, reconstruct, display, or maintain or cause to be erected, constructed, displayed or maintained within the incorporated limits of the City of West Point any sign, unless otherwise exempt without first having obtained a permit from the City of West Point.

## 2. Definitions

A. Except as specifically defined herein, all words used in these regulations have their customary dictionary definition. Words in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular; the word “sign” includes the word “structure”, the word “shall” is mandatory and not directory. The word “may” is permissive. The City is understood to reference the City Of West Point.

B. Certain words in these regulations are defined for the purpose herein as follows:

(1) Abandoned Sign. A sign which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and/or for which no legal owner can be found. The definition shall also include any sign structure which no longer supports the sign for which it was designed.

(2) Advertising Devices. Banners, balloons, or streamers, affixed to poles, wires, or ropes, wind operated devices, flashing lights, and other similar contrivances.

(3) Attached Projecting Sign. A sign attached to a building wall or structure that projects more than twelve (12) inches horizontally from the face of the wall.

(4) Canopy/Awning Sign. A non-illuminated sign painted on or attached to a fabric or vinyl cover on a rigid frame. Only business names and/or logos be attached to, painted, stenciled, or otherwise placed on these devices.

(5) Business Sign. Any display, advertising device, figure, plaque, poster, outdoor

advertising sign or sign maintained or used to advertise or to inform or to direct the attention of the public to a business or activity conducted upon the premises upon which such sign is located or to a product or service sold or rendered thereon.

(6) Directional Sign.

a. Public Directional Sign. A sign erected and maintained by local officials within the public right-of-way, to indicate to the traveling public the route and distance to

public accommodation, facilities, commercial services and points of scenic, historical, cultural recreational, educational or religious interest.

b. Private Directional Sign. A sign authorized by the city to indicate to the traveling public the route and distance to public accommodation, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest.

(7) Face. That area of a sign containing the advertising information, printing, drawing or message intended or used to advise or inform, excluding trim and supports.

(8) Face of Building. The total area of the main wall of the building, including windows, doors, and openings, that abuts the front yard of a building or walls that are located on the front property line. On corner lots the face of the building shall include main walls facing the front yard and side yard or main walls fronting on all front and side property lines.

(9) Flag. That area of a sign containing the advertising information, painting, drawing or message intended or used to advise or inform, and excluding trim and supports.

(10) Flashing Signs. Any sign, the illumination of which is not constant in intensity when in use except illuminated signs that exclusively indicate the date, time or temperature.

(11) Ground Sign. A sign self supported by a pole, post, or other support and not attached to any building, wall, or fence, but in a fixed location. A free-standing sign is not a temporary sign. By way of example, but not limiting the meaning, free-standing signs include: post and arm, monument, pole sign, and other similar signs.

(12) Historic Sign. A historic site or archeological resource which meets most or all the following conditions: It has been designated or is under official study by the National Park Service as a National Historic Landmark; has been designated by national organizations, such as the National Trust for Historic Preservation of the Archaeological Conservancy as threatened and/or endangered, and/or worthy of

protection; or has been designated as a locally significant historic resource and has protection by a local preservation and interpretation to the public.

(13) Integrated business development. A development consisting of two (2) or more interrelated business establishments with minimum square footage of five thousand (5,000) square feet using common driveways and onsite parking facilities, including, but not limited to, shopping centers, office complexes, office building, and business parks.

(14) Marque.

a. Permanent Marquee. A sign painted on, attached to, or consisting of interchangeable letters on the face of a surface that is free-standing and supported by a pole, post, or other support attached to the ground in a fixed location. Letter or symbols on that face of said marquee shall not exceed six (6) inches.

b. Portable Marquee. A sign painted on, attached to, or consisting of interchangeable letters on the face of a surface that is mounted or attached to a trailer, sled, or other apparatus that can be moved. Letter or symbols on that face of said marquee shall not exceed six (6) inches in height.

c. Theater Marquees. It shall be considered an accessory use if a permanent marquee is directly attached to or associated with a structure that functions primarily as a theater of any kind and therefore is addressed in section 12 of the zoning ordinance.

(15) Monument Sign. An outside sign identifying a development, businesses, services, or homes (such as shopping areas or housing development) made of wood, brick, masonry, or stone, the bottom of which is attached directly and permanently to the ground and physically separated from any other structure.

(16) Non-conforming Sign. A sign which lawfully occupied a building or land before \_\_\_\_\_, or other amendment thereto, that does not conform to the regulations of the district in which it is located.

(17) Off-premise Sign. A sign that identifies goods or services that are not sold on the same premises where the sign is located or directs the traveling public to a location.

(18) On-premise Sign. A sign identifying, advertising, or directing attention to a building, profession, product, service, activity, or entertainment that is being conducted, sold or offered on the premises where the sign is located.

(19) Outdoor Advertising Sign. An off-premise sign that identifies, advertises, or directs attention to a building, profession, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is erected.

- (20) Pole Sign. A free-standing sign having at least one support.
- (21) Political Sign. A sign that advertises a candidate or an issue which is to be voted on in a local, state or federal election process. A political sign shall not require a permit.
- (22) Portable Sign. A sign not designed or intended to be permanently affixed into the ground or to a structure. By way of example, but not limiting the meaning, portable signs are temporary promotional signs, portable marquee signs, and other similar signs.
- (23) Post and Arm Sign. A sign that is not attached to a building but is supported by braces, post, or by any other means than by attachment to a building support. By way of example, but not limiting the meaning, a post sign is a free-standing sign comprised of a vertical post to which perpendicular arm is attached and from which sign hangs.
- (24) Premises. A contiguous parcel, lot, or tract of land under a single ownership or a single lease, no part of which is separated from the other by any land under a different ownership or lease agreement.
- (25) Projection Sign. A sign that comprises one or more image (pictures) that are emitted from a device (projector) and cast upon a wall, screen, or other surface for visual viewing, a projection sign may consist of moving or still images.
- (26) Public Way. Any corridor designed for vehicular or pedestrian use that is maintained with public funds.
- (27) Real Estate Sign. A sign that advertises a specific lot or parcel of real estate for rent, lease, or sale and being located upon the property for sale, rent, or lease. A real estate sign shall not require a permit.
- (28) Roof Sign. Any sign erected, constructed, or maintained upon the roof of any building.
- (29) Safety Control Sign. Warning, control, OSHA, or required public safety sign.
- (30) Sandwich Board Sign. A portable A-frame sign also known as a sidewalk sign. Maximum size of sign shall be 24" W x 42" H.
- (31) Sign. A sign is an object, device, display, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location; or to express a point of view, by any means

including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each different face of a sign shall constitute a separate sign.

(32) Sign Area. The entire area of the actual message or copy area. It shall include decorative trim or embellishments but shall not include structural elements outside the limits of such display surface if the structural elements do not constitute a major part of the sign or if the structure is not used to identify or attract attention to the business or product. All faces shall be counted in computing the sign area.

(33) Seasonal Sign. A sole sign for a business, such as farm or produce stand sign, displayed at least sixty (60) days but no more than one hundred and twenty (120) days each year.

(34) Shopping Center Identification Sign. A freestanding sign structure containing the name identifying an integrated business development which may also include identification signs on which the names and nature of businesses within the development are uniformly displayed.

(35) Street or Highway Frontage. The distance along any one side of any public street or highway, street or alley, measured along the right-of way line or parallel to the normal right-of-way line where the right-of-way line is not fixed.

(36) Subdivision or Development Sign. A sign directing traffic to or from or within or providing information for a commercial, residential or industrial development A subdivision or development sign is also a sign advertising land for sale that has been subdivided into lots or tracts for rent lease, or sale where the sign is not located on the specific land, subdivision, or development that is being held out to the public for sale, rent, or lease.

(37) Temporary Construction Sign. A sign that provides the name of the general contractor on a project and may also include sub-contractors.

(38) Temporary New Business Sign. A sign that provides information regarding the opening of a new business (such as name, opening date, now hiring and etc.).

(39) Time and Temperature Sign. A sign on which the only copy that has that has changes is an electronic or mechanical indication of time and temperature with a display area of no more than four (4) square feet.

(40) Variable Message Sign. A sign or portion thereof with characters, letter or graphics that can be changed or rearranged electronically without altering the face or the surface of the sign. Any sign which utilizes lighting to simulate movement, flashing or bursting illuminations shall be considered an animated sign and shall not be allowed.

(41) Wall Sign. Any sign attached parallel to, but within three (3) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

(42) Window. Any sign, picture, symbol or combination thereof, placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window or building.

### 3. Signs Permitted by Right

A. It is the intent of the sign regulations in these districts to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse affect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. The following signs are permitted by right in the following zoning districts.

#### B. Residential Zoning Districts (*R-1A, R-1, R-2, RPUD-1 and MXD-1 residential*)

(1) For single family subdivisions and multi-family complexes, including manufactured or mobile home parks, two (2) monument signs per subdivision entrance, not to exceed six (6) feet in height (including the base) twenty-four (24) square feet in sign area shall be allowed. Sign height is calculated at normal road grade. Signs shall not be allowed in the right-of-way and least ten (10) feet from the street whichever is greater. Signs shall not be internally illuminated.

(2) For permitted public uses including schools, colleges, publicly owned and operated community structures, community buildings, churches, similar places of worship churches and synagogues: one (1) monument sign not to exceed six (6) feet in height (including the base) and twenty-four (24) square feet of sign area, one (1) wall sign not larger than twenty (24) square feet in sign area and one (1) temporary sign displayed less than fourteen (14) days shall be allowed. Signs shall not be allowed in the right-of-way and at least ten (10) feet from the street whichever is greater.

(3) For permitted clubs, private and public, including golf and country clubs, fishing and hunting clubs and similar enterprises: one (1) monument sign not to exceed six (6) feet in height (including the base) and twenty-four (24) square feet in sign area, one (1) wall sign not larger than twenty-four (24) square feet, and one (1) temporary sign displayed less than fourteen (14) days shall be allowed. Signs shall not be allowed in the right-of-way and at least ten (10) from the street whichever is greater.

(4) Garage Sale or Advertisement. An individual or entity conducting a yard sale or garage sale may place a temporary sign for forty-eight (48) hours prior to the sale. However, such signs shall be removed within forty-eight (48) hours after the completion of the sale. The sign shall be no larger than four (4) square feet in sign area and shall be limited in number to one (1) per premises. No permit is required for this type sign.

(5) Temporary Real Estate/Subdivision Sign. The property owner may place one (1) temporary sign per entrance advertising the property. The sign shall not exceed eight (8) feet in height and thirty-two (32) square feet in sign area and shall be removed when fifty (50) percent of the lots are conveyed.

(6) Temporary Real Estate (Individual dwelling) Sign. One temporary real estate sign per zoned lot advertising the sale of a dwelling shall be allowed. The sign shall not exceed three (3) feet in height and four (4) square feet in sign area. No permit is required for this type sign.

(7) Temporary Construction Sign. A general contractor may place one (1) temporary construction sign per entrance on the premises of the property where a land disturbance permit has been issued. The sign shall be no larger than thirty two (32) square feet in sign area and a maximum height of eight (8) feet. Signs shall not be allowed in the right-of-way and at least ten (10) feet from the street whichever is greater. The general contractor may allow subcontractors a percentage of the temporary construction sign(s) total square footage for advertisement purposes; however, only one (1) sign per entrance will be permitted for temporary placement.

(8) Home Occupation Sign. One (1) non-illuminated professional or business name plate not exceeding two (2) square feet in area is permitted.

*C. Commercial Zoning Districts and Industrial Zoning Districts – (CBD, CGN, CHV, MXD-1, I-1 and I-2)*

(1) Monument Signs. One (1) monument sign per lot or per every two hundred (200) feet (or major fraction thereof) of street frontage of the lot shall be allowed. Monument signs shall not exceed six (6) feet in height (including the base) and fifty (50) square feet in sign area. Sign height is calculated at normal road grade. Signs shall not be located in the right-of-way and at least ten (10) feet from the street whichever is greater. Signs shall not be internally illuminated. Signs that utilize the electronic message option shall internally illuminate only the message part of the sign which shall not exceed fifty percent of the size of the sign. Monument signs in the QDC shall be constructed and designed with brick, stone, or other masonry product and compliment the material and color of the building.

(2) Post and Arm Signs. One (1) sign per street frontage is allowed. The maximum height of a pole and arm sign shall not exceed six (feet) in height nine (9) square feet

in sign area. Signs shall not be located in the right-of-way and at least ten (10) feet from the street whichever is greater. In no instance shall more than one (1) ground type sign be allowed per street frontage.

(3) Wall Signs. One (1) wall sign per street frontage is allowed. The maximum area of a wall or building sign shall be no more than ten percent (10%) of the total area of the wall of which the sign will be located. In no instance shall the wall sign exceed one hundred fifty (150) square feet.

(4). Projecting Signs and Decorative Banners. One sign (1) per street frontage is allowed. Sign shall not exceed (9) square feet in sign area. A maximum projection of five (5) feet (including the mounting bracket) from the building face with a minimum clearance from the ground of eight (8) feet and a maximum clearance of ten (10) feet. Sign shall be a minimum of 1 inch thick. Sign shall be centered over the entrance and should be aligned with other signs in the same area so as to create a more uniform appearance. When necessary, signs should be lit by directed lights. No internally lit signs will be permitted in the historic district. Decorative banners may be allowed. The number of banners, material, color and location will be considered during the review process. The banners shall be no larger than eight (8) square feet.

(5) Awning Signs. Lettering up to six (6) inches in height. The extent of the lettering may cover a maximum of eight (8) feet in width or fifty percent (50%) of the awning width, whichever is less.

(6) Window Signs. Window signs shall not exceed twenty-five (25%) percent of the total area of the window upon which they are located. Signs shall be made of quality material and arranged in an orderly manner.

(7) Temporary Construction Signs. A general contractor may place one (1) temporary construction sign per lot on the premises of the property where a land disturbance permit has been issued. The sign shall be no larger than thirty-two (32) square feet in area, with a maximum height of eight (8) feet from the ground. Signs shall not be located in the right-of-way and at least ten (10) from the street whichever is greater. The general contractor may allow sub-contractors a percentage of the temporary construction signs total square footage for advertisement purposes: however, only one (1) sign will be permitted.

(8) Temporary Real estate Signs. The property owner may place one (1) temporary sign per lot advertising the sale or lease of the property. The sign shall not exceed eight (8) feet in height and thirty-two (32) square feet in sign area. Signs shall not be located in the right-of-way and at least ten (10) from the street whichever is greater.

(9) Temporary New Business Signs. A new business may place one (1) temporary sign prior to opening which provides information such as name, opening date, now

hiring, etc. Sign shall be removed prior to occupying the building for business purposes. The sign shall be no larger than six (6) feet in height and twenty four (24) square feet in sign area.

(10) Time and Temperature Signs. Allowed only in commercial and industrial districts and shall be computed as part of the allowable signage for that district. Sign area shall be no more than four (4) square feet.

(11) Variable Message Signs. Allowed only in commercial and industrial district and shall be computed as part of the allowable signage for that district. Electronic display area shall be no more than fifty percent of the square footage of the sign. The sign shall display static messages only, and copy shall change no more frequently than once every ninety (90) seconds. Sign shall not have fade transitions, animation, video, or similar subtle transitions or frame effects that have the appearance of moving text or images. Signs are limited to one background color and one text color.

(12) Fuel Pump Canopy. One (1) company logo shall be allowed per street frontage.

(13) Shopping Center Signs. A development site must consist of at least three (3) individual businesses and a minimum of 15,000 square feet of gross building area to be considered a shopping center.

Shopping Centers consisting of between 15,000 and less than 30,000 square feet of gross building area shall be allowed one (1) sign. The total area of the sign shall not exceed 120 square feet and the height shall not exceed 20 feet including the base. Shopping centers with multiple road frontages shall be allowed two (2) signs. The combined area of the signs shall not exceed 150 square feet.

Shopping Centers consisting of between 30,000 and less than 65,000 square feet of gross building area shall be allowed one (1) sign. The total area of the sign shall not exceed 200 square feet and the height shall not exceed 20 feet including the base. Shopping centers with multiple road frontages shall be allowed two (2) signs. The combined area of the signs shall not exceed 250 square feet.

Shopping Centers consisting of greater than 65,000 square feet of gross building area shall be allowed one (1) sign. The total area of the sign shall not exceed 350 square feet and the height shall not exceed 35 feet including the base. Shopping centers with multiple road frontages shall be allowed two (2) signs. The combined area of the signs shall not exceed 450 square feet.

Shopping Center signs in the QDC shall be constructed and designed with brick, stone, or other masonry product and compliment the material and color of the center design.

D. *Materials.* Permanent signs shall be made of high quality durable material.

Approved materials are metal with a minimum thickness of 6mm, high density urethane (HDU) or wood. If plywood is to be used, it must have exceptionally smooth and weather resistance resistant surfaces, such as those with medium-density overlay (MDO) board. Other high quality materials shall be given consideration, and if of comparable quality and durability may be allowed in the discretion of the city. Hand painted signs that are not professionally done will not be allowed. Signs shall compliment the material and color of the building.

Materials (Downtown Historic District). Signs in the Downtown Historic District are held to a higher level of execution and should be unique and compliment the historic nature of the district. Permanent signs shall be made of high density urethane (HDU) with a minimum thickness of 1 inch or wood with a minimum thickness of ¾". Signs may be painted directly on the building if they are professionally done. Other high quality material shall be given consideration. All signs must be approved by the Downtown District Sign Committee. It is recommended that material should not be ordered for the sign before obtaining approval.

#### 4. Billboards

A. Billboards shall be permitted adjacent to Interstate 85 right-of-way as long as the regulations regarding billboards set forth by the GDOT are complied with. Signs shall not be located within four hundred (400) feet of another sign.

#### 5. Signs Prohibited

A. Signs Prohibited-Generally. All signs not expressly permitted under this ordinance or exempt from regulations hereunder in accordance with this ordinance is prohibited.

B. Signs that are prohibited shall include, but shall not be limited to any sign attached to any tree, utility pole, light pole, fixture or other support not primarily intended to be used as a support for signage, or painted upon or otherwise directly affixed to any rock, ledge or other natural feature.

C. No sign shall be erected in any zoning district under the following conditions:

(1) In the public right-of-way, except for those placed by an authorized governmental agency.

(2) At any location where, by reason of position, shape, wording or color, it interferes with or obstructs the view of pedestrian or vehicular traffic.

- (3) Which may be confused with any authorized traffic sign, signal, or device.
- (4) Roof signs or signs projecting above a roof line.
- (5) Which project from a building over a public way.
- (6) Signs commonly referred to as wind signs, consisting of one or more pennants, ribbons, spinners, streamers, of captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.

D. Signs on public property forfeited. Any sign installed or placed on public property or within a public right-of-way, except in conformance with the requirements of this ordinance, shall be forfeited to the public and subject to confiscation. In addition to the remedies hereunder, the City shall have the right to recover from the owner or person placing the sign the full costs of removal and disposal of such a sign.

E. On-premise signs prohibited. All on-premise signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with this ordinance are prohibited. By way of example, but not being limited thereto, the following on-premise signs are prohibited:

- (1) Projection Signs or signs with optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (2) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any descriptions or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- (3) Signs with illumination that flash, blink, flicker, or vary in intensity or color, except for time-temperature-date signs.
- (4) Signs on a vehicle not regularly used in the conduct of the business advertised on the vehicle.
- (5) Signs posted or painted on roofs, dormers, and balconies.
- (6) Portable signs of any kind unless permitted as an authorized temporary sign.
- (7) Outdoor advertising signs, special exception may be granted for temporary sandwich board signs to be used during peak business hours only. All such signs shall be no larger than 24" W x 42" H and approved by the city.
- (8) Animated Signs, search lights, string of lights, inflatable sign or tethered balloons.
- (9) Exposed neon and L.E.D. lighting on signs.

(10) Banners. Except may be allowed for special events – 14 days maximum.

F. Off-premises Signs Prohibited. Generally all off-premise signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with this ordinance are prohibited. By way of example, but not being limited thereto, no off-premise advertising sign shall be relocated in any of the following areas:

(1) Sites listed in either the Georgia State or National Register of Historic places or on sites designated as county landmarks or community landmarks.

(2) Greenspace lands and scenic resource sites identified in a final subdivision plat that is adopted through the City of West Point Subdivision Ordinance.

G. Outdoor advertising signs. Any outdoor sign which advertises, identifies, or pertains to any activity no longer in existence shall be removed by its owner or persons otherwise responsible within thirty (30) days from the time the activity ceases.

H. Special designation Area. To establish, from time to time, particular areas that deserve protection and functioning as a special designation. New construction of outdoor advertising signs shall be prohibited in such areas.

## 6. Signs Exempted

A. Sign Classifications: Exempted. The following signs do not require permits but must meet the other requirements of the ordinance:

(1) Traffic control signs.

(2) House addresses, family name signs, decorative flags, no trespassing and similar signs.

(3) Signs on vehicles regularly and customarily used to transport persons or property for the business.

(4) Directional signs put in place by a governmental entity.

(5) The flags of any nation, state, town, military or service organization (15 square feet or less).

## 7. Political Signs

A. Political signs are permitted in all zoning districts for a period of not more than twelve (12) weeks before a duly authorized election date as established by applicable federal, state, or local law. Political signs shall be located off public rights-of-way

and off public properties. All political signs or other devices must be removed within ten (10) days of the candidate's (or issues) election or defeat. No permit is required for this type sign.

## 8. General Design and Construction Standards

A. Design and Construction Standards. All signs shall be designed, constructed, and maintained in accordance with the following standards:

- (1) All signs shall be constructed according with good engineering and design principles. In compliance with all building administrative codes and other building codes of the City in conformance with this code, at all times.
- (2) Except for banners, flags, temporary signs, conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to rigid wall, frame, or structure.

## 9. Nonconforming Signs

A. Nonconforming Signs. After the effective date of this ordinance, it shall be unlawful for any person to erect, expand, move or place any sign which does not conform to the requirements set forth herein. Signs lawfully existing on the effective date of the ordinance that do not conform to these rules and regulations shall be deemed to be nonconforming legal signs and may remain, except as otherwise specifically qualified in this ordinance.

B. Modifications. All non-conforming on-premise or outdoor advertising signs, displays, devices, outdoor advertising signs, or similar sign configuration, which are permanently erected and which are designed, intended, or used to advertise or inform shall not be:

- (1) Changed to another non-conforming sign;
- (2) Structurally altered (except to meet safety requirements);
- (3) Altered so as to increase the degree of non-conformity of the sign;
- (4) Expanded; or
- (5) Re-established after its discontinuance for one hundred eighty (180) days.

C. Alteration Permits. Ordinary and necessary repairs that do not change the size, shape, orientation, height, or location of an inventoried outdoor advertising sign shall not require alteration permits. Outdoor advertising sign replacements that transform the non-confronting outdoor advertising sign to conforming shall require an alteration permit.

D. Signs in Disrepair. A non-conforming sign that has been declared by the City to

be unsafe because of its physical condition shall not be repaired, rebuilt or restored unless such repair or restoration will result in a sign that complies with rules and regulations of this ordinance. However, nothing in this section shall be deemed to prevent keeping in good repair a non-conforming sign. No repairs other than minor maintenance and upkeep of non-conforming signs shall be permitted except to make the sign comply with requirements of this ordinance.

E. A non-conforming sign shall not be moved for any distance on the same premises or to other premises unless such change in location will meet or exceed all rules, regulations, and standard set forth in this ordinance.

F. If a non-conforming sign is removed or discontinued for 180 days, the subsequent construction, installation, or erection of a sign shall meet or exceed all rules regulations and standards set forth in this ordinance.

G. A non-conforming sign that is changed to or replaced by a conforming sign shall no longer be deemed non-conforming.

H. All non-conforming temporary signs shall be brought in to compliance with this ordinance or removed within 180 days from the effective date of the ordinance. Upon failure to comply with requirements of this ordinance the City may cause the removal of such signs at the expense of the property owner, sign owner, permit holder and/or sign erector. The city shall have the right to maintain an action at law for the recovery of the costs of such removal. If the owner is unknown and cannot be found upon reasonable investigation, the City may cause the removal of such repair.

I. This section shall not provide the landowner, holder of a sign permit, or other person to have presumption or effect of excusing any violation of any other city ordinance, nor shall this section have the effect of permitting the continued existence of any unsafe sign or any sign that is not in a good state of repair.

## 10. Maintenance and Repair

This section shall apply where a sign is not destroyed by a catastrophic natural event such as a tornado or other act of God. Signs shall be maintained in a safe and secure condition.

A. Whenever the City finds that any on-premise or off-premise sign is not maintained in good repair and has deteriorated more than 50 percent (50%) of its replacement value, the City shall notify the owner thereof and order the owner to repair the on-premise or off-premise sign within a specified amount of time not less than 10 calendar days. If the City finds that the on-premise or off-premise sign has deteriorated more than 50 percent (50%) of its replacement value, and is not repaired within the time specified in the repair notice, the City shall notify the owner of the

on-premise or off- premise sign and the owner of the real property within a specified time. Failure to comply shall authorize the City to proceed under the authority of the Dilapidated Building and Structures Ordinance, provided in the City Ordinances and shall authorize the City to take any and all other remedial steps permitted by law.

## 11. Permits

A. Except as specifically excluded from the provisions of this ordinance, it shall be unlawful for any person to post, display, substantially change, or erect a sign in the City without first having obtained a sign permit.

B. Sign permit cost is based on square footage and payable upon application.

C. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed 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.

## 12. Application Information

A. Applications for sign permits required by this ordinance shall be filed by the sign owner or the owner's agent with the Building Official. The application shall describe and set forth the following:

(1) The street address of the property upon which the sign is to be located and plat map of the property which bears an indication of the proposed location of all ground type signs.

(2) Drawings to include dimensions shall be provided for all signs. Building elevations are also required for wall and window sign placements.

(3) The name(s) and address(es) of the owner(s) and lessee's, if any, of the real property upon which the subject sign is to be located.

(4) Consent of the owner, or the owner's agent, granting permission for the placement or maintenance of the sign.

(5) Name address, phone number, and business license number of the sign contractor.

(6) The distance of the sign from the closest adjacent sign in either direction (ground type signs only).

B. 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 a sign permit fee. If the City fails to act within the 30 day period, the permit shall be deemed to have been granted.

### C. Denial and Revocation

(1) Procedure. The City shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this ordinance, incomplete applications, and 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 City shall revoke the permit. Should the City deny a permit, the reasons for the denial are to be stated in writing and mailed by Certified Mail, Return Receipt Requested or via hand delivery to the address on the permit application on or before the 30<sup>th</sup> business day after the City's receipt of the application. Any application denied or later resubmitted shall be deemed in this ordinance and the applicant will be given ten (10) days written notice of the time, place, and purpose of the hearing, with statement of the reason for the denial of the permit application, or the revocation of a permit. "Due cause" is the violation of the provisions of this ordinance, state, or federal law related to signage, or the submission of an incomplete application or an application containing false material statements.

(2) Appeal. An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the hearing officer, to the City Council provided that the individual file written notice of an appeal with the Building Official within 10 business days of the hearing officer's decision. Such appeal shall be considered by the Council at the next City Council meeting held after the City's receipt of the written notice of appeal, provided that notice of appeal is received a minimum of two full business days before the meeting. If the appeal is not heard at such meeting, it shall be heard at the next regular meeting of the Council thereafter. The Council shall make a final decision no later than 30 days from the date of the hearing. An applicant denied a permit by final decision of the Council shall have a right to appeal the decision of the Council to Superior Court.

### 13. Enforcement

A. The Planning Director or his designees, including the Code Enforcement Officer, shall be the officials charged with enforcement of this ordinance.

B. Any person who violates any provision of this article may be cited to appear before the Municipal Court of West Point to answer for the violation, and upon conviction thereof, may be punished to the full extent of the jurisdiction of the

municipal court. Each day that a violation occurs shall be a separate offense.

***Table of Basic Design Elements***

<b>Sign Type</b>	<b>Zoning District</b>	
	<b>(R-1A, R-1, R-2, RPUD-1 &amp; MXD-1)</b>	<b>(CBD, CGN, CHV, MXD-1, I-1 &amp; I-2)</b>
Animated	Not allowed	Not allowed
Banner	Temporary – 24 sf	Temporary – 24 sf
Canopy/Awning	Not allowed	6” letters on awning
Construction-Temp	8’ – 32 sf max	8’ ht – 32 sf max
Directory	Allowed–per ord	Allowed–per ord
Directional	NA	4 sf max – 6” letters
Flag	Allowed–per ord	Allowed–per ord
Incidental	Not allowed	Allowed–per ord
Marquee	Not allowed	Monument type
Monument	6’ ht – 24 sf max	6’ ht – 50 sf max
Portable	Not allowed	Not allowed
Projecting	Not allowed	8 sf – 8’ to 10’ht
Roof	Not allowed	Not allowed
Real Estate-Com	NA	Allowed–per ord
Real Estate-Res	Allowed–per ord	NA
Time & Temp	Not allowed	Allowed w/monument
Variable message	Not allowed	Allowed w/monument
Wall	Allowed–per ord	10% -of bldg elevation

## **Section 20. Accessory Structures and Uses**

### **1. Purpose**

Accessory structures and uses are permitted in connection with and incidental to a permitted principal use or structure and in compliance with the restrictions of this section.

The purpose of establishing specific guidelines for specific accessory structures and uses is provide clear direction for determining compatibility between adjacent uses and to provide a mechanism for recommending bodies and decision makers to evaluate zoning and rezoning applications.

### **2. Permitted Accessory Structures and Uses**

Permitted accessory structures and uses shall be limited to the following and any additional uses and structures the Planning Director finds are similar to those listed in scope, size and impact and which are otherwise in compliance with this Ordinance. All accessory structures shall require a permit.

### **3. Residential Accessory Structures**

(a) Fences and walls – Material shall be limited to the following: wood, wrought iron or decorative aluminum, masonry or stucco and chain link (permitted in rear and side yards only). All fences and walls shall have their finished face directed outward towards adjacent lots or streets. The height of any fence in the side or rear yard shall not exceed six (6) feet and three (3) feet in the front yard.

(b) Flag poles – Such structures must meet the height and building setback requirements of the underlying zoning district.

(c) Freestanding heating and air equipment – Such structures shall be located in side and rear yards only and may encroach into the required yard up to four (4) feet.

(d) Patios, paved terraces and decks, at or above ground – No patio, paved terrace or deck shall be located within five (5) feet of any property line or public right of way.

(e) Garage or carport attached to dwelling – Structure must meet the setback requirements of the underlying zoning district. In no instance, shall the structure be located within five (5) feet of the rear or side property line.

(f) Garage or carport detached – Structure shall not protrude into any required front yard and shall not be located within five (5) feet of the rear or side property line.

(g) Residential outbuildings – Shall be limited to ten (10) feet in height and shall be no closer than five (5) feet to any side or rear property line. In no instance, shall an outbuilding be located in any required front yard.

(h) Swimming pools – Swimming pools, whether in-ground or above-ground, shall be installed no closer than ten (10) feet to any property line measured from the nearest water surface, exclusive of decking, which shall be located no closer than five (5) feet from any property line. Swimming pools shall be located in the rear or non-street side yard of the property. Swimming pools shall comply with the Standard Swimming Pool Code and must be approved by the Building Official.

(i) Radio or Satellite/TV Antennas – Such structures may be on the roof facing the rear or side yards or may be freestanding. All such units shall be set back a minimum of fifteen (15) feet from all lot lines. Ground mounted antennas shall not exceed fifteen (15) feet in height and shall be located in rear yards only. Roof mounted antennas shall not project more than five (5) feet above the roof line.

#### 4. Non-Residential Accessory Structures

(a) Fences and Walls – Material shall be limited to the following: wood, wrought iron or decorative aluminum, masonry or stucco and chain link (permitted in rear and side yards only). All fences and walls shall have their finished face directed outward towards adjacent lots or streets. The height of any fence in the side or rear yard shall not exceed eight (8) feet and three (3) feet in the front yard.

(b) Storage sheds – Shall be located in the rear or non-street side yards only. Structures shall be located at least five (5) feet from adjacent non-residentially zoned property and at least thirty (30) feet from any residentially zoned property.

(c) Refuse disposal containers and pads- Shall be located in the rear or non-street side yards only. All structures shall be located on a pad and enclosed by a six (6) foot high fence or masonry wall with a latched gate and landscaped to visually screen such structure from adjacent properties.

(d) Freestanding Heating and Air Units- Such structures shall be located in the rear street side yards only. The units may encroach into the required yard up to four (4) feet. The equipment must be fenced and screened on at least three (3) sides and landscaped, with a latched gate on the fourth side to visually obstruct such structure from adjacent properties.

#### 5. Non-Residential Accessory Uses

(a) Outdoor Dining- Outdoor dining may be permitted as an accessory use only in the CBD and the CGN districts provided that the dining area does not obstruct any public right of way without prior authorization from the City and that the dining area

meets all applicable building code and safety requirements. Outdoor dining should ideally be provided on an extension of the sidewalk in front of the building as long as the façade line is maintained, within the building but using a solarium or paneled window walls, or in the rear yard provided that such use be enclosed by a four (4) foot decorative fence when the rear yard is adjacent to non-residential uses and a eight (8) foot privacy fence when adjacent to residential uses.

(b) Car wash (accessory to gas station) – A car wash shall be permitted as an accessory use to a gas station/convenience store in the CGN and MXD-1 districts subject to the following requirements: a site plan shall be submitted, a fifteen (15) foot buffer shall be maintained along the side and rear property lines abutting residentially zoned property and the car wash facility shall not be located in any required parking spaces.

(c) Used Car Sales – The sale of used cars in the CGN district are only allowed in conjunction with a new car dealership.

(d) Theater Marquee –Structure must be located on the same lot as a building which serves primarily as a theater or cinema house. Structure may be free standing or attached onto the front of the associated facility. Electronic displays shall only use static messages, and the image or text shall change no more frequently than once every ninety (90) seconds. Furthermore, there shall be no fade transitions, animation, video, or similar subtle transitions or frame effects that have the appearance of moving text or images. Electronic Displays are limited to one background color and one text color. The City Planning Department and Downtown Sign Committee (if applicable) must approve the location, size, and aesthetics of all theater marquees prior to permit approval.

(e) Other Accessory Uses as approved by Planning Director

## **Section 20A. Standards for Telecommunications Facilities.**

1. *Purpose.* The Telecommunications Act of 1996 affirmed the City of West Point’s authority concerning the placement, construction, and modification of Towers, Antennas, and the facilities whereon such Towers or Antennas are located. This section is designed and intended to balance the interests of the residents of the City of West Point, Georgia, telecommunications providers, and telecommunications customers in the siting of Telecommunications Facilities within the City of West Point, Georgia, so as to protect the health, safety, and integrity of residential neighborhoods, and to foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services. This section shall not prohibit, or have the effect of prohibiting, the provision of personal wireless services. This section is intended to promote the City of West Point, Georgia, as a proactive City in the availability of personal telecommunications

service. To that end, this section shall:

(a) Provide the appropriate location and development of Telecommunications Facilities within the City of West Point, Georgia;

(b) Protect the City of West Point, Georgia's built and natural environment by promoting compatible design standards for Towers;

(c) Minimize adverse visual impacts of Towers through careful design, siting, and landscape screening;

(d) Avoid potential damage to adjacent properties from Tower or Antenna Failure through engineering and careful siting of Towers and Antennas;

(e) Maximize use of any new and existing Towers through co-location so as to minimize the need to construct new Towers and minimize the total number of Towers throughout the City of West Point, Georgia;

(f) Maximize and encourage use of alternate Tower structures as a primary option rather than construction of additional single-use Towers; and

(g) Encourage and promote the location of new telecommunications activities in areas which are not zoned for residential use.

2. *Definitions.* As used in this section pertaining only to Standards for Telecommunications Facilities, the following terms shall have the meanings ascribed below:

*Accessory Facility or Structure.* An accessory facility or structure serving or being used in conjunction with Telecommunications Facilities, and located on the same property or lot as the Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

*Applicant.* Any Wireless service provider submitting an Application for a Telecommunications Facility.

*Application.* All necessary and appropriate documentation that an Applicant submits in order to receive a permit for a Telecommunications Facility.

*Antenna.* A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

*Board of Adjustment.* The appointed Board of Adjustment of the City of West Point, Georgia, authorized to hear and decide tower permit applications and any other duties as determined by the Ordinance.

*Camouflage or Stealth.* Disguising a Tower or Telecommunications Facility so as to make it less visually obtrusive and not recognizable to the average person as a Telecommunications Facility.

*City.* Means West Point, Georgia.

*Co-location.* The use of an existing Tower or structure to support Antenna for the provision of wireless services.

*Coverage Zone.* The area in which a wireless device can receive service.

*FAA.* The Federal Aviation Administration, or its duly designated and authorized successor agency.

*FCC.* The Federal Communications Commission, or its duly designated and authorized successor agency.

*Governing Authority.* The Mayor and City Council of West Point, Georgia.

*Guy Tower.* A tower supported, in whole or in part, by guy wires and ground anchors.

*Height.* When referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.

*Lattice Tower.* A guyed or self-supporting open frame structure that has three or four sides used to support telecommunications equipment.

*Monopole Tower.* A structure consisting of a single spire or pole, constructed without guy wires or ground anchors, used to support telecommunications equipment.

*Nonconforming Structure.* See definition of Nonconforming Use.

*Nonconforming Use.* Any facility/structure or land lawfully occupied by a use at the time of passage of this section or amendment thereto which does not conform after the passage of this section or an amendment thereto with the use regulations of the district in which it is situated.

*Nonresidential Zoning District.* CBD, CGN, CHV, I-1, or I-2 zoning districts.

*Ordinance.* The City of West Point Zoning Ordinance.

*Person.* Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

*Repairs and Maintenance.* The replacement or repair of any components of a Telecommunications Facility where the replacement is materially identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

*Residential Zoning District.* R-1A, R-1, R-2, RPUD-1, and MXD-1 zoning districts.

*Section.* Section 20A of the City of West Point Zoning Ordinance entitled *Standards for Telecommunications Facilities*.

*Separation.* The minimum horizontal distance between two Towers.

*Setback.* The minimum horizontal distance between the lot or property line and the nearest front, side, or rear line of the facility/structure (as the case may be), or any covered projection.

*Staff.* The staff of the Department of Community Development of West Point, Georgia.

*State.* The State of Georgia.

*Telecommunications.* The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

*Telecommunications Facility.* A Tower, Antenna, or any and all buildings, structures, or other supporting equipment used in connection with a Tower or Antenna.

*Tower.* Any structure designed primarily to support an Antenna for receiving and/or transmitting a wireless signal.

*Variance.* A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section.

3. *General requirements for a Tower.*

(a)The height limitations set forth in this Ordinance applicable to buildings and structures shall not apply to Towers which shall be governed by this section.

(b)If a Tower is to be erected in an I-1 or I-2 zoning district and meets the requirements found in this section, Staff can process the building permit application.

If a Tower is to be erected in a zoning district other than I-1 and I-2, a tower permit must be obtained from the Board of Adjustment. In addition to standards required in this section, the following standards shall be considered by the Board of Adjustment prior to the approval of a permit for a tower:

(1)Height of the proposed Tower.

(2)Proximity of the Tower to residential structures and residential zoning districts, historical districts, parks, and designated nature preserve areas.

(3)Nature of the uses on adjacent and nearby properties.

(4)Surrounding topography.

(5)Surrounding tree coverage and foliage.

(6)Design of the Tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

(7)Availability of suitable existing Towers and other structures for co-location as defined in this section.

(c)All new Towers or Antennas shall obtain a building permit prior to the construction or placement of such structures or facilities. A building permit shall not be approved for such Towers without prior approval of a tower permit if so required by this ordinance.

(d) The application for a Tower shall include, but not be limited to, the following information:

(1)A survey site plan drawn to scale by a professional licensed by the State of Georgia showing all property lines with dimensions, location of existing buildings and other structures, topography, location of setback lines or other dimensional requirements, proposed Tower location, Tower height, location of accessory structures to the Tower, proposed landscaping, neighboring uses, north arrow, and property street number;

(2)The coverage zone of the proposed Tower;

(3)A report, documented by the submission of a certification by a qualified engineer licensed by the State of Georgia, showing evidence of an engineering nature which demonstrates that no existing Tower or structure can accommodate the proposed Antenna(s). Said report shall include, but not be limited to, the following information:

i.No existing Towers or structures are located within the geographic area required to meet applicant's engineering requirements;

ii.Existing Towers or structures are not of sufficient height to meet applicant's engineering requirements;

iii. Existing Towers or structures do not have sufficient structural strength to support applicant's proposed Antenna and related equipment;

iv. 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;

v. 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 considered to be unreasonable); or

vi. The applicant demonstrates that there are other limiting factors that render existing Towers and structures unsuitable; and

(4)A report by a professional licensed by the State of Georgia explaining the process by which the subject site was chosen.

(e)Shared usage of Towers and Antennas is encouraged, and Towers shall be designed to accommodate at least one (1) other entity to co-locate on such Towers.

(f)Accessory Facilities or Structures shall be limited to the restrictions described in the definition of Accessory Facilities or Structures found in the Definitions of the section.

(g)All Towers shall be equipped with an anti-climbing device to prevent unauthorized access and such Towers and related Accessory Facilities or Structures shall be enclosed by security fencing not less than six (6) feet in height.

(h)At the time of application for a building permit, the plans for the construction of a Tower shall be certified by an independent registered structural engineer licensed by

the State of Georgia as meeting all current safety and design standards of all applicable codes.

(i) Towers are encouraged to locate in nonresidential areas where possible. Towers shall not be permitted within a single-family residential zoning district unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.

(j) Towers shall not be permitted in the CBD zoning district or any designated Historic District.

(k) Lattice and Guy Towers shall be permitted only within the I-1 and I-2 districts.

(l) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, Federal Communications Commission, or other applicable federal or state agency, be painted a neutral color or painted to match the existing structure so as to reduce visual obtrusiveness.

(m) Towers shall not be artificially lighted unless required by the Federal Aviation Administration, Federal Communications Commission or other state or federal agency of competent jurisdiction. If lighting is required, the staff may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(n) Towers shall not exceed a height required for a safe approach to any nearby airport as set forth by the Federal Aviation Administration.

(o) If upon inspection or upon receipt of an engineer's report, the Building Official determines that an Antenna or Tower has not been utilized by any communications service provider for any communications-related purpose for a continuous period of twelve (12) consecutive months, such Antenna or Tower shall be considered abandoned and the owner shall remove the same within ninety (90) days of receipt of written notice from the city. If the Antenna or Tower is not removed within said ninety (90) days, the city may proceed with removal of such Antenna or Tower and place a lien upon the property for the costs of such removal.

(p) No advertising or signage is permitted on the Tower other than warning or equipment information.

#### *4. Action on Application; Appeals.*

(a) The Board of Adjustment shall approve or deny an application for a tower permit within one hundred fifty (150) days of submission of a complete application. Any

decision denying a request to place, construct or modify a telecommunications facility shall be in writing and supported by evidence contained within a written record.

(b) Any applicant aggrieved by the decision of the Board of Adjustment under this ordinance may seek judicial review by filing for a writ of certiorari in the Superior Court of Troup County within thirty (30) days of the decision.

5. *General Requirements for a Co-location.* The applicant must submit two sets of accurate drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the building or structure. Plans for Antenna construction shall be certified by an independent, registered structural engineer in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and city codes. The City shall approve or deny an application for a building permit for co-location within sixty (60) days of the filing of a complete application.

6. *Tower Setbacks, Height, and Separation.*

(a) *Setbacks.* Towers erected in any zoning district shall be set back a distance equal to the full vertical height of the Tower from all adjoining property lines of a nonresidential zoning district and a distance of twice ( $\times 2$ ) the height of the Tower from all property lines which adjoin a residential zoning district or any residential structure. For purposes of determining whether the installation of a Tower complies with setback requirements, the dimensions of the entire lot shall control, even though the Tower may be located on leased parcels within such lots.

(b) *Height.* Towers shall be limited to a height of two hundred (200) feet in an I-1 or I-2 zoning district, one hundred fifty (150) feet in a CGN or CHV zoning district, and one hundred twenty (120) feet in a R-1A, R-1, R-2, RPUD-1, and MXD-1 zoning district.

(c) *Separation.* Towers shall be separated a distance equal to one-quarter ( $\frac{1}{4}$ ) of a mile. (Excludes such Towers erected in the I-1 or I-2 zoning districts).

7. *Landscaping requirements.* Where adequate existing vegetation is not present, as determined by the city, Towers located in all zoning districts other than I-1 and I-2 shall have the base of the Tower and any Accessory Facilities or Structures to the Tower screened on all sides with a landscaped area having a minimum width of fifteen (15) feet. Said area shall be included in the setback and shall be planted with trees of an evergreen species capable of achieving a minimum height of twenty (20) feet at maturity so as to provide a visual barrier. Required plantings shall be a minimum of five (5) feet in height at the time of planting and placed outside of any required security fencing and shall be regularly maintained by the property owner(s)

to ensure that the above objectives and standards are met.

8. *Nonconforming structures.* Any Telecommunications Facility existing on the date of the adoption of this section shall be considered a nonconforming structure and shall be required to follow the standards set forth in Section 23 of the of West Point Zoning Ordinance.

9. *Exemptions.* The following actions shall not require an application for a tower permit from the Board of Adjustment:

(a) A single Tower seventy-five (75) feet in height or less owned and operated by a federally licensed amateur radio station operator shall be exempt from these requirements. However, the owner or operator of such Antenna shall be required to comply with all applicable city, state, and federal building codes.

(b) Antennas attached to existing nonresidential structures are exempt from these requirements except that such Antennas shall meet or exceed Federal Aviation Administration and Federal Communications Commission standards and shall be limited to ten (10) feet in height above an existing structure in the CBD zoning district or any designated Historic District and twenty (20) feet in height above an existing structure in all other zoning districts. Such nonresidential structures shall include buildings, light poles, water towers, church steeples, and other similar structures. Such Antennas shall not be attached to freestanding sign structures. Prior to placement, a building permit shall be obtained. Placement of Antennas or other communications equipment on any nonconforming use shall provide no vested right for continued use of the site should the nonconforming use cease.

(c) Attachment of additional Antennas or transmission equipment to existing permitted Towers shall be exempt from these tower permit requirements so long as the height of said Tower is not increased; such equipment meets or exceeds Federal Aviation Administration and Federal Communications Commission standards; and a building permit is obtained prior to such attachment.

(d) A Monopole Tower up to ninety (90) feet in height placed on nonresidential zoned sites shall be exempt from these requirements except that such Towers shall be set back a distance equal to the full vertical height of the Tower from all adjoining property lines of a nonresidential zoning district and a distance of twice ( $\times 2$ ) the height of the Tower from all property lines which adjoin a residential zoning district or any residential structure. Such Towers shall be no closer than one-quarter ( $\frac{1}{4}$ ) mile to any other Tower unless within the I-1 or I-2 zoning district and must obtain a building permit prior to construction.

(e) Alternative Tower structures such as manmade trees, clock towers, bell steeples, flagpoles, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of Antennas or Towers shall be exempt from

these requirements. Such Towers shall obtain a building permit prior to construction.

(f) Towers constructed on the governing authority's properties, facilities, or structures shall be exempt from these requirements. Telecommunications Facilities placed upon the governing authority's property shall be governed by a lease agreement between the governing authority and the provider.

(g) Accessory Facilities or Structures.

(h) Repairs and Maintenance.

10. *Variances.* Variances from this section may be applied for and granted in the same procedural manner as required by Section 26 of the City of West Point Zoning Ordinance.”

## **Section 21. In-Home Occupations.**

1. In-home occupations may be established in any residential zoning districts. The following requirements shall apply in addition to all other applicable requirements of this section for the residential district in which such uses are located:

(a) That there be no internal or external alterations inconsistent with the residential character of the premises;

(b) That not more than twenty-five (25) percent of the total floor area of the dwelling be used for the in-home occupation; except for bed & breakfast and personal care homes.

(c) That no machinery that causes noises or other interferences in radio and/or television reception be used;

(d) That no chemical; electrical, or mechanical equipment that is not normally a part of domestic or household equipment be used primarily for commercial purposes;

(e) That no accessory buildings or outside storage be used in connection with the in-home occupation;

(f) That there be no storage' or sale of merchandise, stock-in-trade or commodities on the premises;

(g) That a person who is not a resident on the premises not be employed in connection with a minor in-home occupation;

(h) That only (1) person who is not a resident on the premises shall be employed in

connection with a major in-home occupation.

(i) That a business license be obtained from the City Clerk prior to the operation of such business;

2. Minor In-Home Occupations are permitted administratively and shall be limited to the following:

- (a) Artists, craftsmen, and sculptors, piecework
- (b) Authors and composers
- (c) Home offices not including professional offices
- (d) Individual tutoring
- (e) Catering
- (f) Individual music instrument instruction, provided that no instrument may be amplifies
- (g) Telephone solicitation and telemarketing
- (h) Telephone answering services
- (i) Sewing, needlework and piece goods, not including upholstery
- (j) Other occupations that, in the opinion of the Planning Director, are similar in nature

3. Major In-Home Occupations shall be considered and approved by the Board of Adjustment before a business license can be issued. Major in-home occupations shall be limited to the following:

- (a) Bed and Breakfast
- (b) Photo studios
- (c) Photo development
- (d) Professional offices (limited to two (2) examination rooms)
- (e) Minor repair services
- (f) Personal care homes (limited to six (6) people)
- (g) Day care service (limited to six (6) children)
- (h) Upholstery and fabric work
- (i) Other occupations that, in the opinion of the Planning Director, are similar in nature

## **Section 22. Buffer Requirements**

1. Landscape Buffers shall be required between uncomplimentary uses in accordance with the provisions of the Zoning Ordinance. Buffer s are a landscaping requirement that is in addition to the minimum landscaping requirements of any site development in the City of West Point.

2. Buffer shall remain undisturbed or densely re-planted based on the condition of

the existing buffer.

3. A landscape plan shall be provided showing all required buffers and shall be approved by the Planning Director.

4. Buffer Requirements by Zoning Classification:

<b>Zoning Classification Adjacent Property</b>												
<b>Zoning Classification Subject Property</b>	R-1A	R-1	R-2	RPUD-1	MXD-1(RES)	MXD-1(Com)	CBD	CGN	CHV	I-1	I-2	*
R-1A	-	-	-	-	-	-	-	-	-	-	-	30'
R-1	-	-	-	-	-	-	-	-	-	-	-	30'
R-2	15'	15'	15'	15'	15'	-	-	-	-	-	-	30'
RPUD-1	15'	15'	15'	15'	15'	-	-	-	-	-	-	30'
MXD-1 (Res)	15'	15'	15'	15'	-	-	-	-	-	-	-	30'
MXD-1 (Com)	20'	20'	15'	15'	15'	-	-	-	-	-	-	30'
CBD	20'	20'	20'	20'	20'	-	-	-	-	-	-	30'
CGN	20'	20'	20'	20'	20'	-	-	-	-	-	-	30'
CHV	35'	35'	35'	35'	35'	20'	20'	20'	-	-	-	35'
I-1	50'	50'	50'	50'	50'	50'	50'	50'	35'	-	-	50'
I-2	50'	50'	50'	50'	50'	50'	50'	50'	50'	35'	-	50'

\* where the adjacent property is in the unincorporated County

**Section 22A. Landscaping Requirements, Non-Residential Property**

1.Purpose.

The purpose of this article is to provide standards for the installation of trees and landscaping as part of the land development process in order to enhance the quality of life within the city. The reasons for requiring trees on a site and in parking lots are to provide shade, reduce temperatures, reduce stormwater runoff, and reduce air and water pollution. The following regulations seek to establish minimum standards for the provision, installation, and maintenance of landscape plantings in order to achieve a healthy, beautiful, and safe community and to enhance the city's environmental and visual character for its citizens' use and enjoyment by the following means:

- (1) Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment such as improving air and water quality through such natural processes as photosynthesis and mineral uptake; reducing and reversing air, noise, heat and chemical pollution through the biological filtering capacities of trees and other vegetation.
- (2) Maintain and increase the value of land by requiring landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.
- (3) Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
- (4) Preserve existing natural vegetation where possible and incorporate native plants, plant communities, and ecosystems into landscape design.

## 2. Definitions.

The following definitions shall apply in this section:

- (1) Landscape Plan: A component of a development, site, or other plan to show the details of landscaping required by this ordinance.
- (2) Landscape Strip: Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are allowed. Graded slopes in a landscape strip shall not be steeper than 4 to 1.
- (3) Parking Lot Island: A strip of property which separates groups of parking spaces from other groups of parking spaces or internal driveways. Such islands shall act as traffic barriers and conform to the following specifications: Height of island from the pavement surface, six (6) inches or more; length of island to be equal to the length of the parking row; width of the island eight (8) feet minimum if used for landscaping, six (6) feet if not used for landscaping; forty (40) feet minimum at ends of rows to form an "I" configuration.

(4) Peripheral Parking Lot Planting Strip: A landscape strip of ten (10) feet that is required along the perimeter of all parking lots. The measurement is from back of curb and located between the parking lot and the abutting property lines. The graded slopes in a landscape strip shall not be steeper than 4 to 1.

(5) Plant Schedule: A list of all the required and proposed plant material for a site which includes quantity, size, spacing and any special planting notes.

(6) Screening: Structure or planting that conceals from view the area behind such structure or planting.

### 3. Landscaping Requirements.

All uses under this section are subject to the following conditions:

(1) A landscape plan, including a plant schedule, shall be submitted to the Planning Director as part of the required site plan for all new construction and improvements within the established corridor overlay district zone. Should the City determine that the landscape plan is not sufficiently complete to ascertain whether the landscape plan design does or does not meet the conditions of this ordinance, then the site plan shall be rejected until adequate information is submitted in a revised site plan or as amendments or modifications to the previously submitted landscape plan. Amendments or modifications may be submitted for review as necessary and require approval prior to installation.

(2) Vegetation (also referred to as plants, plant material, plantings) for screening, buffering and landscaping requirements shall be reviewed for approval or disapproval by the Planning Director. Proposed vegetation and irrigation, where required, shall be installed in accordance with the approved plan. Installation must be completed before a Certificate of Occupancy is issued.

(3) Every effort should be made in the design to incorporate existing specimen trees on site. Removal of specimen trees without acceptable justification will require replacement on an inch for inch basis which is above and beyond the required tree plantings.

a. Interior Parking Lot Planting Requirements — If any parking lot contains twenty (20) or more parking spaces, interior parking lot landscaping shall be required as follows:

(1) There shall be a minimum curb radii of three (3) feet required on the corners of all landscape islands and medians to allow for free movement of motor vehicles around planting materials. All islands and medians shall have raised curbs around

them to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Striping of parking islands is not permitted.

(2) All rows of parking spaces shall be provided a terminal island to protect parked vehicles, confine moving traffic to aisles and driveways, and provide space for landscaping. A terminal Island for a single row of parking spaces shall be planted with a least one (1) canopy/shade tree. A terminal island for a double row of parking spaces shall contain not less than two (2) shade/canopy trees.

(3) All landscape islands within parking lots shall be one hundred (100) percent landscaped with deciduous trees, evergreen shrubs (not to exceed three (3) feet high at maturity), ground cover (which does not require mowing) and/or flowers in mulched beds.

(4) Interior landscape islands shall be provided within parking areas of twenty (20) or more spaces. Parking areas designated to accommodate more than twenty (20) motor vehicles must install interior landscape islands so that no more than sixteen (16) adjacent parking spaces exist without a landscaped separation of at least eight (8) feet in width, If significant tree save areas or natural areas exist within a parking area, the Planning Director may make an exception to this requirement, as appropriate.

(5) Each island or strip shall contain a minimum of one hundred twenty five (125) square feet. All landscape islands shall be reasonably dispersed throughout the parking lot, and shall have a minimum width of eight (8) feet measured from back of curb. There shall be a minimum eight (8) foot wide (back of curb to back of curb) curbed landscape island at the end of every row of parking, equal in length to the adjoining parking space. A parking island must be located no further apart than every sixteen (16) parking spaces.

(6) Landscaped areas between parking areas and buildings shall not be considered as interior landscaping.

(7) Areas used principally for storage of vehicles or display areas do not require interior Islands if such areas are screened from adjacent properties and public streets.

b. Peripheral Parking Lot Planting Requirements – If any parking lot contains ten (10) or more parking spaces, peripheral parking lot landscaping shall be required as follows:

(1) The perimeter of all parking areas shall be landscaped.

(2) Except where otherwise stated, a landscaping strip ten (10) feet in width measured from the back of curb shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment.

(3) Peripheral plantings shall include one (1) shrub per twenty (20) linear feet of

abutting land and one of, or a combination of the following, which need not necessarily be installed on center:

a) One (1) understory/flowering tree per twenty (20) linear feet; One (1) shade/canopy tree per thirty five (35) linear feet.

(4) Trees shall be planted at a minimum of three (3) feet from any curb, so as to prevent injury to trees by vehicle bumpers. Where landscaped areas are located adjacent to vehicle overhangs, the trees shall be planted in line with the striping between parking spaces in order to avoid injury to trees by vehicle bumpers.

c. Landscape Planting Strip Requirements — Landscape strips shall be used to separate uses, provide vegetation in developed areas, and enhance the appearance of individual properties. The following minimum requirements shall apply to landscape planting strips:

(1) The width of a landscape strip must be as a minimum, conform to the requirements of the conditions of zoning. Otherwise, the minimum width of landscape strips must conform to this ordinance, whichever is greater.

(2) Landscape plantings shall be provided in a landscape strip of at least ten (10) feet wide in which adjacent to any street right of way abutting the property and running the length of the entire property frontage; and in areas adjacent or internal to off street parking lots that contain more than ten (10) parking spaces; and as required by a condition of zoning.

(3) No permanent structures are permitted within landscape strips, with the exception of Identification signage and light posts. This includes pavement, retaining walls, curbing, dumpsters, drainage structures, detention facilities, rip-rap, utility boxes, vacuum/air/water, etc. The deposition of storm water runoff into or drainage swales through a landscape strip is not permitted. Graded slopes within a landscape strip may not be steeper than 4:1.

(4) Wheel stops must be used to prevent vehicle overhang into required landscape strips, parking islands and walkways if sidewalks are less than 5 ½ feet wide.

(5) Landscape strips shall contain one (1) tree for each thirty five (35) linear feet of strip length. Each tree shall be at least eight (8) feet planted. Clumping is permitted provided that adequate spacing is allowed for future growth there is no gap greater than fifty (50) feet.

(6) Landscape strips shall contain ten (10) shrubs for each thirty five (35) linear feet of strip length. Clumping is permitted provided that adequate spacing is allowed for future growth and there is no gap greater than fifty (50) feet.

(7) The remaining ground area shall be sodded, seeded, or hydroseeded with grass, and/or planted with groundcover species.

(8) Where landscaping areas adjoin grassed rights-of way, such areas shall be considered part of the landscaped area for purposes of maintenance. As of

completion of site improvements, the property owner shall have an implied easement on rights-of-way extending from the property line to the edge of road pavement in order to complete the required maintenance.

d. Landscape Screening Planting Requirements — Screening shall be used as a buffer between incompatible uses, and to reduce the effects of headlight glare, noise, and other objectionable activities. The following minimum requirements shall apply to screening:

(1) Screening shall be installed on all lot lines where commercial, industrial, and institutional uses abut residential zoning districts except for entrances and exits.

(2) Screening may consist of a fence, a wall, a berm, or vegetation and/or a mix of any or all of the foregoing. The outer or public side of fences and walls shall be landscaped enough to soften the structure with a tree or shrub group at least every fifty (50) feet. Berms must be a minimum two (2) feet high, two (2) foot minimum crown width, and side slopes of no greater than three (3) to one (1).

(3) Parking areas shall be adequately screened so as to not be visible from contiguous residential areas and shall have limited visibility from adjoining streets.

(4) Dumpster and trash storage/collection areas shall be adequately screened so as not to be visible from streets and/or adjacent properties regardless of adjacent land use or zoning classification.

(5) Loading areas shall be adequately screened so as not to be visible from any residential areas or streets.

(6) Heating and cooling units for developments shall be adequately screened so as not to be visible from streets and/or adjoining streets.

(7) All plantings used for screening shall consist of evergreen trees, shrubs, or combination thereof. All trees planted shall be a minimum five (5) feet planted and shall be a species which will achieve a height of at least twenty (20) feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of two (2) feet planted, and shall be a species which will achieve a height of at least ten (10) feet at maturity.

(8) Plants shall be spaced so as to provide for effective visual screening within three (3) growing seasons. Planting beds required for screening shall be a minimum of six (6) feet in width.

e. Landscape Buffer Planting Requirements – Buffers shall be required between uncomplimentary uses in accordance with the provisions of this ordinance or as a condition of zoning. Buffers are a landscaping requirement that is in addition to the minimum landscaping requirements of any site development in the City of West Point.

(1) Landscape buffers are intended to separate different land uses and zoning

districts from each other and are intended to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas. Buffer requirements between different zoning districts are outlined in Appendix A, Section 22 of the zoning ordinance.

(2) Buffers will be left undisturbed or required to be densely re-planted depending on the quality of the existing buffer.

f. Landscape Maintenance -The owner, occupant, tenant and respective agent of each, if any, shall be jointly and severally responsible for all vegetation located on the property.

(1) Vegetation shall be maintained to promote natural shape and healthy growth, meaning pruned regularly in accordance with the recommendation established for the specific plant material by the American Association of Nurserymen and the American Standard for Nursery Stock.

(2) Approved screens, buffers, and landscape areas shall be maintained free of weeds, meaning any plant material not on the approved landscape plan, as approved or amended. Areas containing grass, as approved, on the landscape plan, shall be regularly cut to maintain an attractive and pest free site; grass area reaching a height more of more than eight (8) inches or weeds within screens, buffers, and landscape areas shall be considered a violation of required maintenance and shall also evaluate as a potential public nuisance.

(3) Diseased and dead plant materials shall be replaced in accordance with the approved plan within thirty (30) days after written notice from the Planning Director. An extension for installation to occur during the next appropriate planting season may be granted.

(4) For all uses after the effective date of this ordinance, the owner, occupant, or agent of the new use shall maintain all vegetation installed in accordance with an approval landscape plan.

### **Section 23. Nonconforming Uses, Structures and Lots**

1. Nonconforming buildings. The lawful use of a "building" existing at the time of the passage of this ordinance; may be continued, although such use does not conform to the provisions of this ordinance; and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, or ordered by an authorized officer to assure the safety of the building, are made therein. No such use shall be extended to occupy any land outside such building. If such nonconforming use of such building is discontinued for a continuous period of not less than one hundred eighty (180) days, every future use of such premises shall be in conformity with the provisions of this ordinance.

2. Nonconforming land. The lawful use of "land" existing at the time of the passage of this ordinance, although such use does not conform to the provisions of this ordinance, may be continued; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this ordinance. If such nonconforming use is discontinued for a continuous period of not less than one hundred eighty (180) days, any future use of said land shall be in conformity with the provisions of this ordinance. Provided, however, that where "land" which is now used for a use excluded from the district in which such "land" is located and such use is not an accessory to the use of a main building located on the same lot or grounds such nonconforming use of "land" shall be discontinued and all material completely removed by its owner not later than three (3) years from the date of the passage of this ordinance.

3. Use of more restricted classification. If no structural alterations are made, a nonconforming use may be changed to a use of the same or more restricted classification according to the provisions of this ordinance. When a district shall hereafter be changed, any then existing nonconforming use in such changed district may be continued or changed to a use of a similar or more restricted classification; provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a more restricted classification or to a conforming use, such use shall not thereafter be changed to a nonconforming use of a less restricted classification.

4. Restoration. Nothing in this ordinance shall be taken to prevent the restoration of a building destroyed to the extent of not more than fifty (50) percent of its assessed value by fire, explosion or other casualty, or act of God, or the "public enemy", nor the continued occupancy, or use of such building or part thereof which existed at the time of such partial destruction.

5. Non-conforming lot of record. Where the owner of a lot at the time of the adoption of this ordinance or his/her successor in title thereto does not own sufficient land to enable him/her to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single-family residence in the R-1, R-1A and R-2 districts or a permitted use in all other districts except RPUD-1 and MXD-1. This shall be subject to the building conforming to the dimensional requirements which can be reasonably apply to the lot and that a variance from those which it cannot reasonably conform to be granted by the Board of Adjustment, and that construction is in compliance with other city ordinances.

#### **Section 24. Amendments to Zoning Ordinance and Map**

1. *Requirements for change:* Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, and after consideration by the Municipal Planning Board, the City Council may, by ordinance, from time to time

amend, supplement, change or repeal the regulations, restrictions or district boundaries set out in this ordinance.

2. *Petition for, or initiation of change:* A proposed change of the district boundaries or of the regulations may be initiated by the City Council, the Municipal Planning Board or by petition of one or more owners or authorized agents of such owner or owners of property within the area proposed to be changes or affected by a change in the district map or text. All proposed changes or petitions shall be in writing and shall specify: the nature and extent of the change desired, reasons for seeking the change and the names and addresses, as far as practicable of property owners affected by the change. The petition of proposed change all data pertaining thereto shall be filed with the Planning Director.

3. *Action on petition:* Any proposed amendment, supplement, modification or repeal shall first be submitted to the Municipal Planning Board for its recommendations and report. The Municipal Planning Board shall have thirty (30) days within which to submit its report. If the Municipal Board fails to submit a report within thirty-day period, it shall be deemed to have approved the change or departure.

Upon receipt of the report from the Municipal Planning Board or after thirty (30) days from the date the petition or proposed change was referred to the Municipal Planning Board, the City Council shall: (a) hear the report of and recommendations from the Municipal Planning Board, (b) receive a report from the City and hear comments from city staff, (c) hear proponents of the proposed change, and (d) hear the opponents of the proposed change.

4. *Notice of hearing:* At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing, notice of the hearing shall be published in a newspaper of general circulation in the City. The notice shall state the time, place, and purpose of the hearing. If the proposed change is to rezone property from one zoning classification to another zoning classification, the notice shall also include the location of the property and the present and proposed zoning classification of the property.

If the proposed change is to rezone property from one zoning classification to another zoning classification, a sign shall be placed upon the property for which rezoning is sought. Such sign shall be placed upon the property at least fifteen (15) but no more than forty-five (45) days prior to the public hearing. The sign shall have surface of not less than sixteen (16) inches in height and twenty (20) inches in width and the printing thereon shall be black with a light background and the letters shall be at least one and one-half (1½) inches tall. The sign shall be placed in a conspicuous location on the property and must be visible from at least one (1) street upon which the property abuts or on the access to such property and shall state the proposed zoning change, the date of the public hearing, and shall contain a telephone number to call for further information relating to such proposed rezoning.

The sign placed in accordance with the provisions of this section shall not be removed there from by any person until at least twenty-four (24) hours after the date scheduled for the public hearing.

5. *Standards to be considered:* The City Council shall consider the following standards for all zoning changes:

a. Whether the zoning decision will permit a use suitable in view of the use and development of adjacent or nearby property.

b. Whether the zoning decision will adversely affect the existing or proposed development of adjacent or nearby property.

c. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned.

d. Whether the zoning decision will result or could cause an excessive or burdensome use of existing public facilities or services.

e. Whether the zoning decision conforms with the policy and intent of the adopted land use plan.

f. Whether other conditions exist that affect the use and development of the property in question and support either approval or denial of the zoning change.

6. *Minimum time between applications:* A property owner shall not submit a proposal for zoning change, affecting the same piece of property, more than once a twelve (12) month period unless the applicant can show that the conditions upon which denial was based have substantially changed.

7. *Filing fee:* Before any action is taken upon any application as provided in this section, either by the Municipal Planning Board or the City Council, the applicant shall deposit with the City Clerk, a sum to cover the approximate cost of the procedure and under no obligation shall said sum or any part be refunded for failure of such change to be adopted by the City Council. Such sum shall be in an amount as determined from time to time by the City Council and listed in the schedule of fees and charges maintained in the City Clerk's office.

## **Section 25. Annexation Zoning Policy**

### **Purpose**

The purpose of this section is to provide a mechanism whereby land, which is subject to annexation by the City of West Point, shall be evaluated and a zoning

district be decided upon to apply said land upon the annexation becoming final.

## 1. Annexation Zoning Process

Upon receipt of an application for annexation of property to the City, such application shall be placed on an agenda of City Council meeting within sixty (60) days of the filing of such application.

### (1) Procedure for Annexation, Specifically.

Petitioners for annexation must present to the Planning Director the following:

- a. A petition for annexation into the City of West Point, Georgia (which shall be in the form of a letter and include the petitioners name, mailing address, contact telephone number, and the address or tax map number of the property proposed for annexation).
- b. A legal description of the property.
- c. A survey by a licensed and registered land surveyor (which shall show, at a minimum, the extents of the property, size of acres, adjacent property owners, and the existing city limits line). Five (5) plats 18"x 24" and one (1) 11"x 17" plat shall be submitted with the application for annexation.

The City shall notify Troup or Harris County of intent to annex within the time frame specified in Section 25.2 below. Upon receiving a recommendation from the Planning Commission, the City Council may choose to proceed with annexation of the property. Upon approval of annexation of the property and placing a zoning designation with the property, the City shall submit the proposed annexation to the U.S. Department of Justice (DOJ) for review. Upon review and favorable comment from DOJ, the annexation is officially in place.

The procedure for rezoning of the property is identical to that of a conventional rezoning except that the hearing before the Council shall be conducted simultaneously to the annexation of the subject property into the City.

The zoning classification approved by the City following the hearing shall become effective on the later of:

- (1) the date the zoning is approved by the Council; and
- (2) the date the annexation becomes effective pursuant to O.C.G.A §30-30-4

## 2. House Bill 489

All annexation into the City of West Point shall meet all of the requirements for resolution of land use conflicts as required by State House Bill 489. The following procedure has been adopted as part of this legislation:

1) Definitions

The following definitions have been adopted specifically to carry out the procedures for this process. The implementation of any of the following definitions shall not have the effect of nullifying the implementation of any other definition.

a. Affected local government – “The Affected” – Means the county or any municipality within 1000 feet of the property to be annexed.

b. Bona fide Land Use Classification Objection – As it relates to this process, a bona fide land use classification objection is an objection to a proposed land use of an annexation petition which results in a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use. Examples of bona fide land use classification impacts are: Negative effects on surrounding property, increase in traffic loads, environmental impacts, and/or additional public service needs.

c. Comprehensive Plan – Means any plan by a county or municipality covering such county or municipality proposed or prepared pursuant to the minimum standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans established by the Department of Community Affairs.

d. Future Land Use Map – A required component of the comprehensive plan that shows graphically how a community wishes land uses to be designated and developed, usually over a twenty (20) year or long period.

e. Impact – Any negative effect on a piece of land brought about by a government through an annexation.

f. The Initiator – Although not expressly defined in H.B. 489, means the county or municipality proposing annexation of property into proposing entity’s jurisdictional limits.

g. Peculiar Topography or Site Conditions – Means topography or other features that could cause unusually significant harm due to intense and incompatible adjacent development.

h. Significantly Different Allowable Use – Means a use in a more intensive land use category such as:

- (1) Office/Institutional versus Residential

(2) Commercial versus Residential

(3) Industrial versus Residential

(4) Industrial versus Commercial

i. Substantial Change in Intensity – Substantial change in the intensity of a proposed land use shall be defined as follows:

(1) If land use proposed is in a category of lesser impact – **Not Substantial;**

(2) If land use proposed is in the same general category of impact and is an increase in density of less than or equal to twenty-five (25) percent of the adjoining land within the adjacent jurisdiction – **Not Substantial;**

(3) If land use proposed is in the same general category of impact and is an increase in density of greater than twenty-five (25) percent of the adjoining land within the adjacent jurisdiction – **Substantial;** or

(4) If the land use proposed is in the same general category of impact and results in a substantial change in intensity, verified by the affected party, which negatively affects surrounding property, increases traffic loads, presents environmental impacts and/or additional public service needs – **Substantial.**

j. Unique Development – Means development of a one-of-a-kind nature such as a sports arena, stadium, race track, amusement park, university, or other similar developments.

k. Unusual Development – Means development that is uncommon or rarely proposed for the region.

2) Amendment

This process shall be used when a local government receives an annexation request, or initiates an annexation. An amendment as this term is used in this agreement shall not include the annexation of any unincorporated island (as that term is defined in O.C.G.A §36-36-90) containing 50 acres or less.

3) Notification

“The Initiator” shall notify other affected local governments of the proposed land use of an area to be annexed within five (5) business days of receipt of this request

for annexation. This notification shall include all relevant data pertaining to the proposed land use of the area to be annexed.

#### 4) Determination/ Intent to Object

Within thirty (30) business days after notification, “the Affected” shall make a land use compatibility determination of whether the proposed use of the area to be annexed would create a land use conflict.

The determination is first reviewed by “the Affected(s)” professional planning staff or appointee(s) in the absence of a planning staff. “The Affected(s)” planning staff or appointee(s) shall notify “the Initiator” and “the Affected(s)” governing body within fifteen (15) business days after “the Initiator” serves notification of their Intent to Object recommendation. The notification shall be a written recommendation based on bona fide land use classification objections.

Prior to the end of the “the Affected” review period, i.e., the thirty (30) business days, “the Affected(s)” governing body shall consider the intent to object recommendation for final action.

If “the Affected(s)” governing body confirms by an affirmative vote an Objection as permitted for herein, “the Affected” shall document in writing the nature of the objection and the documentation shall be submitted to “the Initiator” prior to the end of the review period.

The absence of said notification by “the Affected” shall be construed to mean that “the Affected” does not identify land use conflicts created by the annexation and “the Initiator” may proceed with the annexation, in compliance with applicable State or local laws and ordinances.

#### 5) Mitigation

Representatives of “the Affected” and “the Initiator”, which shall be selected by the governing bodies to act on their behalf, shall have ten (10) business days from “the Initiator’s” receipt of the objections to meet and devise mitigative measures to address the specific use conflicts created by the proposed annexation. Such mitigative measures can include, but not be limited to, more restrictive development standards such as increasing buffers and/or building setbacks, building height, landscaping requirements, traffic control, storm water control, or other measures designed to mitigate conflicts resulting from adjacent land uses.

Governing bodies of “the Affected” and “the Initiator” shall approve any mitigative actions identified during the mitigation process at their next available public meeting, but no later than fifteen (15) business days after the mitigative actions are identified by local representatives.

Once “the Initiator” and “the Affected” agree that the mitigative measures are reasonable to address the specific use conflicts created by the proposed annexation then “the Initiator” shall impose said condition as prescribed in the selected mitigative measures as conditions of approval for the annexation of the property.

#### 6) Appeals Board

If at the end of the mitigation process “the Initiator” and “the Affected” cannot agree to a resolution of the objection through mitigative measures, then the dispute shall be referred to a Board of Annexation Appeals which shall be composed of five (5) members (unless more than one affected local government is involved): two (2) appointed by “the Initiator”; two (2) appointed by “the Affected”, and one (1) who must be a certified AICP planning professional or a professional from the DCA mediator list approved by both “the Initiator” and “the Affected”. If more than one municipality qualifies as an “Affected Local Government” each “Affected” may appoint two (2) members. The Board of Annexation Appeals must be appointed no later than fifteen (15) business days after “the Initiator” and “the Affected” have failed to agree on mitigative measures. Members of the Board of Annexation Appeals may not be an elected official or staff member of the respective governing authorities that are party to this resolution process.

All cost associated with the work of the Board of Annexation Appeals shall be equally borne by the “the Initiator” and “the Affected(s)”.

#### 7) Board Decision

Within ten (10) business days of appointment, the Board of Annexation Appeals shall render its decision, which shall be in the form of one following alternative:

- a. Approve the annexation based on the land use classification proposed.
- b. Deny the annexation based on the land use classification objection.
- c. Approve the annexation based on the proposed mitigative action.

The decision of the Appeals Board must be acted upon by the governing bodies of “the Initiator” and “the Affected” at their next available public meeting, but not later than fifteen (15) business days after the receipt of Board recommendation.

#### 8) Mediation

If “the Initiator” and “the Affected(s)” fail to reach an agreement on the administrative decision by the Board of Annexation Appeals, then within ten (10) business days “the Initiator” and “the Affected(s)” hereby agree to mutually select

a mediator from the list maintained by the Georgia Department of Community Affairs or other mutually agreed upon source, and to undertake a mediation process in conformance with the standards and procedures established by the Georgia Planning Act. The cost and any associated expense shall be equally borne by “the Initiator” and “the Affected(s)”.

The mediator shall have up to fifteen (15) business days to render its decision, which shall be in the form of one of the following alternatives:

- a. Recommend acceptance of the annexation as proposed.
- b. Recommend rejection of the proposed annexation.
- c. Recommend alternatives and/or mitigation to resolve the objections to the proposed land use of the area to be annexed.

The mediator’s proposal must be approved by the governing bodies of both “the Initiator” and “the Affected” at the first available public meetings for each respective body, but not later than fifteen (15) business days after the mediator’s recommendations are presented.

“The Initiator” and “the Affected” hereby agree to comply with decision(s) resulting from the mediation process unless either “the Initiator” or “the Affected” chooses to seek legal remedy in a court of competent jurisdiction, which results in a different decision by the courts.

### 9) Annexation Proceedings

Nothing in this process shall prohibit “the Initiator” from proceeding with its annexation process subject to the final outcome of this process; however, “the Initiator” shall not finalize the annexation until such time as the process for land use compatibility terminates. Nothing in these procedures shall preclude the rights of any property owner, “the Initiator”, or “the Affected” to seek legal remedy in a court of competent jurisdiction.

### 3. Building Permits

No permits shall be issued for construction of a building on newly annexed property until the City of West Point receives clearance on the annexation request from the U.S. Department of Justice as required by the Voting Rights Act of 1965, as amended.

## **Section 26. Board of Adjustment**

1. Creation, membership and organization: A Board of Adjustment is hereby established.

The word "board" when used in this ordinance shall be construed to mean the Board of Adjustment.

The board shall consist of five (5) members appointed by the city council for overlapping terms of three (3) years and be removable for cause by the city council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term in the same manner as the initial appointment. None of the members shall hold any other public office or position in the city, except that one member may be also a member of the Municipal Planning Board.

The board shall elect one of its members as chairman, who shall serve for one year or until he is reelected or his successor is elected. The board shall appoint a secretary who may be an officer of the City Council or of the Municipal Planning Board.

2. Rules, meetings and records: The board shall adopt rules in accordance with the provisions of this ordinance.

Meetings of the board shall be held at the call of the chairman, or in his absence the acting chairman, and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public.

The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

3. Appeals: Appeals to the board maybe taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the Building Inspector, Code Enforcement Officer or Planning Director. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Building Inspector, Code Enforcement Officer, Planning Director and with the board a notice of appeal specifying the ground thereof. The Building Inspector, Code Enforcement Officer or Planning Director shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken. Each appeal shall be accompanied by a fee, as determined by the City Council and listed in the schedule of fees maintained in the City Clerk's office, to defray the cost of processing such appeal, said fee to be paid to the City Clerk of West Point.

4. Stay of proceedings: An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Inspector, Code Enforcement Officer, or Planning Director certifies to the board that the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on

application, on notice to the Building Inspector, Code Enforcement Officer or Planning Director and on due cause shown.

5. Hearing on appeal: The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time (not to exceed sixty (60) days). Upon the hearing, any party may appear in person or by agent or by attorney.

6. Powers of the board: The Board of Adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the building inspector, code enforcement officer or planning director in the enforcement of this ordinance, or any amendments thereto.

(b) To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance. Such special exceptions shall include and be limited to the following:

(1) Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this ordinance.

(2) Interpret the provisions of this ordinance where the street layout, actually on the ground, varies from the street layout as shown on the "Official Zoning Plan Map of the City of West Point."

(3) Permit the reconstruction of a nonconforming building which has been destroyed, or partially destroyed by fire or act of God, where the board shall find some compelling public necessity requiring a continuance of the nonconforming use.

(4) Permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the board finds reasonably necessary for the public convenience or welfare.

(c) To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the board that:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography, and the application of this ordinance to this particular piece of property would create an

unnecessary hardship, and such conditions are peculiar to the particular piece of property involved, and relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

(2) The authorization of the variance will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, morals, and general welfare of the inhabitants of the City of West Point.

7. Modification of decisions appealed from: In exercising the above mentioned powers, the board by the concurring vote of four (4) members may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building inspector, code enforcement officer or planning director and may issue or direct the issuance of a permit.

8. Appeals from action of the board: Any person or persons, jointly or severally, aggrieved by any decision of the board, or any taxpayer, or any officer, department, board or bureau of the governing body of the City of West Point, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the Office of the Board, otherwise the decision of the board will be final.

## **Section 27. Administration and Enforcement.**

1. Enforcement: The Building Inspector, Code Enforcement Officer, or Planning Director is hereby designated and authorized to enforce this ordinance.

2. Building permits: Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this ordinance. A record of such applications and plats shall be kept in the Office of the City Clerk. Where application is made to enlarge an existing nonconforming use, the application shall be accompanied by an affidavit giving the description of the premises owned at the date of the passage of this ordinance.

## **Section 28. Interpretation, Purpose and Conflict.**

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and

general welfare of the community. It is not intended by this ordinance, to interfere with or abrogate or .annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall control.

### **Section 29. Violations and Penalties.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be punished as provided by Section 1-14 of this Code. Each day that a violation is permitted to exist shall constitute a separate offense.

### **Section 30. Validity.**

Should any section, clause or provision of this ordinance be declared by the court to be invalid the same shall not affect the validity of the ordinance as a whole or any thereof, other than the part so declared to be invalid.

### **Section 31. Conflicting Ordinances Repealed.**

All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed, with the exception of section 18 "Municipal Planning Board," Section 25 of the Code of the City of West Point, adopted by the Mayor and Aldermen, 1959, which states:

"There is hereby created a Municipal Planning Board for the City of West Point, Georgia, to consist of five members. The terms of office of the members of the Municipal Planning Board shall not exceed four years.

The City Planning Director shall serve as Secretary of said Board, and shall meet with the Board in an advisory capacity only.

The Municipal Planning Board shall have and exercise the powers conferred by the laws of the State of Georgia with reference to zoning and planning as specifically set out in Chapter 69, Paragraphs 801 through 843 of the Code of Georgia."

### **Section 32. Effective Date.**

This ordinance shall take effect and be in full force immediately after its adoption on this 12<sup>th</sup> day of March 2007.