

**CITY OF FORT OGLETHORPE**

**STATE OF GEORGIA**

**ORDINANCE NUMBER 2022- 14**

**AMENDMENT TO THE CITY OF FORT OGLETHORPE CODE OF ORDINANCES BY  
CREATION OF THE LAFAYETTE ROAD OVERLAY DISTRICT**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF FORT OGLETHORPE, GEORGIA; TO ADOPT THE LAFAYETTE ROAD OVERLAY DISTRICT; TO AMEND HE CITY’S UNIFIED DEVELOPMENT CODE, CHAPTER 2, ARTICLE 3, SEC 3.2; TO ADDRESS ISSUES OF PUBLIC SAFETY, HEALTH AND GENERAL WELFARE OF THE CITIZENS AND SOJOURNERS OF THE CITY OF FORT OGLETHORPE; TO PROVIDE FOR THE USE, VISUAL AND ARCHITECTURE CHARACTER OF THE LAFAYETTE ROAD OVERLAY DISTRICT; TO PROVIDE FOR DEVELOPMENT AND REDEVELOPMENT OF LAND, USES AND BUILDINGS IN THE LAFAYETTE ROAD OVERLY DISTRICT; TO AMEND THE OFFICIAL CITY ZONING MAP AT CHAPTER 2, ARTICLE 1, SEC. 1.2; TO PROVIDE FOR PROVISIONS THEREIN AS AUTHORIZED BY STATE LAW; TO PROVIDE FOR MODIFICATIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES OR PARTS THEREOF; TO PROVIDE FOR AN ADOPTION EFFECTIVE DATE; AND FOR ALL OTHER PURPOSES ALLOWED BY LAW.**

**WHEREAS**, the duly elected governing authority of the City of Fort Oglethorpe, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia, the Official Code of Georgia Annotated 36353, the Official Code of Georgia Title 36, Chapter 66, and the Charter of the City of Fort Oglethorpe, Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Fort Oglethorpe, Georgia; and

**WHEREAS**, the duly elected governing authority of the City of Fort Oglethorpe, Georgia is vested in the City Council composed of a mayor and five council members; and

**WHEREAS**, the City of Fort Oglethorpe by and through its mayor and council in enactment has complied with the provisions of the Official Code of Georgia Annotated Title 36, Chapter 66, Zoning Procedures; and

**WHEREAS**, the City of Fort Oglethorpe by and through its Planning Authority has complied with the existing requirements of the City of Fort Oglethorpe Code of Ordinances and held its own public hearing on April 5, 2022; and

**[NEW]**

## **Chapter 2 Use of Land & Structures**

### **Article 3**

#### **Sec 3.2 LaFayette Road Overlay District.**

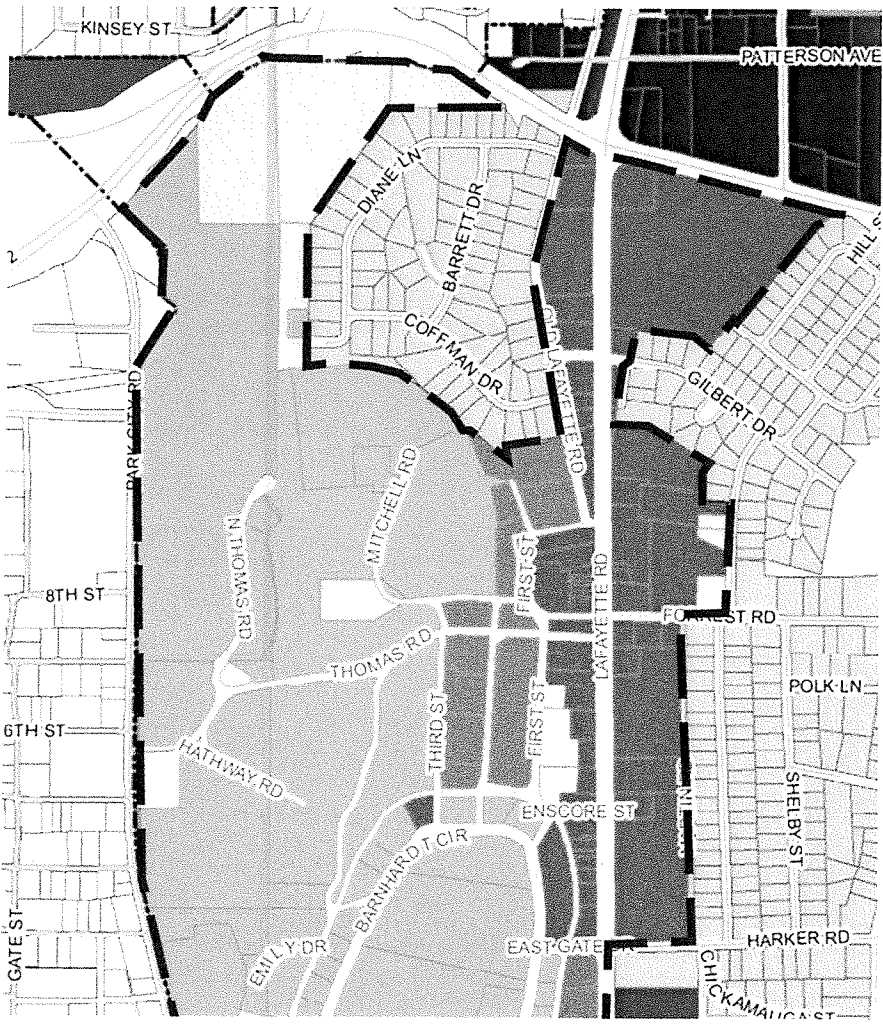
(a) Intent.

The LaFayette Road Overlay District is established to implement the "District-Downtown" character area of the Catoosa County Comprehensive Plan, as amended, including establishing restrictions and standards pertaining to the use and the visual and architectural character of the LaFayette Road corridor and surrounding area. It is intended to encourage the most appropriate use of land, enhance the quality and compatibility of development, and to ensure building and site design complements the historic character of the area and is consistent with the Fort Oglethorpe Renaissance Strategic Vision and Plan. The application of use and design requirements will help to ensure that redevelopment and new development is visually and functionally appropriate for an area that is transitioning to a mix of "Main Street" commercial, residential, and institutional uses that generate pedestrian and economic activity and provide a community focal point reminiscent of a traditional downtown.

(b) Boundaries.

The LaFayette Road Overlay District boundaries include those properties bordering on LaFayette Road south from its intersection at Battlefield Parkway to the entrance of

the Chickamauga & Chattanooga National Military Park. The overlay district includes parcels west of those that border on LaFayette Road to the Catoosa County line, with the exception of parcels having frontage on Barrett Drive, Coffman Drive, and Diane Lane, as well as parcels fronting Old LaFayette Road north of Coffman Drive. The overlay district also includes parcels east of those that border on LaFayette Road that are within the Fort Oglethorpe Downtown Development Authority (DDA) boundary. This overlay district includes all parcels located within the Fort Oglethorpe Historic District. The boundary of the LaFayette Road Overlay District is shown on the map below and by reference made a part hereof as Exhibit "A" – LaFayette Road Overlay District and shall be designated on the Official Zoning Map of the City of Fort Oglethorpe.



(c) Applicability.

Unless specifically addressed by this Sec. 3.2, land and structures shall be used in accordance with the underlying zoning district, and regulations established by the UDC for uses and each zoning district shall be in effect. In any case where the provisions of the LaFayette Road Overlay District conflict with those of the underlying zoning district, the standards and requirements of the overlay district shall govern. Unless specifically addressed by this Sec. 3.2, the uses and standards established by the UDC as of the date of adoption of the LaFayette Road Overlay District shall remain in effect, regardless of subsequent amendments to the same.

(d) Allowed uses.

(1) Principal uses.

Principal uses are as allowed by right or by special exception in the underlying zoning district, as shown in Table 2-A in this chapter, except when prohibited in subsection (e) below or identified as a special exception use that requires City Council approval, as follows: Tattoo and Body Piercing Studios (NAICS code 812119), Restaurants and Specialty Snack and Non-Alcoholic Beverage Shops, with a drive-through window (fast-food restaurants; NAICS code 7225); and Medical Offices (NAICS code 621).

(2) Accessory uses.

Accessory uses are as allowed under Chapter 3, Article 2 *Restrictions on Accessory Uses and Structures* of this UDC, with the exception that the outdoor storage of goods, material, merchandise, or inventory is prohibited.

(3) Temporary uses.

Temporary uses are as allowed under Chapter 3, Article 3 *Restrictions on Temporary Uses and Buildings*.

(e) Prohibited uses.

The uses listed in this subsection are prohibited. Corresponding North American Industry Classification System (NAICS) codes, as shown in the Principal Use Table in Article 4 of this chapter, are provided for reference. Note that when uses below have a 3-digit NAICS code and appear as a use category in the Principal Use Table, all sub-categories of uses that follow are prohibited.

- (1) Motor Vehicle and Parts Dealers - 441
- (2) Medium- and Heavy-Duty Trucks, Recreational Vehicles (RVs), Buses, and Similar Motor Vehicle Dealer - 423110
- (3) Building Material and Garden Equipment and Supplies Dealers - 444
- (4) Convenience Stores - 445120
- (5) Gas Stations - 447
- (6) Beer, Wine and Liquor Stores – 445310; Except as authorized in Ordinance 2022-01;
- (7) Pawn Shops - 453310

- (8) Manufactured Home Dealers - 453930
  - (9) Building Construction Services - 236
  - (10) Mini-warehouses / Self-Storage Units - 531130
  - (11) Passenger Car Rental - 532111
  - (12) Truck, Utility Trailer, and RV Rental and Leasing - 532120
  - (13) Rental Centers and Stores, Retail Goods - 532
  - (14) Construction Equipment Rental and Leasing - 532411
  - (15) Child Day Care - 624
  - (16) Automotive Repair and Maintenance Services - 8111
  - (17) Laundries, Coin Operated - 812310
  - (18) Pet Boarding Kennels - 812910
  - (19) Commercial and Industrial Machinery and Equipment Repair and Maintenance Services - 8113
  - (20) Fuel Yard - 424710
  - (21) Lumber Storage Terminals - 493190
  - (22) Industrial Manufacturing
  - (23) Transportation, Communications and Utilities
- (f) Design review approval.

- (1) City Council must approve the design of building construction and site development, as delineated in subsection (g) below, prior to issuance of any permit.
- (2) When a property in the LaFayette Road Overlay District is proposed to be rezoned, design review and approval shall occur as part of the zoning process.
- (3) Proposed designs shall be evaluated for their consistency with the Comprehensive Plan and the Fort Oglethorpe Renaissance Strategic Vision and Plan, as well as their compatibility with the Fort Oglethorpe Historic District and associated design guidelines. See also subsection (i) below.

(g) Design review, applicability.

Design review by City Council shall be required for the following aspects of building construction and site development, except as specifically exempted herein:

- (1) Exterior rehabilitation or modifications to existing buildings or structures that require building or land disturbance permits where the cumulative construction value exceeds 50% of fair market value as reflected on the tax assessor's records.
- (2) All new construction, including additions to existing buildings and structures.
- (3) Installation and/or modification of signs requiring a sign permit.
- (4) Work on existing detached single-family dwellings is specifically exempted from this section.

(h) Design review application.

All proposals that require design review under this Sec. 3.2 shall submit the following, as applicable to the type of proposal and to be determined by the Director of Building, Planning and Zoning:

- (1) A sketch plan prepared in accordance with Chapter 8, Sec. 3.5(d) of this UDC.
- (2) Exterior elevation drawings of all building faces that will front on a public or private street, and rear and side elevations of same if requested by the Director, drawn to an architectural scale and signed by an architect. Said exterior elevation drawings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed buildings and structures. Each application shall also indicate proposed materials, textures and colors and provide samples of materials and colors. In cases where an applicant has already made application for approval of a Certificate of Appropriateness (COA) by the Historic Preservation Commission (HPC) for a project located in Fort Oglethorpe Historic District or has already received a COA from the HPC, resubmission of the application for COA shall constitute compliance with this application requirement unless the Director notifies the applicant that additional information is needed for aspects not covered in the COA application.
- (3) A sign permit application prepared in accordance with Chapter 8, Article 6 of this UDC, in addition to indication of proposed sign materials and colors.
  - (i) Prohibited building and sign features.
    - (1) Mansard roofs are prohibited.
    - (2) Neon colors are prohibited.



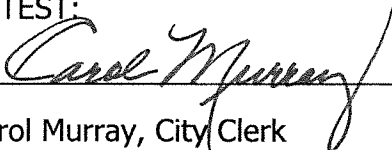
- (3) Roof shingles and shakes are prohibited on awnings and canopies.
- (4) Stanchion signs and column signs are prohibited.
- (5) Internally illuminated signs are prohibited. Internally illuminated signs include but are not limited to the following: electronic signs, backlit awning signs, internally lit cabinet signs or box signs, and internally lit channel letter signs (using standard front-lit channel letters, halo-lit or reverse channel-lit letters, front/back-lit channel letters, or open face channel letters).

This First reading this 14th day of March, 2022.

Second reading this 28th day of March, 2022.

Passed and adopted on the third and final reading this 11th day of April, 2022.

  
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Earl Gray, Mayor

ATTEST:  
  
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Carol Murray, City Clerk